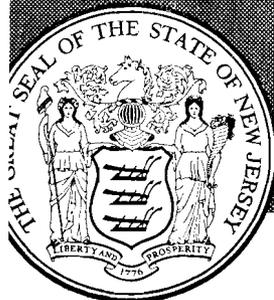


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

G. Duncan Fletcher, Director of Administrative Procedure

Peter J. Gorman, Rules Analyst

VOLUME 12 • NUMBER 4

April 10, 1980 • Indexed 12 N.J.R. 169-232

(Includes rules filed through March 20, 1980)

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF PLANT INDUSTRY

Proposed Amendments Concerning Seed Certification Requirements

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.7, proposes to amend a portion of Chapter 16 in Title 2 of the New Jersey Administrative Code concerning seed certification requirements.

The proposed amendments concern seed, general certification standards; corn, field (foundation single cross hybrids); corn, field (commercial double cross hybrids); field inspections, sweet corn (inbred lines); sweet corn (single cross hybrids); small grains; soybeans; vegetables; turfgrass sod; vegetatively propagated grasses; American beachgrass; asparagus seed standards; asparagus crown standards; crownvetch certification standards; and platpea certification standards.

Copies of the 34 pages of the full text of this proposal may be obtained from or made available for review by contacting:

William M. Cranstoun
Director, Division of Plant Industry
N.J. Department of Agriculture
John Fitch Plaza
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980, to the Department of Agriculture at the above address.

The State Board of Agriculture may thereafter adopt rules concerning this subject without further notice.

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture
Department of Agriculture

(b)

BANKING

THE COMMISSIONER

Rules on Advertising by Financial Institutions

On March 19, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:16H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 3:2 concerning advertising by financial institutions substantially as proposed in the Notice published January 10, 1980, at 12 N.J.R. 2(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Banking.

An order adopting these rules was filed and became effective on March 20, 1980 as R.1980 d.125.

Howard H. Kestin
Director
Office of Administrative Law

(c)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY

Proposed Amendments Concerning Determining Rents or Carrying Charges in Developments Financed By the Housing Finance Agency

The New Jersey Housing Finance Agency, pursuant to authority of N.J.S.A. 55:14J-34(f), proposes to delete the current text of N.J.A.C. 5:80-1 and adopt new text therein concerning regulations for determining rents or carrying charges in developments financed by the New Jersey Housing Finance Agency. Subchapters 2 and 3 in chapter 80, Title 5, remain unchanged.

Full text of the proposed new rule follows.

SUBCHAPTER 1. RENTERS

5:80-1.1 Purpose

It is the express purpose of the following regulations to

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September, 1969.

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Controlled Circulation Postage paid at Trenton, New Jersey.

POSTMASTER: Send address changes to: New Jersey Register, 10 North Stockton Street, Trenton, New Jersey 08608.

The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 29-volume, regularly-updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Departmental coverage desired.

promote the statutory functions and obligations of the New Jersey Housing Finance Agency by ensuring that the rents and/or carrying charges applied in the various agency developments are sufficient to pay normal operating, maintenance and utility costs; provide an adequate rate of return to individuals or corporations that provide capital to assist in the development of the housing; provide debt service payments adequate to protect the financial interests of the agency and its bondholders; and provide adequate, safe and sanitary housing for the low and moderate income families that the agency was created to serve.

5:80-1.2 Rent determination

No later than three months prior to the commencing of a development's fiscal year, each sponsor shall make a determination of the rents and/or carrying charges (hereinafter the term rent shall be construed as to include carrying charges) to be applied in the development for the next fiscal year. This determination shall be submitted to the Director of Management of the New Jersey Housing Finance Agency in the form of a resolution by the governing body of the sponsor. The resolution shall include a complete rent schedule for each type of unit in the development as well as a general statement as to the reasons for arriving at the given schedule.

5:80-1.3 Supporting documentation

(a) Submission of the rent determination shall be accompanied by the following information and/or exhibits:

1. Information:
 - i. Name of housing corporation, location of development, date of organization, number of apartments of each type;
 - ii. Date of completion and occupancy;
 - iii. Tax status;
 - iv. Present and proposed rent and carrying charge schedules;
 - v. Present and projected non-residential income;
 - vi. Authorized and actual capitalization; and
 - vii. Amount due and status of return on equity.
2. Schedules and exhibits:
 - i. Most recent certified audit report prepared in accordance with agency regulations;
 - ii. Monthly operating reports for the preceding three months;
 - iii. Currently approved annual budget;
 - iv. Proposed annual budget for next fiscal year;
 - v. Copy of notice to tenants in accordance with section 4 of this subchapter;
 - vi. A copy of the most recent maintenance and inspection report performed by the agency;
 - vii. A list of all employees' weekly pay and job classifications;
 - viii. A statement from all fuel suppliers listing the annual amount of fuel used for each of the most recent three years, including the type and grade of fuel and current price;
 - ix. A statement from each utility showing the monthly usage, per unit cost and total cost per month for each of the previous 12 months, as well as the total usage and cost for the preceding 12 months;
 - x. A copy of the most recent tax bill or payment in lieu calculation and a statement from the appropriate municipal official setting forth the date through which taxes or in lieu payments have been made; and
 - xi. A statement from the insurance agent listing all coverages, the term, premium, and date through which coverage has been paid.

5:80-1.4 Notice to tenants and cooperators

Concurrently with the submission of the rent determination to the New Jersey Housing Finance Agency, each sponsor shall provide in writing to each tenant and co-

operator and conspicuously post at the development, a notice setting forth the determination of rents for the next fiscal year, a statement that the rent determination is subject to the review of the New Jersey Housing Finance Agency and, if applicable, subject to approval by the United States Department of Housing and Urban Development ("HUD"). Each notice shall also state that comments on the proposed rents may be submitted to the Director of Management, New Jersey Housing Finance Agency, at its then current address.

5:80-1.5 Additional rent increases in a given fiscal year

The determination and submission of a rent schedule for any given fiscal year shall not preclude any sponsor from making additional or revised determinations in the same fiscal year, provided that the determination and submission are in accordance with all the procedures set forth herein.

5:80-1.6 Rent schedules approvable by the Department of Housing and Urban Development

In all developments receiving subsidies under the Section 236 Interest Reduction Payments Program or Section 8 Housing Assistance Payments Program, rent determinations are subject to approval by the Department of Housing and Urban Development.

5:80-1.7 Agency review

(a) Prior to submission to HUD, the Agency will review the determination and submission for completeness, accuracy and validity. Upon verification by the Agency of the completeness, accuracy and validity of this submission, it will be forwarded to HUD for final action.

(b) As part of its review, the Agency may require that the sponsor submit additional revised information or make a new determination of rent. Within 30 days of the agency's instructions for resubmission or determination, the sponsor must provide the requested items in accordance with the agency's instructions or submit written reasons why it refuses to do so. If the resubmission or written refusal is not completed within thirty (30) days, the agency may forward to HUD the sponsor's rent determination and supporting documents along with the agency's comments thereon, which may include a recommended rent structure which differs from the rent determination submitted by the sponsor.

(c) Prior to submission of any rent determination to HUD, the agency may reduce or eliminate that portion of the requested increase that would provide return on owner's equity, provided that written notice of such reduction or elimination is provided to the owner by the executive director of the agency.

5:80-1.8 Automatic annual adjustments

In developments where there is a valid Housing Assistance Payments Contract in accordance with which rents are automatically adjusted annually, no approval is required by the agency or HUD, provided that the rent determination conforms to the schedule which would result from the automatic annual adjustments. This shall not, however, relieve the sponsor of the obligation to make the annual determination and complete submission as set forth in section 2 of this subchapter. If the automatic annual adjustment factors covering the period of the next fiscal year are unavailable at the time the sponsor makes its annual determination of rents, the sponsor may request that the agency provide an estimated factor to be used in making the required calculations.

5:80-1.9 Increases approved by the agency

(a) If the development does not receive subsidies under the Section 236 Interest Reduction Program or Section 8

Housing Assistance Payment Program then the executive director may make or approve a rent determination without a hearing as long as the resulting rents do not exceed the rents in effect for comparable units in the development at any time in the previous 12 months by more than the combined percentage of paragraphs 1 and 2 below.

1. The percentage increase in the Consumer Price Index for rent and utilities for the most recently preceding 12 month period for which information has been published by the United States Department of Labor;

2. Plus:

i. The percentage needed to offset operating deficits, debt service delinquencies or reserves for repair and replacement incurred at the development during the preceding 12 months up to a maximum of 12 per cent annually, provided that no payments were made to provide a return on equity; or

ii. The percentage needed to compensate for operating deficits, debt service delinquencies, failure to fund reserves for repair and replacement, or inability to provide a return on equity during the preceding 12 months up to six per cent annually.

5:80-1.10 Increase subject to hearing

If the requested increase in a non-federally subsidized development is in excess of the amounts specified in N.J.A.C. 5:80-1.9, then any person, association or corporation aggrieved by said proposed increase may file for a hearing on such increase. This filing must occur within 21 days of the date of notice of rent determination and in the manner specified in said notice. Upon receipt of a request for a hearing or upon his own initiative, the executive director of the agency shall request that the Office of Administrative Law conduct same. All hearings shall be conducted according to the procedures established by the Office of Administrative Law pursuant to N.J.S.A. 52:14B-10. Upon a review of the record submitted by the administrative law judge, the executive director shall adopt, reject or modify the recommended report and issue a final written order. The scope of the hearing shall be limited to consideration of the amount in excess of the increases approvable by the executive director under section 9 of this subchapter and the request for or conduct of a hearing shall in no way affect or delay the authority of the executive director to approve increases up to the amounts specified pursuant to section 9 of this subchapter.

5:80-1.11 Notice of hearing

When the date of the hearing has been established, notices of the date, time, place and nature of said hearing shall be provided in a manner approved by the agency to all tenants/cooperators and other persons requesting said hearing.

5:80-1.12 Notice of final approval

Upon final action by HUD or the agency, the agency will provide written notice to the sponsor of the finally approved rent schedule. The sponsor shall provide notice of the finally determined rent schedule to all tenants and co-operators, as well as all other interested parties. Written notice shall be provided to each tenant and be posted in conspicuous places throughout the development. Other interested parties may receive a copy of the final notice if they provide a written request for same to the sponsor.

5:80-1.13 Effective date of increase

The newly determined rent schedule shall be effective on the first day of the second full month following the mailing of notices to the tenants and other interested parties.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before May 10, 1980 to:

Kathleen Okenica
Assistant Executive Director
N.J. Housing Finance Agency
3625 Quakerbridge Road
P.O. Box 417
Trenton, New Jersey 08603

The New Jersey Housing Finance Agency may thereafter adopt rules concerning this subject without further notice.

Kathleen Okenica
Assistant Executive Director
N.J. Housing Finance Agency
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

Emergency Rules Concerning Cooperative Pricing and Joint Purchasing System

On March 6, 1980, Barry Skokowski, Acting Director of the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of N.J.S.A. 40A:11-11, 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new, emergency rules, to be cited as N.J.A.C. 5:30-17, concerning cooperative pricing and joint purchasing systems.

Full text of the adoption follows:

SUBCHAPTER 17. REGULATIONS FOR COOPERATIVE PRICING AND JOINT PURCHASING SYSTEMS

5:30-17.1 Applicability

This section is adopted under authority of N.J.S.A. 40A:11-11, as amended, and 52:27BB-1 et seq. It applies to contracting units as defined in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and boards of education (hereinafter also referred to as contracting units).

5:30-17.2 Definition

As used in this subchapter, "cooperative purchasing" refers to all forms of joint, cooperative or inter-local purchasing or pricing agreements or systems by whatever name known and regardless of statutory authorization, participated in by contracting units.

5:30-17.3 Basis for cooperative purchasing

(a) All cooperative purchasing shall be based on a formal agreement entered into between the participating contracting units, authorized by resolution or ordinance, as may be required by the appropriate statute. Participation is limited to contracting units within the same or adjoining counties. The agreement shall include, as a minimum, the following:

1. Reference to the authorizing statute.

2. Denomination of the system to be established as either a:

i. Joint Purchasing System (in which one participant, known hereafter as the Lead Agency, performs the complete purchasing responsibilities for the others, with the only contractual relationship with the vendor being between the Lead Agency and the vendor); or

ii. Cooperative Pricing System (in which one participant,

the Lead Agency, advertises for bids, awards a master contract to the vendor providing for its own needs and for the prices to be extended to the other participants, and notifies other participants of the bid prices awarded. Those other participants then contract directly with the vendor for their own needs, subject to the specifications in the master contract).

3. Description of the categories (or exact items) of work, supplies or equipment to be included.

4. Clear and specific assignment of responsibilities, duties and rights of all participants.

5. Provision for any sharing of administrative costs and/or payment for items bought, together with any necessary standards of performance.

6. Length of contract (note that State approval is only given for up to five years at a time).

(b) In order to participate in the Cooperative Purchasing Program administered by the Division of Purchase and Property of the State Department of Treasury a formal agreement with that Division is not required, but local authorization should be secured. (See section 7 of this subchapter.)

5:30-17.4 Approval and registration

(a) All cooperative purchasing agreements or systems hereafter entered into or participated in by any contracting units regardless of statutory authorization, shall be subject to registration with and approval by the Director, Division of Local Government Services, Department of Community Affairs. This provision of the regulation shall not extend to local participation in the cooperative purchasing program administered by the Division of Purchase and Property pursuant to N.J.S.A. 40A:11-12, except as may be specifically set forth herein.

(b) All previously existing agreements and systems shall file for approval no earlier than April 15, 1980 nor later than June 1, 1980 and all proposed systems shall file for approval no later than 45 days before the proposed effective date of the agreement's beginning.

1. The Director, Division of Local Government Services, shall make available forms which shall be used for this purpose, and which shall disclose all significant elements of the agreement and the systems and records to be maintained.

2. Action indicating approval or disapproval shall be taken within 45 days of receipt of the request, except that time period shall not commence until the Division Director determines the application is completely filled out and any additional information requested has been received.

3. Failure of the Director to approve or disapprove a completed application within 45 days from his determination will constitute approval of said application for a period of five years.

(c) In reviewing the application, the Director shall utilize the following criteria, as established by N.J.S.A. 40A:11-11(5):

1. Provision for adequate records and orderly procedures to facilitate audit and efficient administration, and

2. Adequacy of public disclosure of such actions as are taken by the participants, and

3. Adequacy of procedures to facilitate compliance with all provisions of the Local Public Contracts Law and corresponding regulations, and

4. Clarity of provisions to assure that the responsibilities of the respective parties are understood.

(d) Approval shall be for a period not in excess of five years, and shall be limited to the terms, participants and scope presented for approval. Any subsequent changes shall be submitted to the Director for review and approval.

5:30-17.5 Identification coding

(a) In approving a system, the Director shall assign it an identification code, consisting of letters, numbers, or a combination thereof. This identification code shall be affixed to all contracts, purchase orders, bidding documents, vouchers and records of whatever nature that are prepared within the scope of the approved system. Locally, this identification number shall be supplemented by uniform consecutive numbers for each item of purchase handled under the system, said number to be assigned by the Lead Agency. The Director shall also assign a general identification code to be used by all contracting units purchasing under the Division of Purchase and Property's cooperative system.

(b) The purpose of identification coding is to assure understanding as to which cooperative system and which particular contract are being used, to facilitate local auditing and to administer the approval and regulatory powers assigned to the Division of Local Government Services by N.J.S.A. 40A:11-11(5).

5:30-17.6 Local administrative responsibilities

(a) This section describes mandatory actions to be taken in the administration of cooperative purchasing systems.

(b) At the beginning of participation in any system, and during each January thereafter, the Lead Agency shall publish a legal advertisement in a newspaper normally used for such purposes, to read substantially as follows:

Notice of Cooperative Purchasing

Outer County acts as Lead Agency in a cooperative purchasing agreement in cooperation with (list all participating agencies). Under this system, Outer County solicits competitive bids for certain items purchased by participating governments. This is a (specify, Joint Purchasing System or Cooperative Pricing System) as defined and regulated by N.J.A.C. 5:30-14.6. Interested citizens or vendors may obtain information regarding the manner of operation of this system by contacting (name, address and phone number of Lead Agency). System # (State ID Code), approved by State Division of Local Government Services through (expiration date).

1. This notice will cover either a Joint Purchasing System or a Cooperative Pricing System; a more specific description of how it works may be included at local option, but in any event must be made available to any citizen upon request.

(b) Before seeking bids, the Lead Agency shall obtain from the other participants:

1. In the case of a joint purchasing system, the exact quantity of items that the Lead Agency shall purchase for the other participants, or

2. In the case of a cooperative pricing system, estimated quantities that each participant may wish to contract for during the life of the master contract.

(c) The Lead Agency shall also provide an appropriate opportunity to discuss with the other participants the terms of the specifications to be issued.

(d) The Lead Agency, in seeking bids shall:

1. If actually making the purchase for other participants (a Joint Purchasing System) disclose in the specifications the quantities and details of delivery required; or

2. If obtaining prices for items to be ordered by the Lead Agency for its own needs and directly by other participants (a Cooperative Pricing Service), include in the specifications:

i. Two categories upon which bids are sought:

(1) Lead Agency requirements, stated in definite quantities; and

(2) Other Agencies, stated as an estimated total quantity of the needs of all other participating agencies, which total shall not be exceeded in the aggregate by more than 20% of the total cost awarded for that category. The specifications for this category shall list the Other Agencies, their delivery address, their estimated maximum quantities and other relevant information to permit the bidder to understand what is potentially involved.

ii. Language requiring the bid price(s) to be stated so that it is uniform with respect to both categories (Lead Agency and Other Agencies). A provision with respect to the Other Agencies category shall be included substantially as follows:

OTHER AGENCIES REQUIREMENTS

Check here if willing to provide the item(s) herein bid upon to Other Agencies in System # (State ID Code and name of the system), without substitution or deviation from specifications, size, features, quality, price or availability as herein set forth. It is understood that orders will be placed directly by the other participating agencies by separate contract, subject to the overall terms of the master contract to be awarded by the (Lead Agency), that no additional service or delivery charges will be levied except as permitted by these specifications, and that orders shall not be accepted from said Other Agencies which cause the aggregate cost for that category (all Other Agencies purchases) to be exceeded by twenty percent over the cost (based on the bid price) of the total estimated quantity specified herein for that category.

Check here if not willing to extend prices to Other Agencies as described above. It is understood that this will not adversely affect consideration of this bid with respect to the needs of the Lead Agency.

iii. A statement as to the procedure to be followed in the event that the lowest responsible bidder, in the bid document, declines to extend prices to the Other Agencies category, such as:

(1) The contract for the stated needs of the Lead Agency will be awarded to the lowest responsible bidder, and new bids will be sought and a second master contract subsequently awarded with respect to the needs of the Other Agencies; or

(2) The contract for the stated needs of the Lead Agency will be awarded to the lowest responsible bidder, and a second (master) contract for the Other Agencies will be awarded to the next lowest bidder whose bid agrees to so extend his prices; or

(3) Only the contract for the Lead Agency's needs will be awarded, all other bids shall be rejected and no further bids will be sought by the Lead Agency on behalf of the Other Agencies.

(e) Note that a bidder shall not be required (or permitted) to extend his bid prices to participating agencies unless he has voluntarily agreed to do so as part of his bid.

(f) Financing and contractual details for joint purchasing systems:

1. In the case of a joint purchasing system, the Lead Agency shall have available before awarding the contract an unexpended appropriation balance sufficient to cover the full amount of the contract, including the quantities being ordered on behalf of the other participants. The Lead Agency shall comply with the certification of funds requirement of N.J.A.C. 5:30-14.5 with respect to the full amount of the contract.

2. The funds of the Lead Agency applicable to its own share of the contract to be awarded shall be charged to regular appropriations in its budget.

3. In order to handle the funds of the other participating agencies, the Lead Agency shall request approval of the Director, Division of Local Government Services, for a Dedication by Rider per N.J.S.A. 40A:4-39, entitled "Receipts from Other Agencies participating in the (Name) Joint Purchasing System, ID #" In order to meet the statutory requirement that expenditures under a Rider may be made only in accordance with the availability of cash, the following steps shall be taken:

i. Prior to the award of contract, each participating agency (other than the Lead Agency) shall, in accordance with N.J.A.C. 5:30-14.5, issue a certificate of available funds for its full share of the contract proposed to be awarded.

ii. The purchasing agent of each of these participating agencies (with authorization by resolution of the governing body if over \$4,500) shall issue a purchase order to the Lead Agency together with a copy of its certification of available funds.

iii. The Lead Agency shall issue its own certificate, covering the full amount of the proposed contract including both its own share and those of the other participating agencies. The certificate shall be conditional with respect to the amounts due from the participating agencies so that the certificate shall read in part as in the following example:

\$5,000 From (Lead Agency) appropriation #207,
Road Department, Other Expenses
\$2,000 Due from (Other Town) per its purchase
order #70243 and Certification of Available
Funds dated , (Lead Agency) Dedi-
cation by Rider Account #17
\$1,000 Due from (Another Town) per its pur-
chase order #A-402 and Certification of
Available funds dated , (Lead Agency)
— Dedication by Rider account #17
\$8,000 Total Certified

iv. The Lead Agency shall then award the total contract to the successful bidder.

v. The Lead Agency shall not advance funds of its own to cover the purchase on behalf of the other participating agencies, but shall make payments only upon receipt of the cash. Payments to the Lead Agency shall be made promptly in accordance with an agreed-upon schedule, which may include making payment to the Lead Agency in advance of receipt of goods. The voucher providing for the advance payment shall indicate: "Transfer of funds to (Name of Lead Agency) as cash advanced to enable it to purchase the following on behalf of (Name of Participating Town) as Lead Agency in (Name of Joint Purchasing System), # [Then list what is to be bought.]"

vi. Funds received by the Lead Agency as advances from other participating agencies shall be:

(1) placed in a separate bank account established within the Rider and held in trust for the purpose of permitting the Lead Agency to serve as general agent for the awarding of Joint Purchasing contracts;

(2) used only for the payment of actual bills to the vendors pursuant to the overall Joint Purchasing Agreement; and

(3) returned immediately to the participating agency upon any determination that the full amount is not needed for payments as initially expected.

(g) Financial and contractual details for cooperative pricing systems:

1. In the case of a cooperative pricing system, the Lead Agency shall certify the funds available only for its own needs ordered. The contract executed shall provide for two categories of the items generally specified:

i. The quantities ordered for the Lead Agency's own needs, and

ii. The estimated aggregate quantities to be ordered by Other Agencies by separate contract, subject to the specifications and prices set forth in the Lead Agency's overall (master) contract.

2. The Lead Agency shall supply the other members of the cooperative pricing system copies of the specifications, name of the successful bidder, prices awarded and the contract identification number. These Other Agencies may then order directly from that vendor, by purchase order if under \$4,500, or contract of governing body if over \$4,500. The identification number shall be affixed to each order or contract and shown on all forms pertaining thereto.

3. Participants shall not issue orders and vendors shall not make deliveries under such contracts deviating from the specifications, price or quality set forth in the master contract.

(b) Administrative costs: Any administrative costs agreed upon to be paid to the Lead Agency under either a Joint Purchasing or a Cooperative Pricing System shall be received by the Lead Agency as a Miscellaneous Revenue and available for expenditure only through the budget appropriation method. Such revenues shall not be handled through the Lead Agency's Dedication by Rider.

(i) No purchase order or contract shall be issued by any participating agency under the auspices of any cooperative purchasing endeavor for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids which it has itself received.

5:30-17.7 State cooperative purchasing (pricing) program

(a) The Division hereby assigns a standard identification number for the State's Cooperative Purchasing Program, which is administered by the State Department of Treasury (see N.J.S.A. 40A:11-12). The number is 1-NJCP. Approval of the Division of Local Government Services is not required to participate in this program, which for purposes of this regulation functions as a Cooperative Pricing System. Any contracting unit that would like to purchase a service and/or commodity under the program is directly responsible for:

1. Including on any contract, purchase order or voucher the standard identification number assigned by the Division of Local Government Services for that system.

2. Including on any contract, purchase order or voucher the contract number assigned by the State's Cooperative Purchasing Program.

3. Verifying that the State's Cooperative Purchasing Program contract is still in effect, that the commodity or service needed is covered by that contract, and satisfying itself that the specifications of the State's contract are consistent with the requirements and needs of the local unit.

4. Assuring that notwithstanding any provision in the State contract to the contrary, the contracting unit shall not sign a contract or issue a purchase order for a length of time inconsistent with the length of contract duration authorized by 40A:11-15, nor in any other way be contrary to other provisions of the Local Public Contracts Law or other regulations of the Division of Local Government Services or the Local Finance Board.

5. Requiring that purchases made under the State's Cooperative Purchasing Program, which individually or cumulatively exceed \$4,500, be only authorized by an individual resolution of the governing body in the same manner specified by 40A:11-4. Purchases which do not exceed \$4,500 cumulatively may be issued by the purchasing agent if such authorization has been generally assigned pursuant to 40A:11-3.

5:30-17.8 Authority of director

The Director, Division of Local Government Services, shall take whatever additional action he may deem advisable to assure the orderly conduct of cooperative purchasing systems in light of sound financial administration in accordance with statutory responsibilities. Local units contemplating establishment of such systems are advised to informally contact for advice:

Bureau of Local Management Services
Division of Local Government Services
New Jersey Department of Community Affairs
P.O. Box 2768
Trenton, New Jersey 08625
609 - 292-7843

The Department of Community Affairs in providing an opportunity for public review and comment regarding these rules for possible modifications and will accept written comments from interested parties regarding these rules until April 30, 1980. Such comments should be addressed to:

Barry Skokowski, Acting Director
Division of Local Government Services
N.J. Department of Community Affairs
P.O. Box 2768
Trenton, N.J. 08625

An order adopting these rules was filed and became effective on March 6, 1980, as R.1980 d.104 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments Concerning Library Incentive Grant Program

The State Board of Education, pursuant to authority of N.J.S.A. 18A:74-6, proposes to amend N.J.A.C. 6:68-2 in the rules pertaining to the Library Incentive Grant Program.

The proposed amendments will aid in the establishment of joint libraries and allow an increase in available funds for individual and cooperative library service projects serving approximately 325 public libraries in New Jersey. The cooperative grants enhance the implementation of the New Jersey statewide plan for library services.

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

SUBCHAPTER 2. INCENTIVE GRANT PROGRAM

Editor's note for clarification in following revisions: Code citations N.J.A.C. 6:68-2.1 through 6:68-2.9 are currently reserved sections which are now to be used in the following revisions. The current text of N.J.A.C. 6:68-2.11 through 6:68-2.16 is being repealed, and remaining sections are being renumbered and revised.

6:68-2.1 Definition

"Expanded forms of service" means new services, changes or expansion in the forms of services already offered.

6:68-2.2 [6:68-2.10] General policy

[(a) Three separate incentive grant categories have been developed and are detailed below. Briefly, Program A

deals with the formation of joint libraries pursuant to law (R.S. Title 40, Chapter 54, Article 2); Program B deals with the establishment of county branch libraries; and Program C, with innovative individual and cooperative library service projects. In general, construction and remodeling projects will not be eligible for funding under any of the three programs.]

[(b) Emphasis will be placed on projects designed to carry out Programs A and B, and funds will be divided between these two categories as equally as possible. A minimum of 25 per cent, however, of the total incentive grant funds available in any one year will be reserved for funding projects under Program C, provided sufficient approvable applications are submitted.]

There are two separate incentive grant categories: Program A, to encourage the establishment of county library branches, and program B, to encourage individual and cooperative library service projects. In general, construction and remodeling projects are not eligible for funding under either program. A minimum of 50 per cent of the total incentive grant funds available in any one year will be reserved for funding projects under program B, provided sufficient approvable applications are submitted. In general, projects will be funded for one year only.

(Repeal N.J.A.C. 6:68-2.11 through 2.16.)

6:68-2.3 [6:68-2.17] Program [B] A: The establishment of county library branches

.....
(d) All initial applications shall be ranked in terms of the counties' ability to pay with priority given to applicants demonstrating the least financial resources. The ratio of equalized valuation¹ of the year preceding the date of application to the population estimate² of the county for the year preceding the date of application shall be used as the criterion determining this financial ability. When applications for funds exceed the amount available, preference will be given to projects which have already been initiated under Incentive Grant Program [B] A.

¹Equalized Valuation, as listed in the "Certification of Table of Equalized Valuations," promulgated annually on October 1st by the New Jersey Division of Taxation.

²Population Estimate, as promulgated by the New Jersey Department of Labor and Industry.

6:68-2.4 [6:68-2.18] Program [B] A: Phase 1
(No change in text of section.)

6:68-2.5 [6:68-2.19] Program [B] A: Phase 2
(No change in text of section.)

6:68-2.6 [6:68-2.20] Program [B] A: Phase 3

(a) In order to be eligible for a Phase 3 grant under Program [B] A of the incentive grant program, the county library making the application must meet all State Library Aid criteria (N.J.A.C. 6:68-1.1 et seq.) applicable.

(b) This newly established branch must be established in accordance with the provisions of the county master plan and must, in addition, meet the six basic qualifications of a county branch enumerated [above] in N.J.A.C. 6:68-2.3.

(c) An exception may be granted to the quantitative State aid criteria [(paragraph 6 above)] (N.J.A.C. 6:68-1.1 et seq.) if it can be shown the criteria will be met by the end of the Phase 3 grant year.

(d) Exceptions may also be requested for paragraphs 3 and 4 of the branch library qualifications enumerated [above] in N.J.A.C. 6:68-2.3 if the exception requested can be justified by the county master plan and is approved by the State Library.

(e) A county library having newly established and con-

tracted for a branch meeting the above minimum criteria or having been granted by the State Library one or more exceptions to those criteria will be eligible in the first year of the branch's operation for an incentive grant of 25 per cent of the branch's operating budget, up to a total of \$25,000.

6:68-2.7 [6:68-2.21] Program [B] A: Phase 4

(a) During the second year of the operation of the newly established county branch library under Phase 4 of this program, the newly established branch must meet all of the quantitative State aid criteria [(paragraph 6 above)] (N.J.A.C. 6:68-1.1 et seq.) as well as the general criteria for the establishment of a branch library.

(b) Where the branch to be funded meets these criteria, the county library will be eligible for an incentive grant of 20 per cent of the amount of the branch library's operating budget up to a maximum grant of \$25,000.

6:68-2.8 [6:68-2.22] Program [B] A: Phase 5

In the third and final year of operating the newly established county branch library under Phase 5 of the Incentive Grant Program [B] A, the branch must continue to meet the criteria enumerated above and the county library will be eligible for an incentive grant of 15 per cent of the amount of the branch's operating expenditures up to a maximum of \$25,000.

6:68-2.9 [6:68-2.23] Program [C] B; [Mini-grants] Individual and cooperative library projects

[(a)] The major objective of [Program C of the incentive grant program] Incentive Program B is to provide an incentive [for new forms of service in as wide a number of individual libraries or groups of libraries as possible.] to individual libraries or groups of libraries for the development of expanded forms of library service. The State Librarian may select a specific subject emphasis for each grant year.

Repeal subsections (b) through (k).

6:68-2.10 Eligibility

(a) Each library must, at the time of application, meet in full the quantitative State Aid regulations for libraries serving its population (N.J.A.C. 6:68-1.1 et seq.).

(b) Cooperating libraries in a joint project must serve a total population of not less than 10,000.

(c) Cooperating libraries must serve contiguous municipalities.

(d) Projects must represent services that could not reasonably be provided solely with local funds. Requested equipment or materials must represent items essential to the proposed project.

6:68-2.11 Project costs

(a) An incentive grant must be matched by an expenditure from local funds equal to 50 per cent of the total project costs. In-kind services (e.g. released staff time) are not eligible as matching funds.

(b) The dollar amounts allowed for incentive grants are limited as follows:

1. For cooperative library projects, the minimum grant per library is \$500.00; the maximum grant per library is \$5,000.

2. For individual library projects, the minimum grant is \$500.00; the maximum grant is \$5,000.

6:68-2.12 [6:68-2.24] Grant [A] application [for grant] procedures

(a) Application forms for each of the [three] two programs may be obtained from the [Bureau of] Library Development Bureau of the New Jersey State Library, and must be [received by] sent to that office, [in preliminary

form by] postmarked no later than June 1, in the year preceding the fiscal year in which the grant will be awarded. [Preliminary applications will be evaluated by State Library staff members and, where necessary and advisable, revisions will be recommended.] The application must be signed by the President of the Library Board of Trustees or County Library Commission of each of the applicant libraries. It must be accompanied by a resolution passed by each Board of Trustees or County Library Commission at a duly authorized meeting, authorizing the submission of the application.

(b) [The final application must be signed by the President of the Library Board of each of the applying libraries and must be received by the Bureau of Library Development by October 1 in the year preceding the year in which the grant will be awarded. The final signed application will be reviewed for approval or disapproval by members of the State Library staff.] Applications will be reviewed by the staff of the Library Development Bureau of the Division of the State Library, Archives and History, Department of Education. Recommendations for approval will be forwarded to the State Librarian.

(c) Recommendations for approval will be forwarded by the State Librarian to the Commissioner of Education and the State Board of Education.

6:68-2.13 Priorities in award of grants

(a) Each approvable application shall first be assigned to one of two priority groupings.

(b) First priority grouping in award of grants shall be given to cooperative projects from groups of libraries. Second priority grouping shall be given to applications from individual libraries. The percentage of funds allocated to each priority grouping will be established each year by the State Librarian.

6:68-2.14 Criteria for approval

(a) Applications will be evaluated on the basis of the following criteria:

1. Contribution of the project to the statewide plan for library service in New Jersey;
2. Adequacy of evidence of the interest, need or demand by the community for the proposed service;
3. Where applicable, documentation of community agency involvement in planning the project;
4. Adequacy and realism of budget and cost estimates;
5. Provision of adequate and appropriate space for the project;
6. Provision of adequate staff and staff training;
7. Proposed methods of measurement and evaluation;
8. Provision for the dissemination of information regarding the proposed service;
9. In any grant year, when grant applications meeting the above criteria exceed funds available in program B, consideration shall be given to the financial resources of the applicant libraries.

(Repeal N.J.A.C. 6:68-2.25 and 2.26.)

6:68-2.15 [6:68-2.27] Notification of applicants

Applicants will be informed of approval or rejection as soon as possible.

6:68-2.16 [6:68-2.28] Appeal procedures

(a) Applicants whose projects have been rejected will be given, upon request, opportunity of an informal fair hearing before the State Librarian.

(b) In the event of an adverse decision after such informal hearing, applicants may request a formal hearing pursuant to N.J.S.A. [18A:6-24] 18A:6-9 et seq.

6:68-2.17 [6:68-2.29] Reports and audits

Grant recipients will be required to submit an annual report of activities and expenditures for the project for each year of funding and may be required to submit an annual financial audit and a six-month progress report of the program if requested by the State Library.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State Street
Trenton, New Jersey 08625

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.

Fred G. Burke
Commissioner of Education
Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Amendments on County Substitute Certificate

On March 5, 1980, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:11-4.7 concerning county substitute certificate substantially as proposed in the Notice published January 10, 1980, at 12 N.J.R. 5(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Education.

An order adopting these amendments was filed and became effective on March 10, 1980 as R.1980 d.105.

Howard H. Kestin
Director
Office of Administrative Law

(b)

EDUCATION

STATE BOARD OF EDUCATION

Amendments on High School Graduation Requirements

On March 5, 1980, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:7A-1 et seq., 18A:7C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:8-1.1, 6:8-3.8, 6:8-4.2 and 6:27-1.4 concerning high school graduation requirements substantially as proposed in the Notice published February 7, 1980, at 12 N.J.R. 63(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Education.

An order adopting these amendments was filed and became effective on March 10, 1980, or as otherwise specified in the rules, as R. 1980 d.106.

Howard H. Kestin
Director
Office of Administrative Law

(a)

EDUCATION

STATE BOARD OF EDUCATION

Amendments Concerning Thorough And Efficient System of Free Public Schools (Evaluation and Classification Process)

On March 5, 1980, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:7A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:8-1.1, 6:8-6.2 and 6:8-7.1 concerning the thorough and efficient system of free public schools (evaluation and classification process) substantially as proposed in the Notice published February 7, 1980, at 12 N.J.R. 66(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Education.

An order adopting these amendments was filed and became effective on March 10, 1980, or as otherwise specified in the rules, as R.1980 d.107.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments to 90 Day Construction Permit Rules and Wetlands Procedural Rules

Jerry F. English, Commissioner of Environmental Protection, proposes to amend certain existing rules under the 90 Day Construction Permit Law, N.J.S.A. 13:1D-29 and the Wetlands Act, N.J.S.A. 13:9A-1 et seq. This action is taken pursuant to the authority of N.J.S.A. 13:1D-9, N.J.S.A. 13:1D-33, and N.J.S.A. 13:9A-2. The existing Ninety Day Construction Permit Rules are cited as N.J.A.C. 7:1C-1.1 et seq.; the Wetlands Rules as N.J.A.C. 7:7A-1.1 et seq. The proposed amendments to these rules are known within the Department as Docket No. DEP 015-80-03.

The proposed amendments would revise the existing appeals procedures for Wetlands and Waterfront Development permits by directing that appeals from decisions of the Bureau of Coastal Project Review under the Wetlands Act and the Waterfront Development Law (N.J.S.A. 12:5-3) shall be taken to the Commissioner. This revision confirms the existing procedure for Wetland permits, which is presently authorized only by Administrative Order. Decisions under the Waterfront Development Law are presently appealable to the Natural Resource Council.

The proposed amendments will create one uniform appeals process for permit actions undertaken by the Division of Coastal Resources. In addition to the Wetlands Act and the Waterfront Development Law, rules and regulations under the Coastal Area Facility Review Act (CAFRA) already provide for the appeal of CAFRA decisions to the Commissioner for a plenary hearing (see N.J.A.C. 7:7D-2.8(a)(1)).

Full text of the proposal follows.

7:1C-1.10 Appeals

(a) An appeal from an action of the Division of Water Resources pursuant to N.J.S.A. 58:1-26 shall be to the Water Policy and Supply Council in accordance with the procedures of this section.

(b) An appeal from an action of the Division of [Marine Services] Coastal Resources pursuant to N.J.S.A. 12:5-3 shall be to the [Natural Resources Council] Commissioner in accordance with the procedures of this section.

(c) An appeal from an action of the Division of Coastal Resources pursuant to N.J.S.A. 13:9A-4 shall be to the Commissioner in accordance with the procedure of this section.

(d) [(c)] An interested person who considers himself aggrieved by an action of [either] one of the above-mentioned agencies shall within ten (10) days of publication of notice of the decision in the DEP [Weekly] Bulletin request a hearing by addressing a written request for such hearing to the secretary of the Water Policy & Supply Council, P.O. Box [2809] CN-029, Trenton, New Jersey 08625 or to the [Secretary of the Natural Resource Council] Commissioner, Department of Environmental Protection, P.O. Box [1889] 1390, Trenton, New Jersey 08625.

(e) [(d)] The written notice of request for hearing on appeal shall include:

1. The appropriate agency project number;
2. Details of how the decision aggrieves the appellant; and
3. Where the appeal is taken by someone other than the applicant, evidence that a copy of the written request for hearing an appeal has been mailed to the applicant.

(f) [(e)] Where a timely appeal has been taken, the permit shall be stayed pending the decision of the appropriate appellate body.

[(f)] Where a request for a hearing on appeal has been granted, the decision in appeal must be rendered no later than 60 days after the acceptance of the request.]

7:7A-1.14 Appeals

Appeals of permit decisions under the Act shall be taken in accordance with the provisions of the 90 day construction permit rules, N.J.A.C. 7:1C-1.1, 1.9.

Interested persons may submit written statements on the proposed action on or before April 30, 1980 to:

Neil Yoskin
Bureau of Coastal Planning and Development
Division of Coastal Resources
Department of Environmental Protection
Box 1889
Trenton, New Jersey 08625

The Department may thereafter adopt rules concerning this subject without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments Concerning Discharges of Petroleum and Other Hazardous Substances

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-9, N.J.S.A. 58:10-23.11b(k) as amended by P.L. 1979, c. 346, and N.J.S.A. 58:10-23.11t, proposes to amend the definition of "Petroleum" or "Petroleum Products" in the Department of Environmental Protection's "Rules Concerning Discharges of Petroleum and Other Hazardous Substances," N.J.A.C. 7:1E-1.1 et seq. These are the rules which implement the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. ("Spill Act"). Such proposal is known within DEP as Docket No. DEP 017-80-03.

The purpose of the proposed amendment is to substitute a chemically precise definition of "Petroleum" or "petroleum products" for the current narrative definition. The intent is to eliminate ambiguities that have created administrative problems in the enforcement of the Spill Act and the associated regulations.

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

N.J.A.C. 7:1E-1.3(q) would be amended to read as follows:

"Petroleum" or "petroleum products" means [oil or petroleum of any kind and in any form, including] all hydrocarbons, and mixtures of hydrocarbons, which are liquid at one atmosphere pressure (760 mm or 29.92 inches Hg) and temperatures between -20°F and 120°F (-29° and 49°C), and all hydrocarbons which are discharged in a liquid state at or nearly at atmospheric pressure at temperatures in excess of 120°F (49°C). "Petroleum" or "petroleum products" include, but are not limited to [oil, petroleum] gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes [and], crude oils and purified hydrocarbon compounds. "Liquid" means having a viscosity between 0.2 centipoise and 3000 centipoise inclusive, as defined in the Handbook of Chemistry and Physics, p. F-43 (54th Edition).

The Department believes that in using the term "petroleum products" in N.J.S.A. 58:10-23.11b(k), the Legislature meant to include those substances which exhibit characteristics or environmental hazards similar to those exhibited by the petroleum products well-known in commerce, such as fuel oil, lubricants, gasoline, kerosene, and so forth. In an effort to construct a definition that would fulfill this intention, and yet be precise enough to require no further explanation, the Department considered definitions employed in standard reference works used in the petroleum and petrochemicals industry; treatises by writers in those fields, and definitions used by scientific and technical encyclopedias and dictionaries. The Department also examined definitions of related terms (such as "oil") in federal and other states' laws which resemble the Spill Compensation and Control Act. As a result the Department decided that "petroleum products" are best defined as a class of compounds and mixtures of compounds, specifically, liquid hydrocarbons. These are compounds whose molecular structure consists entirely of hydrogen and carbon; such compounds make up the largest portion of crude petroleum.

The Department has attempted to further clarify the

proposed definition by describing "liquid" hydrocarbons in terms of viscosity, the tendency to flow, within a range of temperatures that define the environmental extremes likely to be encountered in New Jersey. The range of viscosities specified has been chosen so as to exclude hydrocarbon materials which are essentially solid under ambient conditions and hence do not pose a significant spill hazard. There is one exception. Certain hydrocarbon materials, such as asphalt and roofing tar, are transported in heated containers. If spilled, they will flow, and lighter fractions are capable of polluting water. The Department wants to retain the ability to conduct cleanup operations under the Spill Act in such situations if necessary. The Department wishes to make it clear that it will only consider substances such as asphalt to be "hazardous substances" (by virtue of falling within the "petroleum products" definition) when they are discharged in the liquid state.

Lastly, the definition of "petroleum products" is intended to exclude pressurized and cryogenic petroleum gases, e.g., LP gas and liquefied natural gas (LNG). These substances do not present significant pollution hazards in the usual sense, e.g., toxicity or chronic physical insult to the environment. When spilled, they boil off into the atmosphere. The real dangers from liquefied hydrocarbon gases are of fire and explosion. These dangers are well understood, and the industry is regulated under other State and Federal laws. The Department believes protection of public safety would not be substantially enhanced by bringing liquefied hydrocarbon gases under the umbrella of the Spill Act at this time.

Copies of a "Basis and Background" document which further describes this proposal, as well as copies of the Department's complete "Rules Concerning Discharges of Petroleum and Other Hazardous Substances," may be obtained from:

David C. Mack
Office of Hazardous Substances Control
120 Route 156
Yardville, New Jersey 08620
(609) 292-5560

A public hearing on this proposal will be held on May 2, 1980 at 10:00 A.M. in Trenton, New Jersey at the State Museum Auditorium, located in the State House complex. Persons who wish to submit comments in writing may do so through May 6, 1980 by sending them to Mr. Mack at the above address.

The Department of Environmental Protection may thereafter adopt this proposal without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions Concerning Condemnation of Certain Shellfish Beds

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

The proposed revisions to the growing water classifications result from surveys conducted by the Bureau of Shellfish Control in the Division of Water Resources.

The investigatory work consists of the collection and analysis of water samples, the inventory of actual and potential sources of pollution and hydrographic studies of flow patterns which distribute pollution. These surveys are conducted in accordance with applicable State and Federal Food and Drug Administration (FDA) guidelines and regulations. The FDA further requires that each state appraise, every two years, the quality of those waters approved for the harvesting of shellfish. New Jersey conducts investigatory work and research and pursuant to N.J.S.A. 58:24-1 et seq., revises the regulations annually.

These proposed revisions will result in the reclassification of approximately 14507 acres. The names of the waterways and the number of acres reclassified are listed below in general terms:

Chart	Area	Action Proposed	Acres
2 & 3	Atlantic Ocean	Condemned to Approved	8856
5 & 6	Long Beach Island	Condemned to Seasonal	361
		Condemned to Approved	38
		Approved to Seasonal	175
7	Steelman Bay	Approved to Condemned	Small undetermined area
7	Somers Cove	Condemned to Approved	Small Undetermined area
7	Reed Bay-Absecon Bay Area	Condemned to Seasonal	3395
7	Lakes Bay	Condemned to Seasonal	996
7	Scull Bay	Condemned to Seasonal	586
8	Strathmere	Seasonal to Condemned	Small undetermined area
8	Townsend's Inlet	Approved to Condemned	Small undetermined area
10	Delaware Bay Fishing Creek	Condemned to Seasonal	100

The overall result of these proposed revisions will be a net gain of 14157 acres of upgraded shellfish growing waters. Approximately 175 acres will be downgraded and 14332 acres will be upgraded.

Additionally, administrative changes to subchapter 2 Special Permits are necessary due to the passage of Chapter 199 P.L. 1979 (revised N.J.S.A. 50:1 et seq.), and Chapter 321 P.L. 1979. Most changes do not alter the purpose or the conditions of the Special Permits.

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

Interested persons may present statements, arguments or comments relevant to the proposed action, in writing on or before April 30, 1980 to:

William J. Eisele Jr., Chief
Bureau of Shellfish Control
Division of Water Resources
P.O. Box CN-029
Trenton, New Jersey 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Proposed Amendments Concerning Flood Plain Delineation Within The Delaware River Basin

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., proposes to delineate the Assumpink Creek from approximately 2100 feet downstream from Dam Site No. 20 upstream to the Old York Road, Bridgegroom Run from its mouth to a point approximately 3300 feet upstream from the Old Trenton Road, Hancock Creek from its mouth to a point approximately 3900 feet upstream, New Sharon Branch from its mouth to a point approximately 5200 feet upstream from the Egglington Road and the North Tributary of New Sharon Branch from its mouth to a point approximately 3200 feet upstream from the Egglington Road.

The proposed amendment affects the Townships of East Windsor, Hamilton, Lawrence, Washington and West Windsor, all in the County of Mercer, and the Township of Upper Freehold in the County of Monmouth.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11(c).

This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed streams located within the Townships of East Windsor, Hamilton, Lawrence, Washington and West Windsor, all in the County of Mercer, and the Township of Upper Freehold in the County of Monmouth, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11(c).

All relevant information and documents are available for inspection during normal working hours at the Office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before April 30, 1980 to: Clark Gilman, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION PINELANDS COMMISSION

Notice of Filing of Pinelands Area Official Map

Take notice that the Pinelands Commission has filed the following official map of the Pinelands area as required by P.L. 1979, c. 111. The official map appears on 12 N.J.R. 182 of this issue of the New Jersey Register. 27" x 35" map is available for \$2.00 from the Pinelands Commission, Box 7, New Lisbon, N.J. 08064.

This Notice is published as a matter of public information, is not subject to codification and will not appear in N.J.A.C. 7:1G.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Amendments Concerning Delineated Floodways in the Raritan Basin

On February 28, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11(d)3. concerning delineated floodways in the Raritan Basin as proposed in the Notice published November 8, 1979 at 11 N.J.R. 539(a).

An order adopting these amendments was filed and became effective on March 3, 1980 as R.1980 d.99.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Amendments Concerning Health Officer Licensure Regulations

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-38, proposes to amend N.J.A.C. 8:7-1.7(c) concerning health officer licensure regulations.

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

8:7-1.7(c) If any qualified candidate fails an examination for a particular type of license two times, such candidate shall not be permitted entrance to the next examination for that type of license until, and unless the candidate submits evidence, to the Board, of further formal training and supervised experience [(particularly] specifically in those areas in which the candidate was deficient[)]. [which may have accrued since the approval of the original application.] The Board, in its discretion, may accept the additional evidence or require the candidate to postpone

taking the licensure examination for a period of one year from the date of the last examination. During the one year waiting period, the candidate shall be required by the Board to either obtain further training and experience under the supervision of a person licensed for the position for which the candidate seeks licensure or, obtain further educational training and experience, through formal courses, at an accredited institution of higher education or through professional or governmental bodies. [educational institution recognized as such the (sic) New Jersey Department of Higher Education and/or Education as appropriate.] At the conclusion of the one year period, the candidate shall furnish the Board with a written report from his supervisor or from the educational institution, attesting to the completion of the additional training and experience and may then make application to gain admission to the licensure examination.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Donald S. Kwalick
Assistant Commissioner
Community Health Services
N.J. Department of Health
Health-Agriculture Building
P.O. Box 1540
Trenton, N.J. 08625

The Public Health Council may thereafter adopt rules concerning this subject without further notice.

Evelyn Geddes
Chairperson, Public Health Council
Department of Health

(d)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Amendments Concerning Certified Milk

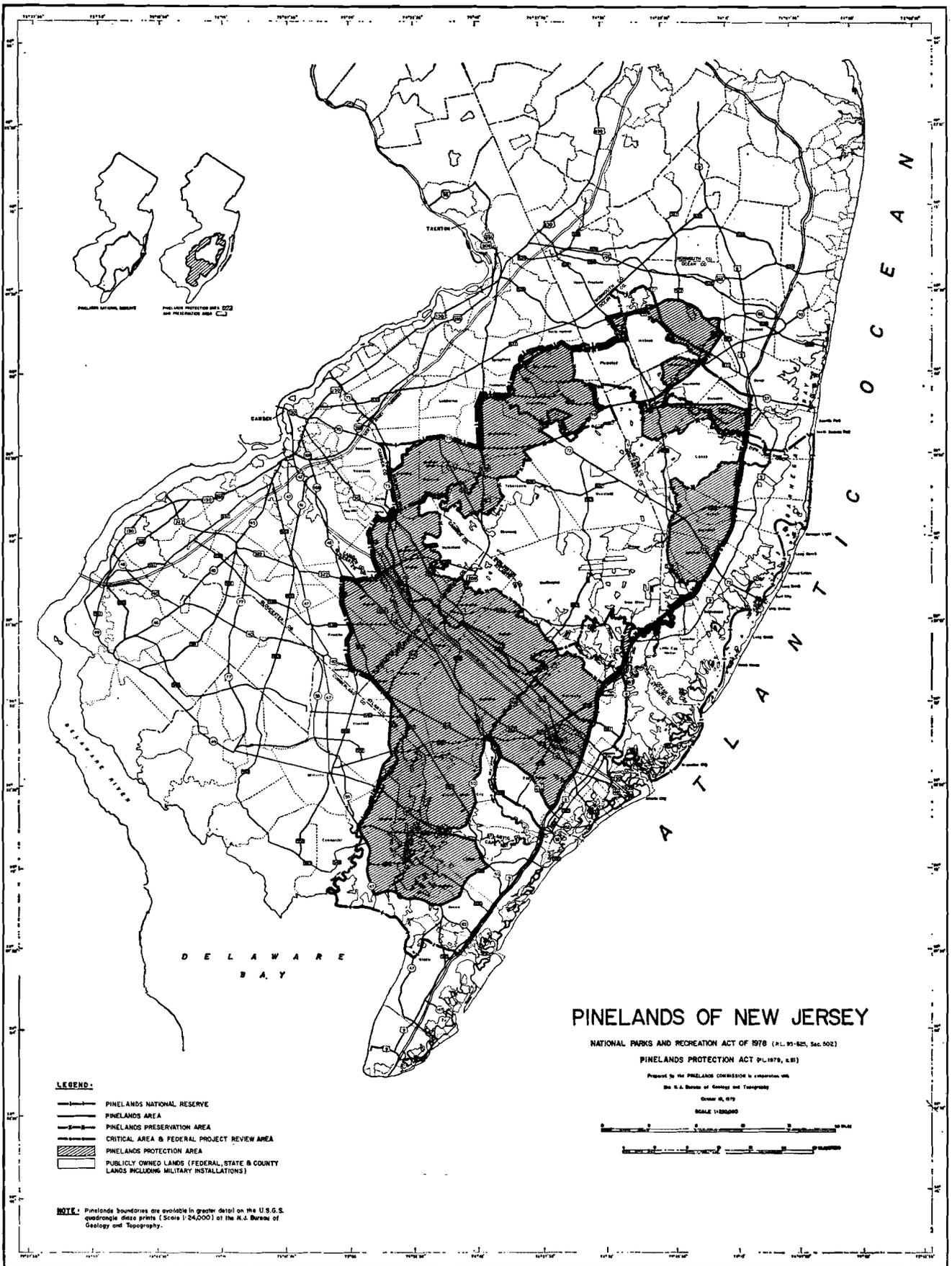
The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to amend N.J.A.C. 8:21-6 (chapter 7 of the State Sanitary Code) concerning certified milk.

The purpose for these proposed amendments is to upgrade these rules to meet present uniform regulations to control the certified milk products distributed and sold in New Jersey and to be consistent with the methods and standards established by the American Association of Medical Milk Commissions, Inc., and expands such rules to include all certified milk products.

Take notice to refer to the Notice of Public Hearing appearing in this issue of the New Jersey Register regarding the time and location of the public hearing regarding this proposal.

Copies of the 15 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Robert Inglis
Deputy Director
Consumer Health Services
N.J. Department of Health
1911 Princeton Avenue
Trenton, N.J. 08648



Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to the Department of Health at the above address.

The Public Health Council may thereafter adopt rules concerning this subject without further notice.

Evelyn Geddes
Chairperson, Public Health Council
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed 1981 Hospital Rate Setting Rules in the SHARE Manual

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, proposes to adopt 1981 hospital rate setting rules in the SHARE manual that will be referenced in N.J.A.C. 8:31A-6.

Copies of the 25 pages of the full text of this proposal may be obtained from or made available for review by contacting:

James R. Hub
Director, Health Economics Services
N.J. Department of Health
Room 600
John Fitch Plaza
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to the Department of Health at the above address.

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed 1981 Hospital Guidelines

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, proposes to adopt 1981 hospital guidelines, that if adopted, will be referenced in N.J.A.C. 8:31A-7.

Copies of the 34 pages of the full text of the proposed guidelines may be obtained from or made available for review by contacting:

James R. Hub
Director
Health Economics Services
N.J. Department of Health
Room 600
John Fitch Plaza
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to the Department of Health at the above address.

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Repeal of Rules Concerning Local Boards of Health and Personnel

The New Jersey Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to repeal in its entirety the current text of chapter 50 in Title 8 of the New Jersey Administrative Code concerning local boards of health and personnel.

The reason for such proposed repeal is based on the fact that this area is provided for adequately under the provisions of Chapter 329, P.L. 1975, and the provisions of N.J.A.C. 8:51-1.1 et seq. concerning the minimum standards of performance for local boards of health.

Take notice to refer to the time and date of the public hearing respecting this proposal that appears in the Notice of Public Hearing appearing in this issue of the New Jersey Register.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Ronald S. Ulinsky
Acting Director
Local Health and Regional Operations
N.J. Department of Health
P.O. Box 1540
Trenton, N.J. 08625

The Public Health Council may thereafter adopt rules concerning this subject without further notice.

Evelyn Geddes
Chairperson, Public Health Council
Department of Health

(d)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Amendments Concerning Reportable Diseases

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 et seq., proposes to amend chapter 2 of the State Sanitary Code (N.J.A.C. 8:57) concerning reportable diseases.

The proposed amendments concern purpose; definitions; reportable diseases; reporting of diseases occurring in institutions; reporting of certain diseases occurring on dairy premises; reporting diseases by reporting officers; health officer investigations; medical examination and submission of specimens; reporting results of laboratory examinations; and inoculation with living microbiological agents.

See the Notice of Public Hearing in this issue of the New Jersey Register for the time and location of the public hearing respecting this proposal.

Copies of the 12 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Ronald Altman
Director, Epidemiologic Services
N.J. Department of Health
Room 403
P.O. Box 1540
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to the Department of Health at the above address.

The Public Health Council may thereafter adopt rules concerning this subject without further notice.

Evelyn Geddes
Chairperson, Public Health Council
Department of Health

(a)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

**Proposed Deletions to the
New Jersey List of
Interchangeable Drug Products**

The Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(d), proposes to delete certain items on the New Jersey list of interchangeable drug products referenced in N.J.A.C. 8:71.

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

[CHLORPROMAZINE

Tablets, 10 mg
Cost Range: \$.01 - .03
Popular Product: Thorazine
Acceptable Manufacturers:
Purepac, SKF, WRL, Zenith]

[Tablets, 25 mg
Cost Range: \$.01 - .04
Popular Product: Thorazine
Acceptable Manufacturers:
Purepac, SKF, WRL, Zenith]

[CHLORPROMAZINE

Tablets, 50 mg
Cost Range: \$.02 - .05
Popular Product: Thorazine
Acceptable Manufacturers:
Purepac, SKF, WRL, Zenith]

[Tablets, 100 mg
Cost Range: \$.03 - .06
Popular Product: Thorazine
Acceptable Manufacturers:
Purepac, SKF, WRL, Zenith]

[Tablets, 200 mg
Cost Range: \$.04 - .07
Popular Product: Thorazine
Acceptable Manufacturers:
Purepac, SKF, WRL, Zenith]

[ESTROGENS, ESTERIFIED

Tablets 0.625 mg
Cost Range: \$.06 - .07
Acceptable Manufacturers:
Squibb, Syntex]

[Tablets, 1.25 mg
Cost Range: \$.09 - .11
Acceptable Manufacturers:
Squibb, Syntex]

[ESTROGENS, ESTERIFIED

Tablets, 2.5 mg
Cost Range: \$.14 - .19
Acceptable Manufacturers:
Squibb, Syntex]

A public hearing respecting this proposal will be held on May 2, 1980, at 10:00 A.M. in the Auditorium, Health-Agriculture Building, John Fitch Plaza, Trenton, N.J.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Thomas T. Culkin
Executive Director
Drug Utilization Review Council
N.J. Department of Health
Room 801-D
P.O. Box 1540
Trenton, N.J. 08625

The Drug Utilization Review Council may thereafter adopt rules concerning this subject without further notice.

Robert G. Kowalski
Chairman, Drug Utilization Review Council
Department of Health

(b)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

**Proposed Amendments to
New Jersey List of
Interchangeable Drug Products**

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(b), proposes to amend the New Jersey list of interchangeable drug products referenced to N.J.A.C. 8:71 which added certain new substances to that list.

Full text of the proposal follows.

Generic Name	Manufacturer
Acetaminophen w/codeine tabs, 60 mg	Zenith
Amitriptyline HCL tabs, 10 mg	Halsey
APC w/codeine tabs, 60 mg	Halsey
Aspirin w/codeine tabs, 15, 30, 60 mg	Halsey
Butalbital w/APC tabs	Zenith
Cyproheptadine tabs, 4 mg	Zenith
Dipyridamole tabs, 25 mg	Chelsea
Hydrochlorothiazide tabs, 25 mg	Halsey
Hydrocortisone oint. 0.5%, 1.0%	Kasco-Efco
Isoxsuprine HCL tabs, 10, 20 mg	Halsey
Primidone tabs, 250 mg	Ayerst
Primidone susp, 250 mg/5 ml	Ayerst
Sulfamethizole tabs, 0.25 g, 0.5 g	Ayerst

Tolbutamide tabs, 500 mg

Lederle, Chelsea,
SKF, Premo,
Mylan
Halsey

Theophylline elixir, 80 mg/15 ml

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Thomas T. Culkin
Executive Director
Drug Utilization Review Council
N.J. Department of Health
Room 801-D
P.O. Box 1540
Trenton, N.J. 08625

The Drug Utilization Review Council may thereafter adopt rules concerning this subject without further notice.

Robert G. Kowalski
Chairman
Drug Utilization Review Council
Department of Health

(a)

HEALTH

PUBLIC HEALTH COUNCIL

Notice of Public Hearing on Proposed Amendments to State Sanitary Code

Take notice that a public hearing will be held on May 5, 1980 at the Auditorium in the Health-Agriculture Building at 10:00 A.M. on proposed changes and deletions to three chapters of the State Sanitary Code. The hearings will be conducted for the New Jersey Public Health Council by an Administrative Law Judge from the Office of Administrative Law in order to hear testimony and receive comments from persons interested in the changes or deletions listed in the agenda below of the chapters of the State Sanitary Code. Approximate times for each are indicated. Persons wishing to make statements should contact Mr. Jule M. Erdie, Executive Assistant, Office of the Commissioner, New Jersey State Department of Health, P.O. Box 1540, Trenton, New Jersey 08625 prior to the hearing date. Requests will be received up to and including the date of the hearing. Persons may also indicate such at the time they register at the hearing and the hearing officer will determine the order in which persons may present written or oral statements or comments. Communications will also be made part of the official record for those who cannot attend or do not wish to speak at the hearing. Communications and any other material or supplemental information will be accepted up to approximately one week following the hearing date. Copies of the proposed changes may be secured by writing to the individual listed in the appropriate announcement in this issue of the New Jersey Register.

AGENDA

(Subject to Change)

- 10:00 A.M. — Opening of Hearing
Presiding Hearing Officer
- 10:10 A.M. — Chapter I — Local Boards of Health
- 11:00 A.M. — Chapter II — Reportable Diseases
- 12:00 noon — Lunch
- 1:00 P.M. — Continue Chapter II or Chapter VII
Certified Milk
- 3:00 P.M. — Adjournment

Copies of proposed changes will be available in a limited number at the hearing. Registration at the hearing will be required and persons wishing to make oral statements should be prepared to limit their remarks to no more than five minutes. Members of the Public Health Council will be in attendance at this hearing.

Take further notice that the specific proposed amendments to the Sanitary Code appears in this issue of the New Jersey Register.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Notice of Public Hearing Concerning WIC State Plan

Take notice that the Department of Health has issued the following Notice concerning a public hearing regarding the WIC State Plan.

Full text of that Notice follows.

Each year by August 15, the State Health Department shall submit to the Food and Nutrition Service (FNS) U.S. Department of Agriculture a Plan of program operation and administration for approval by the Secretary of Agriculture as a prerequisite to receiving funds. However, portions of the prior year's approved State Plan which do not change from year to year need not be resubmitted. The Plan shall include, among such other information as the Secretary may require:

(A) a description of how the State agency will distribute administrative funds, including start-up funds, to local agencies operating under the program;

(B) a description of the State agency's financial management system;

(C) a description of methods used to determine nutritional risk;

(D) a budget for administrative funds;

(E) the staffing pattern;

(F) nutrition education goals and action plans, including a description of the methods that will be used to meet the special nutrition education needs of migrants and Indians;

(G) plans to provide program benefits under this section to eligible migrants and Indians;

(H) a list of all areas and special populations, in priority order based on relative need, within the jurisdiction of the State agency, and the State agency's plans to initiate or expand operations under the program in areas most in need of supplemental foods, including plans to inform non-participating local agencies of the availability and benefits of the program and the availability of technical assistance in implementing the program, and a description of how the State agency will take all reasonable actions to identify potential local agencies and encourage such agencies to implement or expand operations under the program within the following year in the neediest one-third of all areas unserved or partially served;

(I) a description of how the State agency's delivery system will enable low-income persons to receive supplemental foods under this program, in accordance with standards developed by the Secretary;

(J) the State agency's plans for informing eligible persons of the program;

(K) a description of how the State agency plans to coordinate operations under the program with special counseling services such as, but not limited to, the expanded food and nutrition education program, family planning, immunization, prenatal care, well-child care, alcohol and drug abuse counseling, child abuse counseling, and with the food stamp program; and

(L) a copy of the procedure manual developed by the State agency for the program.

The New Jersey State Department of Health invites all interested persons to attend a public hearing on May 20, 1980 at the Center for Health Affairs, Princeton, N.J. between the hours of 10:00 A.M. to 5:00 P.M. on this matter. Copies of the FY 80 approved State Plan, which will be updated as a result of comments provided, is available for review in the State WIC office, New Jersey State Department of Health, Trenton, New Jersey 08625, the Northern State Office, 7 Glenwood Avenue, East Orange, N.J. 07205, the Southern State Office, 1012 Haddonfield Avenue, Cherry Hill, N.J. 08002 and the N.J. State Library, 185 West State Street, Trenton, N.J. 08625. Written comments regarding the Plan will be accepted until May 20, 1980, forwarded to the State WIC office or given to the hearing officer during the public hearing. Those individuals wishing to make oral comments at the hearing must notify the State WIC Program prior to the hearing in order that a scheduled speaking appointment may be arranged. Each speaker will be given approximately 15 minutes to comment on the Plan update for FY 81. In addition, each speaker should bring a written statement of their testimony to be presented to the Hearing Officer. Individuals who wish to orally present their written comments but, find it inconvenient to travel to Princeton should phone the State WIC Office, reversing the charges, at (609) 292-9560. Special arrangements will be made to tape their presentation at a more convenient site prior to May 10 in order to have the recording played, at the hearing, if time allows.

Standards for participation in the WIC Program are the same for everyone regardless of race, color or national origin.

This Notice is published as a matter of public information.
Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

THE COMMISSIONER

Emergency Amendments Concerning Expiration Date Requirement for Containers of White Whole Milk

On February 26, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of Chapter 330, P.L. 1979, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 8:21-10.12 concerning the expiration date requirement for containers of white whole milk.

Full text of the adoption follows:

8:21-10.12(f) Containers of milk, certified milk, vitamin D milk and homogenized milk shall be marked with the pasteurizing plant number as assigned by the department

of the state of origin and the name and address of the distributor. The containers shall be marked with the legend "NOT TO BE SOLD AFTER (insert in a clear and legible manner the first three letters of the month where possible, but in no instance less than two letters approved by the department to designate the month and the date of the month which shall be no later than five days following the date of pasteurization. The date of pasteurization shall be that of 6:00 A.M. at the end of the 24-hour period during which pasteurization took place. If two letters are used the letter MR shall mean MARCH and MY shall mean MAY; JN shall mean JUNE and JL shall mean JULY.)" No fluid milk product listed in this section shall be sold or offered for sale after 11:59 P.M. of the date appearing on the containers so marked.

An order adopting these amendments was filed and became effective on February 28, 1980 as R.1980 d.96 (Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Amendments to 1976-1977 (Interim) New Jersey State Medical Facilities Plan Long Term Care Bed Need Methodology and Formula

On March 11, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administrative Board and in accordance with applicable provisions of the Administrative Procedure Act, amended N.J.A.C. 8:32 concerning the 1976-1977 (Interim) New Jersey State Medical Facilities Plan Long Term Care Bed Need Methodology and Formula as proposed in the Notice published January 10, 1980 at 12 N.J.R. 12(a).

An order adopting these amendments was filed and became effective on March 14, 1980 as R.1980 d.110.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Amendments to Guidelines and Criteria for Submission of Applications for Certificate of Need

On March 19, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:33-1.4, 8:33-2.7 and 8:33-2.8 concerning guidelines and criteria for submission of applications for certificates of need as proposed in the Notice published February 7, 1980 at 12 N.J.R. 73(d).

An order adopting these amendments was filed and became effective on March 20, 1980 as R.1980 d.123.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

PUBLIC HEALTH COUNCIL

Repeal of Rules on Smoking In Certain Public Places

On March 10, 1980, the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 8:15 concerning smoking in certain public places.

The reason for this report is the Attorney General's Formal Opinion #27 which concluded that these rules dealing with smoking in certain public places was superseded by the Code of Criminal Justice in N.J.S.A. 2C:33-13.

An order repealing these rules was filed and became effective on March 20, 1980 as R.1980 d.124 (Exempt, Mandatory Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Amendments Concerning Implementation Of the Independent Colleges and Universities Assistance Act

On February 22, 1980, T. Edward Hollander, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:72B-15 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:14 concerning the implementation of the Independent Colleges and Universities Assistance Act substantially as proposed in the Notice published January 10, 1980, at 12 N.J.R. 18(b) with only inconsequential structural or language changes in the opinion of the Department of Higher Education.

An order adopting these amendments was filed and became effective on February 28, 1980 as R.1980 d.98.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments Concerning Utilization of Insurance Benefits

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:49-1.7 concerning the utilization of insurance benefits.

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

10:49-1.7(a) Medicaid benefits are last-payment benefits. All health and accident insurance benefits, including Medicare, workers' compensation and no-fault auto insurance shall be used first and to the fullest extent in meeting the medical needs of the covered person. Since Medicare covers aged and certain disabled persons, providers should inquire about Medicare eligibility when rendering Medicare covered services to a person with program code [10 or 20.] 10, 20, or 50. Supplementation of available benefits shall be as follows:

1. Title XVIII (Medicare): For those individuals who are covered under Medicare, responsibility for payment by the New Jersey Medicaid Program will be limited to the unsatisfied deductible to the extent that the payments do not exceed the maximum allowable under the program in the absence of other coverage. (Exception: Co-insurance is reimbursable for hospital billings, long term care facility billings, durable medical equipment and supplies, and prosthetic and orthotic devices[.]) to the extent that the payments do not exceed the maximum allowable under the program in the absence of other coverage).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Administrative Practice Officer
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules Concerning Assessment of Interest on Overpayments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning the assessment of interest on overpayments in the Special Hospital Services Manual.

Full text of the proposal follows.

10:53-2.17 Assessment of interest on overpayments

(a) When a special hospital files a cost report and the report indicates that there has been an overpayment, full refund should be remitted with the report. In situations where this is not done, or where the Medicaid contractor, Blue Cross or Prudential, discovers an overpayment during desk review, field audit, or final settlement, the contractor will, within seven days of discovery, contact the provider and attempt to recoup the overpayment by obtaining a refund in a lump sum.

(b) If the provider is unable to make a lump sum refund, the contractor will, within 30 days after the date it notifies the provider that an overpayment exists, work out a repayment agreement by a series of set-offs against interim payments or by a combination of set-offs and cash repayments or through cash repayments only.

(c) The type of arrangement to be worked out with the provider is left to the discretion of the contractor. The contractor shall, as a matter of policy, attempt to recoup the overpayment as quickly as possible. The period of recovery shall not exceed 12 months unless a longer period of repayment is approved by the Director, Division of Medical Assistance and Health Services.

(d) Effective 30 days after the adopting of this regulation, all repayment agreements, including those in existence at the time of adoption, shall be in writing, signed by a duly authorized officer of the provider organization and an appropriate representative of the contractor.

(e) If a repayment arrangement cannot be concluded within 30 days of notification by the contractor, the contractor shall make recovery through deductions from interim payments. In this instance, full recovery shall be made within 120 days from the date of initial contact.

(f) Recovery of the overpayments shall be made without regard to disputes in whole or part of the contractor's determination of the overpayment or pending appeals of any administrative or final rates of reimbursement with the Department of Health, or Provider Reimbursement Review Board. As appeals are adjudicated, appropriate adjustments will be recognized and payments made.

(g) In all instances where full repayment cannot be made within 30 days of the contractor's initial contact, interest shall be charged on the outstanding balance on the fifteenth of every month. The amount of interest shall be at the maximum legal rate on the date of the repayment agreement or thirty days after the date of initial contact, whichever is sooner.

(h) Where the discovery of an overpayment is prevented or burdened by errors contained within the cost report, either inadvertent or willful, interest shall be charged as of the fifteenth of the first month after the cost filing was originally due.

(i) When cost filings are submitted more than 120 days after the close of the special hospital's fiscal year and an overpayment is determined, interest shall be charged beginning on the fifteenth of the first month after the cost filing was originally due.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Unemployment of the Mother And Sanction Periods in WIN

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend portions of the Public Assistance Manual concerning AFDC benefits to families deprived of support as a result of the unemployment of the mother and dealing with sanction periods for failure/refusal to participate in WIN.

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

10:81-1.11(a)1.ii. AFDC-F, through which financial assistance is provided to families with children when both parents are in the home, are not incapacitated and [the father] one parent meets the federal definition of unemployment.

10:81-2.4(c) Eligibility for the AFDC-F segment is based on financial need when both parents are in the home, are not incapacitated and [the father] one parent meets the federal definition of unemployment. If both parents meet this definition, they have the option, at any time, as to which one will be considered the qualifying unemployed parent.

10:81-2.23 WIN certification of AFDC-F registrants
[(Fathers Only)]

The CWA has responsibility through the IM control clerk for ensuring that all [adult males (i.e., fathers)] qualifying unemployed parents (unless exempt from WIN registration) in AFDC-F and AFDC-C and -F companion cases are certified by the Separate Administrative Unit (SAU) within 30 days of receipt of such assistance. In instances where the mother is considered the qualifying unemployed parent, but is exempt from WIN registration in accordance with N.J.A.C. 3:18(b)2.ii.(7), the adult male i.e., father must be so certified.

1. Functions of the IM control clerk: The IM control clerk shall:

i. Keep a daily log of all [adult males] qualifying unemployed parents in AFDC-F and AFDC-C and -F companion cases referred to ES/WIN for registration.

10:81-3.18(b)2.ii.(4) Remote: When commuting time from home to the project site is greater than one hour each way, exclusive of the time necessary to transport children to and from a child care facility. In such cases the qualifying unemployed parent (AFDC-F only) must register (unless sub-subparagraph (7) of this subparagraph is applicable) with the Division of Employment Services via Form NJES-511B and the penalties in subsection (e)2 of this section shall apply.

10:81-3.18(e)2. When the [father] qualifying unemployed parent fails or refuses to register as required, the entire family will be rendered ineligible to receive AFDC-F assistance until such time notification is received from ES/WIN that the registration process has been completed (see subsection (g)2.iv. of this section). Under these circumstances the client will not be eligible for AFDC-N (see N.J.A.C. 10:81-2.4(c)).

10:81-3.18(g)2.ii. If the individual is the [father] qualifying unemployed parent receiving AFDC-F, the entire AFDC-F family will be rendered ineligible for assistance without considering eligibility for AFDC-N (see N.J.A.C. 10:81-2.4(c)).

10:81-3.18(g)2.iv. If the individual is one of several dependent children in the family or the [mother] parent in the AFDC-F segment case who is not the qualifying unemployed parent determined to be nonexempt from WIN, his/her needs will not be counted in the eligible unit.

10:81-3.18(g)3. Individuals who are registered on the basis of a "without good cause" determination may, upon application, and an indication to WIN project staff of a willingness to participate, again register for WIN after [90 days have elapsed since deregistration] expiration of the sanction period determined by ES/WIN. [Such individuals who are again deregistered following a "without good cause" finding, shall not be registered or reaccepted into the WIN program unless satisfactory evidence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.] Reregistration for WIN after the sanction period has elapsed immediately reestablishes eligibility for AFDC benefits, providing all other eligibility criteria are met. Note that reapplication procedures apply when the entire family was rendered ineligible for assistance because of the deregistration of the qualifying unemployed parent (see N.J.A.C. 10:81-2.4(c)).

10:81-3.18(h)1. ES/WIN will initiate and complete all deregistrations relating to failure to report for appraisal interviews, refusal to participate in the WIN program and general disciplinary problems. ES/WIN will notify the CWA through completion of a WIN Status Change Notice, Form MA 5-97, within 3 working days of deregistration. Upon receipt of Form MA 5-97 indicating that the client has been deregistered, the IM worker will initiate, if required, appropriate action to delete the individual from the AFDC-C eligible unit in accordance with N.J.A.C. 10:82-2.5 (see subsections (f) and (g) of this section) and in the AFDC-F cases to delete the individual or render the entire family ineligible for AFDC-F. Additionally, Form MA 5-97 shall be attached to Form MA 5-95, WIN Registration Record, and both forms placed in the client's case folder. Note that failure of the [father] qualifying unemployed parent to report for the appraisal interview, to participate in the WIN program and general disciplinary problems precludes eligibility for AFDC-N.

10:81-3.18(1) To qualify for AFDC-F, the following criteria must be met:

1. The [father] qualifying unemployed parent has been unemployed for at least 30 days prior to the receipt of public assistance.
2. The [father] qualifying unemployed parent has not, without good cause, within such 30 day period prior to the receipt of public assistance, refused a bona fide offer of employment or training for employment;
4. Refused to register with the WIN program (WIN counties), unless exempt, or if exempt because of remoteness only, refused to register with the Division of Employment Services;
7. The [father] qualifying unemployed parent has six or more quarters of work (see subparagraph (i) of this paragraph) within any 13 calendar quarter periods ending within one year prior to the application for such aid, or

within such one year period, received unemployment compensation under an unemployment compensation law of a [S]tate or of the United States, or was qualified (see subparagraph (ii) of this paragraph) for such compensation under the [S]tate's unemployment compensation law.

(i) A "quarter of work" with respect to any individual means a period (of three consecutive calendar months ending on March 31, June 30, September 30, or December 31) in which he/she received earned income of not less than \$50, or in which he/she participated in a community work and training program under Section 409 of the Economic Opportunity Act or any other work and training program subject to the limitations in such Section 409 (Title V projects), or Work Incentive program established under Part C of Title IV of the Social Security Act.

(ii) An individual shall be deemed "qualified" for employment compensation under the State's unemployment compensation law if he/she would have been eligible to receive such benefits upon filing application, or he/she performed work not covered by such law which, if it had been covered, would (together with any covered work he/she performed) have made him/her eligible to receive such benefits upon filing application.

8. When a family unit is found ineligible for AFDC-F because the applicant or recipient [father] qualifying unemployed parent refuses to register for the WIN program (unless exempt) [because of remoteness or residing in a non-WIN county)], or refuses to register with the Division of Employment Services (unless exempt), the entire family will be rendered ineligible for assistance under any segment (see N.J.A.C. 10:81-2.41(c)).

i. The [applicant] qualifying unemployed parent shall also be informed that refusal to apply for or accept unemployment compensation for which he/she qualifies will render the entire family ineligible for assistance.

10:81-3.44 AFDC-F

(a) In non-WIN counties, the [father] qualifying unemployed parent or both parents (unless exempt) if the mother is the qualifying unemployed parent shall register with the State Employment Service via Form NJES-511B. [The father] He/she shall also cooperate with efforts of the State Employment Service and the CWA in actively seeking employment and shall be required to accept employment or training when suitable opportunity can be identified as available, unless the CWA determines that the individual is exempt according to the criteria as set forth in N.J.A.C. 3:18(b)2.

(b) Failure of the [father] qualifying unemployed parent to register with the State Employment Service or refusal without good cause (see N.J.A.C. 3:18(m)2.) to seek, accept or retain employment or training shall render the entire family ineligible for assistance under the AFDC-F. In such cases eligibility for AFDC-N will not be considered (see N.J.A.C. 10:81-2.4(c)). (See N.J.A.C. 3:18(g)2.iii. and iv. for other members of the eligible unit.)

(c) The penalty for failure or refusal without good cause shall continue until such time as the [father] qualifying unemployed parent demonstrates willingness to cooperate as stated in subsection (a) of this section (see N.J.A.C. 10:81-2.4(c)).

10:81-3.45 Employment and training for AFDC-C and -F children

Children who are 16 to 18 years old who are not attending school and are not employed shall be required to register with the State Employment Service via Form NJES-511B and all available resources for training and employment shall be offered to them. (See N.J.A.C. 10:82-2.5 for penalty of ineligibility for refusal to cooperate.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Payment of Burial and Funeral Costs

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:81-7.22 and 10:81-7.26 in the Public Assistance Manual concerning payment of burial and funeral costs.

Copies of the 11 pages of the full text of this proposal may be obtained from or made available for review by contacting:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to the Division of Public Welfare at the above address.

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Exemption of an Institutionalized Individual's Wages

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:7-87 and 44:10-3, proposes to amend portions of the Public Assistance Manual and the Medicaid Only Manual concerning exemption of an institutionalized individual's wages.

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

10:81-8.20(c) An amount of \$25 plus the gross amount of additional income derived from work that is considered essential toward satisfying the individual's developmental

need to achieve a certain degree of independence shall be exempt from Medicaid reimbursement. The combined total exemption may not exceed the individual's pro rata share of the appropriate AFDC allowance standard.

10:94-5.8(d)1. Personal needs allowance: An amount of \$25 per month shall be deducted from the individual's gross monthly income for personal needs expenses[,] plus the gross amount of additional income derived from work that is considered essential toward satisfying the individual's developmental need to achieve a certain degree of independence. The combined total deduction may not exceed the community living standard established for a noninstitutionalized individual.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Option to Waive Money Payment by AFDC Eligible Parent for Him/Herself

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend a portion of the Assistance Standards Handbook concerning the option to waive money payment by AFDC eligible parent for him/herself.

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

10:82-1.10 Parent's waiver of cash benefits (all segments) are:

1. A parent who is included in the eligible unit may elect to waive his/her per capita share of the unit's adjusted allowance. In that instance, he/she will be required to sign a waiver of such allowance. This waiver must be maintained in the case record with a copy provided to the individual. The parent will remain in the eligible unit for medical assistance only.

2. A parent who elects to waive his/her share of the adjusted allowance must still comply with all appropriate eligibility requirements. The county welfare agency will not evaluate the capacity of those LRRs to the parent enumerated for the AFDC program in Section 331.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Health

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Criteria for Medical Eligibility For Persons Entering New Jersey Medical Facilities from Out-of-State

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes amendments to N.J.A.C. 10:85-3.2(f) concerning criteria for medical eligibility for persons entering New Jersey medical facilities from out-of-State in the General Assistance Manual.

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

10:85-3.2(f) A resident of a municipality is a person who maintains a permanent customary home in the municipality, a person who is in the municipality with intention to remain, [or] a person who did maintain such a home prior to entering a medical facility[.] , or a person who enters a New Jersey medical facility from out-of-state and qualifies as a resident in accordance with subsection (g)3 of this section. No time intervals are relevant so long as the home is not established for a temporary purpose such as for a visit[,] or vacation. [, or receipt of medical care.] A resident may live in his/her own home, a rented home or apartment, the home of a friend or relative, [or] in a boarding home[.] or, in accordance with subsection (g)3 of this section in a residential medical facility.

1. A person in a hospital, nursing home, intermediate care facility, maternity home or in drug treatment center shall be considered a resident of the last municipality in which he/she was a resident prior to entering the facility. (Exception: a GA recipient who continues to reside in a municipality in which GA payment status was required prior to May 31, 1978 by reason of having achieved "legal settlement" there as a private patient in a medical institution will continue to be considered as living in that municipality.) When the last municipality of residence, other than in a medical facility, was not in New Jersey and the person qualifies in accordance with subsection (g)3 of this section, that person shall be considered a resident of the municipality in which the medical facility is located. Only facilities which are licensed by the N.J. Department of Health in the stated categories are to be recognized as being a temporary residence of an applicant or recipient for medical care.

iii. A person who enters a New Jersey medical facility directly from out-of-state shall be considered a New Jersey resident for purposes of the General Assistance program if all of the following exist:

(1) The person makes a clear statement of intention to remain in New Jersey; and

(2) There is a reason, other than the availability of assistance, for the move to New Jersey, e.g., nearness to relatives, unavailability of medical treatment elsewhere; and

(3) The medical care being provided will be required for an indefinite period; and

(4) There is no clear indication that the person has retained residence out of the state; and

(5) The state of prior residence does not recognize the person as having continuing residence there for assistance purposes.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Payment of Burial and Funeral Costs

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J.A.C. 10:85-4.8 concerning payment of burial and funeral costs in the General Assistance Manual.

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

10:85-4.8(a)1.i. Total cost is not in excess of [\$500] \$800;

10:85-4.8(a)1.iii. The amount to be paid from general assistance funds shall not exceed [\$350] \$550.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Exclusion of Resource Such as Payments Received from the Crisis Intervention Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend a por-

tion of the Food Stamp Manual concerning exclusion of resource such as payments received from the Crisis Intervention Program.

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

10:87-4.8(a)17.vii. Payments from Community Service Administration: Payments received from the Crisis Intervention Program administered by the Community Service Administration.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Deletion of Rules on the Handbook for the Home Services Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to delete the current text of Chapter 90 in Title 10 of the New Jersey Administrative Code concerning the Handbook for the Home Services Program.

Such text is somewhat dated and now comes under the jurisdiction of the Division of Youth and Family Services in the Department of Human Services who may propose revised rules on this subject in the future.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Payment of Burial and Funeral Costs

Ann Klein, Commissioner of Human Services, pursuant

to authority of N.J.S.A. 44:7-87, proposes to amend portions of the Medicaid Only Manual concerning payment of burial and funeral costs.

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

10:100-3.5(c)1. Limits of CWA contracting authority: The CWA shall not authorize any cremation, nor shall it authorize any post-mortem examination or any other procedure not a part of regular funeral and burial. (See also section 6 of this subchapter on Public Burying Grounds.) The CWA shall not contract with a cemetery, since such action is the responsibility of the funeral director.

10:100-3.6(c)1. Cemetery petition: The petition from the funeral director or other claimant either shall contain a statement that no cemetery charges were incurred or shall contain an endorsement of an attached subordinate petition on Form PA-11B or substantially similar document from the cemetery showing the charges incurred.

[1.]2. Notification: Promptly upon a determination of approval or disapproval of a funeral/burial claim, the CWA will notify the claimant of the decision. The CWA will also notify any others who have need for the information, such as friends or next of kin who contracted for the funeral/burial.

10:100-3.6(e) The CWA shall not participate in the payment of any funeral and/or burial for which the total cost, as computed in accordance with Public Assistance Manual, Section 7540, exceeds [\$500] \$300.

10:100-3.6(f) The CWA shall not participate in the cost of any funeral and/or burial of any decedent whose combined resources exceed [\$350] \$550.

10:100-3.7(a) The maximum amount of payment which the chargeable CWA may authorize to the cemetery and to the mortuary is [\$350] \$550 and is reduced by the combined resources as defined in section 336 above. The CWA shall make separate payments for the cemetery and for the mortuary.

1. For those decedents who were found eligible for burial and/or funeral payment consideration solely by reason of assigned assets (Section 310.3), the [payment] sum of the cemetery and funeral payments to be authorized shall not exceed the liquidated value of such assets and in no case more than [\$350] \$550.

10:100-3.7(c) The chargeable CWA for any burial and/or funeral claim is the CWA of that county in which the decedent was last a resident as defined in Medicaid Only Manual Section 321.2. Chargeability is not determined or influenced by the possession, custody, holding or assignment of resources by any CWA.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

G. Thomas Riti
Director
Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments to Prosthetic and Orthotic Services Manual

On February 8, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:55-1.5(b)3. in the Prosthetic and Orthotic Services Manual as proposed in the Notice published September 6, 1979 at 11 N.J.R. 445(a).

An order adopting these amendments was filed on February 15, 1980 as R.1980 d.89 to become effective on March 10, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments Concerning Disclosure Of Information

On February 8, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:49-1.3 concerning the disclosure of information and eligible providers as proposed in the Notice published January 10, 1980 at 12 N.J.R. 19(b).

An order adopting these amendments was filed on February 15, 1980 to become effective on March 1, 1980, as R.1980 d.90.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments to Physicians Services Manual

On February 8, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:54-1.9 in the Physicians Services Manual as proposed in the Notice published September 6, 1979 at 11 N.J.R. 444(a).

Take notice that the proposed amendments to N.J.A.C. 10:54-1.2 and 10:54-1.5 are not being adopted at this time.

They are still being considered and may be adopted at a later time.

An order adopting these amendments was filed on February 15, 1980 as R.1980 d.91 to become effective on March 10, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Recording Of Social Security Numbers, Declination of State Reimbursement, Inpatient Hospital Care and Cross-Reference Concerning Period of Eligibility

On February 20, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.2, 10:85-5.2 and 10:85-6.3 concerning the recording of Social Security numbers, declination of State reimbursement, inpatient hospital care and cross reference concerning the period of eligibility as proposed in the Notice published January 10, 1980 at 12 N.J.R. 29(c).

An order adopting these amendments was filed on February 22, 1980 as R.1980 d.92 to become effective on April 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments Concerning Transportation Services

On February 21, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:50-1.2, 10:50-1.3, 10:50-1.4, 10:50-2.2, 10:50-2.5 and 10:50-2.6 concerning transportation services substantially as proposed in the Notice published January 10, 1980, at 12 N.J.R. 21(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these amendments was filed on February 26, 1980 as R.1980 d.93 to become effective on March 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on General Assistance Procedures for Persons Released From State Psychiatric Institutions

On March 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.1 and 10:85-3.2 concerning general assistance procedures for persons released from State psychiatric institutions substantially as proposed in the Notice published October 4, 1979, at 11 N.J.R. 507(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 19, 1980 as R.1980 d.116.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Application Process, Work Registration, Income and Resource Exclusions, Clients Discharged from Drug Centers, Notice of Adverse Actions and Increases in Benefits and Fiscal Procedures

On March 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-2.1, 10:87-3.18, 10:87-4.7, 10:87-5.8, 10:87-6.16, 10:87-7.18, 10:87-9.1 and 10:87-10.1 concerning the application process, work registration, income and resource exclusions, clients discharged from drug centers, notice of adverse actions and increases in benefits and fiscal procedures substantially as proposed in the Notice published October 4, 1979 at 11 N.J.R. 517(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 19, 1980 as R.1980 d.117.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Reimbursements To County Welfare Agencies and Discontinuance of Collection Activity

On March 17, 1980, Ann Klein, Commissioner of Human

Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-2.7, 10:81-3.8, 10:81-3.38, 10:81-3.40 and 10:81-3.42 concerning reimbursements to county welfare agencies and discontinuance of collection activity substantially as proposed in the Notice published December 6, 1979, at 11 N.J.R. 625(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 19, 1980 as R.1980 d.118.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Residence Requirements And Assignment of Support Rights

On March 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-3.21 and Appendix D in N.J.A.C. 10:81 concerning residence requirements and assignment of support rights as proposed in the Notice published January 10, 1970 at 12 N.J.R. 26(b).

An order adopting these amendments was filed and became effective on March 19, 1980 as R.1980 d.119.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Cross-References to the Public Assistance Manual and Incorporation of Existing Policy into the Manual

On March 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-1.4 and 10:82-3.7 concerning cross-references to the Public Assistance Manual and incorporation of existing policy into the manual as proposed in the Notice published January 10, 1980 at 12 N.J.R. 28(a).

An order adopting these amendments was filed and became effective on March 19, 1980 as R.1980 d.120.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Retention Period for Source Documents

On March 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-10.1 et seq. concerning the retention period for source documents substantially as proposed in the Notice published January 10, 1980, at 12 N.J.R. 30(b) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 19, 1980 as R.1980 d.121.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Revised Work Registration Procedures In the General Assistance Program

On March 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.2 and 10:85-3.5 concerning revised work registration procedures in the general assistance program substantially as proposed in the Notice published February 7, 1980, at 12 N.J.R. 85(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 19, 1980 as R.1980 d.122.

Howard H. Kestin
Director
Office of Administrative Law

(c)

INSURANCE

THE COMMISSIONER

Proposed Rule Concerning Use of Policy Wording and/or Endorsements Restricting Coverage Under Surplus Lines Policies

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 1C-6(e), 17:22-6 et seq., 54:18-1 et seq. and 17:22-6.43(c), proposes to adopt a new rule, to be cited as N.J.A.C. 11:1-2.6, concerning the use of policy wording and/or endorsements restricting coverage under surplus lines policies.

Full text of the proposed rule follows:

11:1-2.6 Surplus lines forms (unique filings); exclusionary and restrictive policy wording and/or endorsements

(a) The following endorsements and/or policy wording or provisions are currently in use in the State of New Jersey and are deemed to be overly restrictive and are causing undue hardship to the policyholders and claimants of the State of New Jersey and the Commissioner of Insurance hereby revokes any and all authority that may have been previously granted to any unauthorized eligible surplus lines carrier or licensed surplus lines agent on behalf of any authorized eligible surplus lines carrier:

1. Declaring that premium is fully earned in the event of a total loss.

2. Declaring that the policy is subject to a deductible for each and every claim, including expenses and declaring that failure of the insured to pay the amount of the deductible within a certain time period shall void liability on the part of the insurance carrier with respect to such claim.

3. Declaring that coverage on any liability policy is specially limited to the code or codes specified in the policy schedule, and excluding coverage unless mentioned by class and code.

4. Declaring that automobile or truck theft insurance is afforded only if the insured vehicle is locked while unattended.

5. Declaring that policies cannot be cancelled flat when no coverage has incepted or before any effective policy date or where the insured has not requested coverage.

6. Declaring that coverage does not apply if the vehicle is driven by a person other than the named insured or his/her spouse.

7. Declaring that regardless of cancellation clause or cancellation table in the policy, the premium is fully earned from inception and not subject to short rate or pro-rata cancellation by the insured.

8. Declaring a warranty that no losses will be paid on an excess basis unless the underlying carrier is the carrier shown on the schedule on the excess policy.

A public hearing will be held on May 15, 1980, at 10:30 A.M. in the Department of Insurance Hearing Room, 201 East State Street, Trenton, New Jersey 08625.

Interested persons may appear at the hearing or present statements or arguments in writing relevant to the proposed action on or before May 1, 1980 to John G. Foley, Assistant Commissioner, Department of Insurance, at the above address.

The Department of Insurance may thereafter adopt rules concerning this subject without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(d)

INSURANCE

THE COMMISSIONER

Proposed Rules on Unfair Claims Settlement Practices

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29B-1 et seq., and 17B:30-1 et seq. proposes to adopt new rules on unfair claims settlement practices to be cited as N.J.A.C. 11:2-17.

The purpose of the rules is to delineate minimum standards for claim settlement practices by insurers under

N.J.S.A. 17:29B-1 et seq. and N.J.S.A. 17B:30-1 et seq. The proposed rules include the following provisions:

- 11:2-17.1 Purpose
- 11:2-17.2 Scope
- 11:2-17.3 Definitions
- 11:2-17.4 Miscellaneous rules
- 11:2-17.5 Misrepresentation of policy provisions
- 11:2-17.6 Rules for replying to pertinent communications
- 11:2-17.7 Rules for prompt investigation of claims
- 11:2-17.8 Rules for prompt, fair, and equitable settlements and reasonable explanations applicable to all insurance
- 11:2-17.9 Rules for prompt, fair, and equitable settlements applicable to life and health insurance
- 11:2-17.10 Rules for prompt, fair, and equitable settlements applicable to property and liability insurance
- 11:2-17.11 Examinations
- 11:2-17.12 Special claims reports and statistical plan
- 11:2-17.13 Separability
- 11:2-17.14 Penalties
- 11:2-17.15 Effective date

The Department of Insurance is mailing a copy of the proposed rules to all insurers authorized to do business in New Jersey. Other persons may obtain a copy of the proposed rules by writing :

Eugene F. Gery
 Divisin of Consumer Services
 New Jersey Department of Insurance
 P.O. Box 1510
 Trenton, N.J. 08625

The Department of Insurance is interested in obtaining written comments on the proposed rules from insurers, agents, brokers, consumers, and any other interested parties. Written comments on the proposed rules must be presented on or before April 30, 1980 to:

Robert L. Bildner, Esq.
 Director, Division of Consumer Services
 New Jersey Department of Insurance
 P.O. Box 1510
 Trenton, N.J. 08625

The Dtpartment of Insurance may thereafter adopt rules concerning this subject without further notice.

James J. Sheeran
 Commissioner
 Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

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

On March 12, 1980, James J. Sheeran, Commissioner of Insurance, pursuant to authority of P.L. 1978, c. 184, as amended by P.L. 1979, c. 369, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located within a municipality to pay unpaid liens out of any claim payments due the insured for fire damages in excess of \$2,500.

Full text of the filed list follows.

	Date Filed with the Department of Insurance
The City of Paterson 07505 (Passaic County)	2/16/79
The City of East Orange 07019 (Essex County)	2/20/79
The City of Jersey City 07302 (Hudson County)	2/23/79
The Town of West Orange 07052 (Essex County)	2/26/79
The Township of Jackson 08527 (Ocean County)	3/7/79
The City of Bayonne 07002 (Hudson County)	3/12/79
The Tp. of Washington 08215 (Burlington County)	3/12/79
The Town of W. New York 07093 (Hudson County)	3/16/79
The Boro of South River 08882 (Middlesex County)	3/16/79
The City of Newark 07102 (Essex County)	3/16/79
The City of Atlantic City 08401 (Atlantic County)	3/19/79
The Town of Irvington 07111 (Essex County)	3/20/79
The Township of Howell 07731 (Monmouth County)	3/20/79
The Boro of Eatontown 07724 (Monmouth County)	3/23/79
The Boro of Somerville 08876 (Somerset County)	3/23/79
The Town of Bloomfield 07003 (Essex County)	3/27/79
The Township of Maplewood 07040 (Essex County)	4/4/79
The Town of Montclair 07042 (Essex County)	4/5/79
The City of Plainfield 07061 (Union County)	4/5/79
The Boro of Sea Bright 07760 (Monmouth County)	4/10/79
The City of Millville 08332 (Cumberland County)	4/10/79
The City of Union City 07087 (Hudson County)	4/23/79
The Township of Lawrence 08648 (Mercer County)	4/24/79
The Boro of Florham Park 07932 (Morris County)	4/25/79
The City of Elizabeth 07201 (Union County)	4/30/79
The City of Bridgeton 08302 (Cumberland County)	4/30/79
The City of Camden 08101 (Camden County)	5/4/79
The Township of Randolph 07801 (Morris County)	5/10/79
The Tp. of Riverside 08075 (Burlington County)	5/10/79
The Tp. of Mannington 08079 (Salem County)	5/17/79
The Tp. of Berkeley 08721 (Ocean County)	5/22/79
The City of Cape May 08204 (Cape May County)	5/22/79
The City of Asbury Park 07712 (Monmouth County)	5/25/79
The Tp. of Washington 07853 (Morris County)	5/30/79
The Tp. of Westampton 08060 (Burlington County)	6/4/79
The Tp. of Hillside 07205 (Union County)	6/4/79
The City of Salem 08079 (Salem County)	6/20/79
The Tp. of Lower 08204 (Cape May County)	6/25/79
The Borough of Fanwood 07023 (Union County)	6/29/79
The City of Orange 07050 (Essex County)	7/2/79
The Tp. of Carneys Point 08069 (Salem County)	7/2/79
The City of Vineland 08360 (Cumberland County)	7/6/79
The Boro of Penns Grove 08069 (Salem County)	7/9/79
The Town of Phillipsburg 08865 (Warren County)	7/13/79
The Boro of Westwood 07675 (Bergen County)	7/13/79
The Tp. of Pohatcong 08865 (Warren County)	7/20/79
The Tp. of Edgewater Park 08010 (Burlington County)	7/24/79
The Town of Hammonton 08037 (Atlantic County)	8/3/79
The Boro of Roselle 07203 (Union County)	8/8/79
The Tp. of Cedar Grove 07009 (Essex County)	8/10/79
The Boro of Keyport 07735 (Monmouth County)	8/15/79
The Boro of Victory Gardens 07801 (Morris County)	8/15/79
The Tp. of Scotch Plains 07076 (Union County)	8/22/79
The City of N. Wildwood 08260 (Cape May County)	8/24/79
The Boro of Fort Lee 07024 (Bergen County)	8/27/79
The Tp. of Cinnaminson 08077 (Burlington County)	8/30/79
The Tp. of Delran 08075 (Burlington County)	8/30/79
The Tp. of Lopatcong 08865 (Warren County)	8/30/79
The Boro of Fair View 07022 (Bergen County)	9/5/79
The Boro of Sayreville 08872 (Middlesex County)	9/19/79
The Tp. of Egg Harbor 08221 (Atlantic County)	9/24/79
The Tp. of Hopewell 08302 (Cumberland County)	9/26/79
The Tp. of Dover 08753 (Ocean County)	9/26/79

(Continued on Page 206)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

It includes all rules adopted from receipt of the last individual transmittals as indicated through March 20, 1980.

RULES NOT YET IN PRINT IN CODE (May be found in N.J. Register beginning with July 5, 1979):
 (Full text (in proposal form), if published, may be found in N.J. Register beginning with Sept. 6, 1978.)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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AGRICULTURE — TITLE 2

2:3-2.12	Amend exemption from pseudorabies test	R.1979 d.304	11 N.J.R. 426(a)
2:54-3.7	Amend concurrent suspension to Federal Order No. 4 concerning milk handling in various New Jersey milk marketing areas	R.1980 d.10	12 N.J.R. 62(a)
2:72-1.1	Amend bond requirements	R.1980 d.57	12 N.J.R. 103(a)

(Title 2, Transmittal 15 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

BANKING — TITLE 3

3:1-1.2	Interest rates on other loans	R.1979 d.290	11 N.J.R. 429(b)
3:1-9	Amend red-lining	R.1979 d.415	11 N.J.R. 534(b)
3:2	Advertising by financial institutions	R.1980 d.125	12 N.J.R. 170(a)
3:6-7.1	Amend class II installment loan rates	R.1980 d.16	12 N.J.R. 62(c)
3:8-3.2, 3.3	Amend reserves by banks not members of the Federal Reserve System	R.1979 d.501	12 N.J.R. 62(b)
3:11-1.1	Amend approval to exceed ten per cent limitation	R.1979 d.298	11 N.J.R. 429(c)
3:18-9.1, 9.5	Amend secondary mortgage loan act rules	R.1980 d.17	12 N.J.R. 63(a)
3:31-2.2	Maximum interest rate; repair and improvement loans	R.1980 d.18	12 N.J.R. 63(b)

(Title 3, Transmittal 14 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

CIVIL SERVICE — TITLE 4

4:1-2.1	Amend definition of immediate family	R.1980 d.60	12 N.J.R. 104(a)
4:1-9.5, 20.3	Amend performance evaluations	R.1980 d.61	12 N.J.R. 104(b)

(Title 4, Transmittal 13 dated June 1, 1979 includes all rules through February 7, 1980 N.J. Register.)

COMMUNITY AFFAIRS — TITLE 5

5:26-1.3, 2.2, 2.17, 3.1, 4.2, 6.5, 8.4, 11.7, 11.9	Amend planned real estate development full disclosure	R.1979 d.439	11 N.J.R. 610(b)
5:30-17	Co-operative pricing and joint purchasing systems	R.1980 d.104	12 N.J.R. 172(a)

(Title 5, Transmittal 13 dated October 1, 1979 includes all rules through November 8, 1979 N.J. Register.)

EDUCATION — TITLE 6

6:3-1.22	Evaluation of tenured chief school administrators	R.1979 d.480	12 N.J.R. 7(a)
6:8-1.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:8-1.1, 3.8, 4.2	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:8-4.6	Amend school and community relations; T and E	R.1979 d.303	11 N.J.R. 432(a)
6:8-6.2, 7.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:11-4.7	Amend county substitute certificate	R.1980 d.105	12 N.J.R. 177(a)
6:11-12.5, 12.6, 12.23	Repeal teacher-librarian and school librarian; amend issuance of certificates in educational media	R.1979 d.355	11 N.J.R. 501(b)
6:20-5.4	Additional State school building aid	R.1979 d.479	12 N.J.R. 6(b)

6:20-7	Amend qualifications, debarment, suspension and disqualification of person(s) concerning contract administration	R.1979 d.478	12 N.J.R. 6(a)
6:20-8	Rules on public school contracts	R.1980 d.69	12 N.J.R. 107(a)
6:21-5.32, 6.49	Implementation of school bus chassis, bus body and equipment specifications	R.1979 d.269	11 N.J.R. 367(a)
6:26-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:27-1.4	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:27-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:31	Amend bilingual education	R.1980 d.70	12 N.J.R. 107(b)
6:39	Amend Statewide assessment	R.1979 d.443	11 N.J.R. 615(a)
6:80	Rule on educational improvement centers	R.1979 d.272	11 N.J.R. 368(a)

(Title 6, Transmittal 14 dated May 17, 1979 includes all rules through July 5, 1979 N.J. Register.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1C-1.2, 1.6—1.10	Amend 90-day construction permits	R.1980 d.75	12 N.J.R. 113(d)
7:1G-1	Interim rules for review and approval of applications for development or construction	R.1979 d.333	11 N.J.R. 502(b)
7:1G-1.11	Amend review and approval of applications for development or construction	R.1979 d.458	12 N.J.R. 10(c)
7:1G-1.11(a)2	Amend water quality standards	R.1979 d.395	11 N.J.R. 543(b)
7:1G-2	Procedures for processing applications for development	R.1979 d.332	11 N.J.R. 504(a)
7:1G-2.1(d)	Amend procedures for processing applications for development	R.1979 d.394	11 N.J.R. 543(a)
7:4	Rules on the New Jersey Register of Historic Places	R.1979 d.328	11 N.J.R. 434(a)
7:6-8	Motor vehicles using ice-covered waters	R.1980 d.88	12 N.J.R. 114(b)
7:12-1.4	Condemnation of certain waters in the Atlantic Ocean for shellfish harvesting	R.1980 d.12	12 N.J.R. 71(c)
7:12-1.4	Delete rule on condemnation of certain Atlantic Ocean waters for shellfish harvesting	R.1980 d.48	12 N.J.R. 112(b)
7:13-1.11(c)	Amend flood plain delineation of the Delaware River	R.1980 d.65	12 N.J.R. 113(b)
7:13-1.11(c)	Amend flood plain delineations; North Branch Rancocas Creek and Rancocas Creek; Burlington County	R.1980 d.76	12 N.J.R. 113(e)
7:13-1.11(d)	Amend floodway delineations of streams within the Passaic River Basin	R.1979 d.430	11 N.J.R. 545(a)
7:13-1.11(d)	Amend floodway delineation of streams within the Raritan and Rahway River Basin	R.1979 d.418	11 N.J.R. 544(d)
7:13-1.11(d)	Amend flood plain delineation of Raritan River, South River, Manalapan Brook, Matchaponix Brook and various tributaries within Raritan River Basin	R.1980 d.23	12 N.J.R. 72(d)
7:13-1.11(d)	Amend floodway delineation of Elizabeth River and various streams within Roselle Park Borough	R.1980 d.24	12 N.J.R. 73(a)
7:13-1.11(d)	Amend flood plain delineation of portions of Hackensack River Basin in Bergen County	R.1980 d.26	12 N.J.R. 73(c)
7:15-1.11(d)	Amend delineated floodways in the Raritan Basin	R.1980 d.99	12 N.J.R. 181(b)
7:13-1.11(d)	Amend flood plain delineation of parts of the Rockaway River and Passaic River	R.1980 d.66	12 N.J.R. 113(c)
7:13-1.11(e)	Flood plain delineation of Passaic River from Dundee Dam upstream to Beatties Dam	R.1980 d.21	12 N.J.R. 72(b)
7:13-1.11(f)	Amend flood plain delineation of streams within New Milford Township, Ringwood and Wanague Boroughs in Passaic County	R.1980 d.22	12 N.J.R. 72(c)
7:13-1.11(g)	Amend flood plain delineation of part of Saddle River and portions of its various tributaries	R.1980 d.25	12 N.J.R. 73(b)
7:14-2.5	Amend water pollution control act regulations	R.1980 d.49	12 N.J.R. 112(c)
7:14-2.26	Wastewater treatment report	R.1980 d.58	12 N.J.R. 113(a)
7:14-4	Sludge quality assurances	R.1979 d.419	11 N.J.R. 544(e)
7:25-5	Amend 1979-80 Game Code	R.1979 d.329	11 N.J.R. 434(b)
7:25-5	Amend 1979-80 Game Code	R.1979 d.404	11 N.J.R. 544(a)
7:25-6	1980 Fish Code	R.1979 d.403	11 N.J.R. 543(c)
7:25-12.1, 12.4	Amend sea clams	R.1979 d.472	12 N.J.R. 10(b)
7:25-16.1	Amend upstream lines requiring licenses	R.1979 d.405	11 N.J.R. 544(c)
7:26-6	Interdistrict and intergroup solid waste flow	R.1979 d.502	12 N.J.R. 71(b)
7:27-16-17	Amend control and prohibition of air pollution by volatile organic and toxic substances	R.1979 d.414	11 N.J.R. 544(b)
7:28-24.15	Amend certification fees for nuclear medicine technology	R.1980 d.87	12 N.J.R. 114(a)
7:45	Delineating review zone within Delaware and Raritan Canal State Park	R.1980 d.15	12 N.J.R. 72(a)

(Title 7, Transmittal 13 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

HEALTH — TITLE 8

8:15	Amend effective date	R.1980 d.32	12 N.J.R. 75(b)
8:15	Correction to printed text	—	12 N.J.R. 74(b)
8:15	Repeal rules on smoking in certain public places	R.1980 d.124	12 N.J.R. 187(a)
8:21-3.14	Delete rules	R.1979 d.454	11 N.J.R. 622(d)
8:21-3.15—3.18	Repeal of certain rules concerning Uniform Narcotic Act	R.1979 d.451	11 N.J.R. 622(a)
8:21-10.12(f)	Amend expiration date requirement for containers of white whole milk	R.1980 d.96	12 N.J.R. 186(a)
8:21A	Rules on good drug manufacturing	R.1979 d.453	11 N.J.R. 622(c)
8:31-8 App. B	Amend standards and general criteria for the planning, certification of need and designation of perinatal services	R.1979 d.369	11 N.J.R. 549(c)
8:31-25.1(a)23	Add dexamethasone to list of therapeutic agents	R.1979 d.409	11 N.J.R. 550(c)
8:31A-5.5	Temporary reporting procedures; implementation of S446	R.1979 d.368	11 N.J.R. 549(b)
8:31B-2	Rules on hospital reporting of uniform bill-patient summaries (in-patient)	R.1979 d.450	11 N.J.R. 621(a)
8:31B-3	Procedural and methodological regulations to implement Chapter 83, P.L. 1978	R.1979 d.408	11 N.J.R. 550(b)
8:31B-3.8(b)	Amend procedural and methodological rules for implementing Chapter 83, P.L. 1978	R.1979 d.484	12 N.J.R. 15(b)
8:31B-4	Financial elements and reporting	R.1979 d.407	11 N.J.R. 550(a)
8:32	Amend 1976-77 (Interim) N.J. State Medical Facilities Plan Long-term care bed need methodology and formula	R.1980 d.110	12 N.J.R. 186(b)
8:33-1.4, Exhibit 2	Amendments to guidelines and criteria for submission of applications for certificates of need	R.1980 d.36	12 N.J.R. 75(e)
8:33-1.4, 2.7, 2.8	Amend guidelines and criteria for submission of applications for certificate of need	R.1980 d.123	12 N.J.R. 186(c)
8:35-1.3(g)	Amend antibiotic use	R.1980 d.85	12 N.J.R. 117(a)
8:36	Delete current text	R.1980 d.39	12 N.J.R. 76(c)
8:36A	Amend certificate of need for end stage renal disease service	R.1980 d.34	12 N.J.R. 75(c)
8:39-1.33	Amend standards for licensure of long term care facilities	R.1979 d.492	12 N.J.R. 16(e)
8:42-1.1	Amend definition of governing authority	R.1979 d.485	12 N.J.R. 15(c)
8:42-3	Extend expiration date of standards to June 30, 1980	R.1979 d.486	12 N.J.R. 15(d)
8:43A-1.21(b)	Amend emergency medical care and defibrillators	R.1979 d.488	12 N.J.R. 16(a)
8:43A-1.52, 1.59, 1.63	Amend hours of counseling and availability of hours	R.1979 d.406	11 N.J.R. 549(e)
8:43A-1.66	Amend construction standards	R.1979 d.493	12 N.J.R. 17(a)
8:43A-1.71	Amend computerized axial tomography services	R.1979 d.487	12 N.J.R. 15(e)
8:43A-1.72	Extend expiration date for standards to June 30, 1980	R.1979 d.489	12 N.J.R. 16(b)
8:43A-1.74	Amendments on intermediate renal dialysis services	R.1980 d.39	12 N.J.R. 76(c)
8:43B-1.11(q)7	Amend waiver of emergency room services	R.1979 d.410	11 N.J.R. 550(d)
8:43B-7.2(c)	Amend respiratory therapists	R.1979 d.491	12 N.J.R. 16(d)
8:43B-17.12, 17.13, 17.16	Amend number of physicians and cardiac diagnostic and surgical services	R.1979 d.490	12 N.J.R. 16(c)
8:43B-17.17	Amend construction standards and cardiac diagnostic and surgical services	R.1979 d.494	12 N.J.R. 17(b)
8:43F	Manual of Standards for Licensure of Non-Residential Medical Day Care Facilities	R.1979 d.452	11 N.J.R. 622(b)
8:45-1.3	Amend clinical laboratories licensure fees	R.1979 d.398	11 N.J.R. 549(d)
8:45-2.1, 2.2	Amendments increasing certain laboratory fees	R.1979 d.411	11 N.J.R. 550(e)
8:65-1.1—1.3	Use of controlled dangerous substances by animal care facilities	R.1980 d.86	12 N.J.R. 117(b)
8:65-2	Delete rules	R.1979 d.453	11 N.J.R. 622(c)
8:65-2.5, 5.3, 5.4, 5.11, 5.17, 6.6	Use of controlled dangerous substances by animal care facilities	R.1980 d.86	12 N.J.R. 117(b)
8:65-10.2(b)5.	Add immediate precursors to Schedule II of Controlled Dangerous Substances	R.1980 d.37	12 N.J.R. 76(a)
8:65-10.2(b)5.	Add immediate precursor to phencyclidine (PCP)	R.1980 d.38	12 N.J.R. 76(b)
8:70-1.1(c)	Amend drug evaluation and acceptance criteria	R.1979 d.412	11 N.J.R. 551(a)
8:70-1.1(d)	Amend manufacturer's name on drug labels	R.1979 d.483	12 N.J.R. 15(a)
8:71	Amend interchangeable drug products	R.1979 d.498	12 N.J.R. 75(a)
8:71	Amend list of interchangeable drug products	R.1980 d.35	12 N.J.R. 75(d)

(Title 8, Transmittal 12 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

HIGHER EDUCATION — TITLE 9

9:1-6.1, 6.4	Amend petitions from out-of-State institutions	R.1979 d.441	11 N.J.R. 623(a)
9:2-2.7, 2.10, 2.12, 9.7—9.10	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:3-1.3	Amend personnel policies for State colleges; contracts for nonfaculty professional staff	R.1980 d.50	12 N.J.R. 118(b)

9:3-2.14	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:6-1.1—1.4	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:6-1.2	Amend personnel policies for State colleges; contracts for nonfaculty professional staff	R.1980 d.50	12 N.J.R. 118(b)
9:7-2.2	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.6	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.10	Amend verification of enrollment and academic performance	R.1980 d.74	12 N.J.R. 119(a)
9:7-3.3	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:9-1.12(a), 5.3	Amend loan amounts and eligibility requirements	R.1979 d.401	11 N.J.R. 551(c)
9:11-1.1(c)6.	Amend student eligibility	R.1980 d.1	12 N.J.R. 76(d)
9:14	Amend implementing Independent Colleges and Universities Assistance Act	R.1980 d.98	12 N.J.R. 186(b)

(Title 9, Transmittal 13 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

HUMAN SERVICES — TITLE 10

10:49-1.3	Amend disclosure of information	R.1980 d.90	12 N.J.R. 193(b)
10:49-5.5	Amend fair hearing	R.1980 d.33	12 N.J.R. 86(f)
10:49-10	Contracting for prepaid health care services for Title XIX eligibles	R.1979 d.231	11 N.J.R. 346(b)
10:50-1.2—1.4, 2.2, 2.5, 2.6	Amend transportation services	R.1980 d.93	12 N.J.R. 193(e)
10:51-1.9(a)	Amend pharmaceutical services	R.1979 d.413	11 N.J.R. 559(c)
10:52-1.6(c)	Amend out-patient hospital services	R.1980 d.45	12 N.J.R. 125(c)
10:52-1.16	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:52-2.12	Assessment of interest on overpayments	R.1980 d.47	12 N.J.R. 126(a)
10:53-1.14	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-1.9	Amend Physicians Services Manual	R.1980 d.91	12 N.J.R. 193(c)
10:54-1.23	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-3, 54-4	Amend the Physician's Procedure Code Manual	R.1979 d.218	11 N.J.R. 346(a)
10:55-1.5(b)3.	Amend Prosthetic and Orthotic Services Manual	R.1980 d.89	12 N.J.R. 193(a)
10:57-1.1	Amend definition of podiatry specialist	R.1979 d.293	11 N.J.R. 448(b)
10:59	Amend Medical Supplies and Equipment Manual	R.1979 d.324	11 N.J.R. 448(d)
10:60-2.5	Assessment of interest on overpayments	R.1980 d.46	12 N.J.R. 125(d)
10:63-3	Amend longterm care facilities rate review guidelines	R.1979 d.482	12 N.J.R. 42(b)
10:63-3.5	Amend long-term care manual rate review guidelines	R.1980 d.42	12 N.J.R. 125(b)
10:63-4, -5	Delete text	R.1979 d.325	11 N.J.R. 448(e)
10:65	Amend medical day care	R.1979 d.325	11 N.J.R. 448(e)
10:66-1.18	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:69A	Amend pharmaceutical assistance to the aged	R.1979 d.209	11 N.J.R. 345(b)
10:69A-2.1	Amend definition of lifeline credit program	R.1979 d.375	11 N.J.R. 558(c)
10:81-1.1	Amend non-discrimination of handicap & statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-1.1(d)	Amend statement of principles	R.1979 d.426	11 N.J.R. 560(d)
10:81-1.4, 1.7, 1.8	Amend non-discrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2	Amend forms used in AFDC	R.1979 d.428	11 N.J.R. 560(e)
10:81-2.2	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2.2, 2.3	Amend updating of forms and signing of income tax waiver	R.1979 d.277	11 N.J.R. 383(a)
10:81-2.7	Amend eligibility of an applicant for AFDC-F or -N benefits pending a determination of incapacity	R.1979 d.423	11 N.J.R. 559(e)
10:81-2.7	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.2, 3.3	Amend determination of presumptive eligibility	R.1980 d.77	12 N.J.R. 126(b)
10:81-3.5	Amend Public Assistance Manual	R.1979 d.444	11 N.J.R. 626(a)
10:81-3.8	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.9(a)5	Amend Medicaid special and unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-3.21	Amend residence requirement and support rights	R.1980 d.119	12 N.J.R. 194(d)
10:81-3.22, 3.24	Amend abandonment of State residency and timely notice of adverse action	R.1979 d.445	11 N.J.R. 626(b)
10:81-3.27, 3.28	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-3.32, 3.33, 3.34	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.35	Amend legally responsible relatives	R.1979 d.427	11 N.J.R. 560(c)
10:81-3.38	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)

10:81-3.38, 3.40	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.41(a)	Amend recovery of assistance granted on behalf of a child pending settlement of a claim	R.1980 d.80	12 N.J.R. 126(e)
10:81-3.42	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-5.2	Amend disregard of RSDI benefits received by full-time students and redetermination time interval	R.1979 d.444	11 N.J.R. 626(a)
10:81-7.1	Amend Public Assistance Manual	R.1979 d.445	11 N.J.R. 626(b)
10:81-7.1	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-7.13	Amend retention and destruction of case records	R.1980 d.81	12 N.J.R. 127(a)
10:81-7.36, 7.38, 7.41	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-8.22-8.24	Amend Medicaid special and provisions relative to unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-8.22, 8.23	Amend extension of medical benefits to a newborn child and a cross reference regarding LRR's	R.1979 d.425	11 N.J.R. 560(b)
10:81-App.D.	Amend residence requirements and assignment of support rights	R.1980 d.119	12 N.J.R. 194(d)
10:82-1.2	Amend AFDC allowance standards	R.1979 d.256	11 N.J.R. 382(a)
10:82-1.4	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-1.6	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-1.7	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-1.7, 1.8	Amend disregard of work-study income, treatment of stipends and child care payments	R.1979 d.232	11 N.J.R. 346(c)
10:82-2.1, 2.2, 2.4	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:82-2.6	Amend institutionalized child, homemaker service, travel expenses and emergency assistance	R.1980 d.28	12 N.J.R. 86(c)
10:82-2.9	Amend computer input and child-care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:82-2.9	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.14	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-2.14(f)	Amend the determination of monthly income of AFDC clients employed on a contractual basis	R.1980 d.82	12 N.J.R. 127(b)
10:82-3.7	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-3.8	Amend legally responsible relatives	R.1979 d.427	11 N.J.R. 560(c)
10:82-4.6	Amend Assistance Standards Handbook	R.1980 d.424	12 N.J.R. 520(c)
10:82-4.9(c)	Amend increase in monthly rates for foster care as established by DYFS	R.1980 d.83	12 N.J.R. 127(c)
10:82-4.6, 4.15	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-5.4, 5.5	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.9	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:82-5.10	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:85	Amend forms and references to forms in the general assistance program	R.1980 d.11	12 N.J.R. 86(a)
10:85-2.4	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-3.1	Amend medical payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.1, 3.2	Amend general assistance procedures for persons released from State psychiatric institutions	R.1980 d.116	12 N.J.R. 194(a)
10:85-3.2(c)	Amend Social Security numbers in the General Assistance Program	R.1979 d.280	11 N.J.R. 383(c)
10:85-3.2	Amend General Assistance Manual	R.1979 d.326	11 N.J.R. 449(a)
10:85-3.2	Amendments on fair hearings and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-3.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-3.2	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.3(c)	Amend determination of monthly income for persons employed on a contractual basis	R.1980 d.84	12 N.J.R. 127(d)
10:85-3.3(e)	Amend VISTA payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.3(e)	Amend exclusion of relocation payments as income or resources	R.1979 d.446	11 N.J.R. 627(a)
10:85-3.3(e)	Amend exclusion of certain income	R.1979 d.447	11 N.J.R. 627(b)
10:85-3.3(f)	Amend drug and alcohol treatment centers	R.1979 d.366	11 N.J.R. 520(a)
10:85-3.3(f)	Amend licensed boarding homes for sheltered care	R.1979 d.448	11 N.J.R. 627(c)
10:85-3.3(g)	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-3.4(c)	Amend exclusion of relocation payments	R.1979 d.446	11 N.J.R. 627(a)
10:85-3.5	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-4.3	Amend assistance orders	R.1979 d.365	11 N.J.R. 519(f)
10:85-4.6	Amend victims of domestic violence	R.1979 d.323	11 N.J.R. 448(c)
10:85-5.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-5.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-5.3, 5.5	Amendments on medical payments	R.1979 d.495	12 N.J.R. 43(a)
10:85-5.7	Amend payments: SSI application pending	R.1979 d.365	11 N.J.R. 519(f)
10:85-6.3	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)

10:85-6.3	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-6.7	Amend exemptions from work requirements, resources, savings and destruction of records	R.1979 d.326	11 N.J.R. 449(a)
10:85-7.1—7.3, 7.6	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-App. C	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:87-2.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-2.21, 2.29	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-3.12	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-3.18(b)	Amend criteria for student exemption from work registration	R.1980 d.30	12 N.J.R. 86(e)
10:87-3.18	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-3.20(b)	Voluntary quit; Food Stamp Manual	R.1979 d.247	11 N.J.R. 380(c)
10:87-4.7, 5.8	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-5.10	Amend Food Stamp Manual	R.1979 d.387	11 N.J.R. 559(a)
10:87-5.10, 6.9, 6.11, 6.13, 6.15	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-6.16	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-6.22	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-7.18, 9.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-9.3	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-9.7	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-10	Amend Food Stamp Manual	R.1980 d.121	12 N.J.R. 195(a)
10:87-10.1	Amend retention period for source documents	R.1980 d.117	12 N.J.R. 194(b)
10:87-11.15, 11.20	Amend Food Stamp Manual	R.1979 d.422	12 N.J.R. 559(d)
10:87-12	Amend Tables in Food Stamp Manual	R.1979 d.477	12 N.J.R. 42(a)
10:87-12.1	Amend Food Stamp Manual	R.1979 d.387	11 N.J.R. 559(a)
10:87 Appendix A	Amend Food Stamp Manual	R.1979 d.234	11 N.J.R. 346(e)
10:94-3.11, 3.13	Amend medical eligibility for Medicaid Only Program	R.1979 d.364	11 N.J.R. 519(e)
10:94-3.13(m)	Amend maximum allowances for consultant evaluation services	R.1979 d.449	11 N.J.R. 627(d)
10:94-4.33	Amend income eligibility levels	R.1979 d.257	11 N.J.R. 382(b)
10:94-5.8(a)2.	Amendments concerning living allowance deductions	R.1980 d.27	12 N.J.R. 86(b)
10:98	Fiscal Years 1980-1982 State Plan for Vocational Rehabilitation	R.1979 d.340	11 N.J.R. 518(c)
10:100-1.23	Amend SSI payment schedule	R.1979 d.258	11 N.J.R. 382(c)
10:104-1.19	Pre-adoption home studies in cases of foreign born children	R.1979 d.457	12 N.J.R. 40(b)
10:109	Amend to Ruling 11, Parts I and II	R.1979 d.362	11 N.J.R. 519(c)
10:122-2.3, 2.7	Amend child care licensing rules	R.1979 d.249	11 N.J.R. 381(a)
10:122-4	Family day care standards	R.1979 d.359	11 N.J.R. 519(b)
10:123-2.1	Social services for boarding home residents	R.1979 d.350	11 N.J.R. 519(a)
10:129	Child abuse and neglect cases; DYFS to inform prosecutors in certain cases	R.1979 d.400	11 N.J.R. 559(b)

(Title 10, Transmittal 12 dated May 17, 1979 includes all rules through June 7, 1979 N.J. Register.)

CORRECTIONS — TITLE 10A

10A:31	Standards for adult county correctional facilities	R.1979 d.438	11 N.J.R. 627(e)
10A:32	Manual of standards for juvenile detention facilities	R.1980 d.14	12 N.J.R. 87(b)
10A:70-2.6	Amend notification	R.1979 d.341	11 N.J.R. 520(b)

(Title 10, Transmittal 3 dated November 20, 1978 includes all rules through August 9, 1979 N.J. Register.)

INSURANCE — TITLE 11

11:1-5.8	Taxes paid to Firemen's Relief Associations	R.1979 d.356	11 N.J.R. 520(c)
11:4-20.1, 20.2	Unfair discrimination on basis of impairment	R.1979 d.434	11 N.J.R. 627(f)
11:5-1.15—1.17.	Amend advertising, contracts and obligations	R.1979 d.461	12 N.J.R. 44(b)
11:5-1.15(1)	Amend advertising	R.1980 d.52	12 N.J.R. 128(a)
11:5-1.16(c)	Amend advertising	R.1980 d.51	12 N.J.R. 127(e)
11:5-1.23	Amend advertising, contracts and obligation	R.1979 d.461	12 N.J.R. 44(b)

(Title 11, Transmittal 13 dated July 19, 1979 includes all rules through September 6, 1969 N.J. Register.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Amend maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1979 d.321	11 N.J.R. 449(d)
12:15-1.4	Amend taxable wage base under unemployment compensation law	R.1979 d.320	11 N.J.R. 449(c)
12:15-1.5	Amend contribution rate of governmental entities and instrumentalities	R.1979 d.327	11 N.J.R. 450(a)
12:175	Amendments ski lifts	R.1979 d.360	11 N.J.R. 521(a)
12:235-1.5	Amend worker's compensation rate	R.1979 d.319	11 N.J.R. 449(b)

(Title 12, Transmittal 11 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-17.14, 19.6	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:2-24.5, 24.9, 25.1, 25.2, 25.3, 26.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-31.4	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:2-36.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-41.5	Amend collection of sales and use tax	R.1980 d.73	12 N.J.R. 156(b)
13:19-4	Amend cardiovascular disorders	R.1979 d.367	11 N.J.R. 579(b)
13:20-12.2	Amend driver reexamination	R.1979 d.435	11 N.J.R. 628(c)
13:21-4.1	Amend statements of origin	R.1980 d.112	12 N.J.R. 209(c)
13:21-5.10	Surrender of registration plates	R.1979 d.315	11 N.J.R. 466(b)
13:21-8.2	Amend proof of identity and date of birth	R.1979 d.382	11 N.J.R. 580(d)
13:21-14	Amend bus drivers	R.1980 d.114	12 N.J.R. 209(e)
13:21-15.3	Amend motor vehicle dealers	R.1979 d.371	11 N.J.R. 580(a)
13:24-2.5, 2.7, 4.1, 4.2, 5.1	Amend emergency vehicle equipment	R.1979 d.372	11 N.J.R. 580(b)
13:25-8.5	Amend motorized bicycles	R.1980 d.113	12 N.J.R. 209(d)
13:25-8.5, 8.6	Rules on motorized bicycles	R.1979 d.481	12 N.J.R. 48(d)
13:26	Amend transportation of bulk commodities	R.1980 d.9	12 N.J.R. 91(c)
13:28-1.54	Amend beauty culture notice requirements	R.1980 d.94	12 N.J.R. 208(b)
13:28-2.11	Amend non-English speaking student enrollment	R.1980 d.109	12 N.J.R. 209(a)
13:28-2.33	Amend beauty culture curriculum	R.1980 d.94	12 N.J.R. 208(b)
13:29-3.10, 3.11	Amend advertising and solicitations	R.1980 d.31	12 N.J.R. 92(a)
13:33-4.1	Contact lenses dispensing	R.1979 d.462	12 N.J.R. 47(a)
13:35-5.2	Amend contact lenses	R.1979 d.463	12 N.J.R. 48(a)
13:35-6.6	Amend requirements for issuing a prescription	R.1979 d.421	11 N.J.R. 582(a)
13:36-8.11	Multiple burials	R.1979 d.420	11 N.J.R. 582(b)
13:37-3.9	Foreign nursing applicants	R.1979 d.464	12 N.J.R. 48(b)
13:38-6.1(b)	Amend release of patient record of contact lens specifications	R.1979 d.465	12 N.J.R. 48(c)
13:45A-6	Automotive sales practices	R.1979 d.392	11 N.J.R. 580(e)
13:45A-7.2	Amend repair of automobiles	R.1979 d.402	11 N.J.R. 581(a)
13:45A-16	Home improvement practices	R.1980 d.111	12 N.J.R. 209(b)
13:47B-1.23	Amend half-price sales of gasoline	R.1979 d.335	11 N.J.R. 522(a)
13:47C-4	Rules on the industry standard for New Jersey Atlantic White Cedar	R.1979 d.373	11 N.J.R. 580(c)
13:48	Rules concerning Charitable Fund Raising Act of 1971	R.1979 d.311	11 N.J.R. 466(a)
13:51-3.5(d)	Chemical breath testing	R.1980 d.8	12 N.J.R. 91(c)
13:70-2.1	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:70-12	Amend claiming requirements	R.1980 d.95	12 N.J.R. 208(c)
13:70-14	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:71-4.1	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:71-17.3	Amend vacancy in a tier	R.1979 d.349	11 N.J.R. 522(b)
13:71-23	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)

(Title 13, Transmittal 14 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

PUBLIC UTILITIES — TITLE 14

ENERGY — TITLE 14A

14:3-7.5(c)	Amend interest paid by utility on customer accounts	R.1979 d.289	11 N.J.R. 467(a)
14:3-7.9(b)	Estimated bills for residential customers	R.1979 d.474	12 N.J.R. 49(b)
14:3-7.9(b)	Amend estimated bills for residential customers	R.1980 d.44	12 N.J.R. 156(d)
14:3-7.15	Notification to municipalities; discontinuance of service to residential customers	R.1979 d.352	11 N.J.R. 522(c)
14:5-3.2(c)	Amend periodic testing of commercial and industrial electric meters	R.1979 d.374	11 N.J.R. 585(c)
14A:2-3.4, 3.15	Amend regulation and control of motor gasoline sales	R.1979 d.468	12 N.J.R. 48(e)
14A:8	Energy Facility Review Board	R.1979 d.473	12 N.J.R. 49(a)
14A:11-1.3	Amend periodic reporting of energy information by suppliers of motor gasoline	R.1980 d.20	12 N.J.R. 94(c)
14A:11-2	Periodic reporting of energy information by suppliers of home heating oil	R.1980 d.19	12 N.J.R. 93(b)
14A:11-3	Rules on bulk terminal operating companies	R.1979 d.417	11 N.J.R. 585(d)

(Title 14, Transmittal 12 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

(Title 14A, Transmittal 4 dated July 19, 1979 includes all rules through October 4, 1979 N.J. Register.)

STATE — TITLE 15

(Title 15, Transmittal 11 dated May 17, 1979 includes all rules to date.)

PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978 includes all rules to date.)

TRANSPORTATION — TITLE 16

16:16-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:21	State aid to counties and municipalities	R.1980 d.127	12 N.J.R. 215(a)
16:26-3.4	Amend reimbursed highway safety lighting	R.1979 d.466	12 N.J.R. 52(a)
16:17-43	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:28-1.18	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.41	Amend speed zones on parts of Route U.S. 9	R.1980 d.55	12 N.J.R. 157(c)
16:28-1.57(a)	Amend speed zones on parts of Route U.S. 30 in Atlantic County	R.1980 d.3	12 N.J.R. 95(a)
16:28-1.69	Amend speed zones on parts of Route U.S. 130	R.1980 d.56	12 N.J.R. 157(d)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-3.1	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.38(d)	No-parking zones on part of Route U.S. 9	R.1980 d.126	12 N.J.R. 214(b)
16:28-3.39	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.44, 3.46, 3.47	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.48	Amend restricted parking on parts of Routes 44, 52, 152 and 35	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.51, 3.53	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.61	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.62	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.66	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.75	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.94	Amend restricted parking	R.1980 d.53	12 N.J.R. 157(a)
16:28-3.95	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.97	Amend restricted parking	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.107	Amend restricted parking: Routes 94 and 3	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.107	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.107	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.112	Amend restricted parking	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.113	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.121	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.194	Restricted parking on Route 7	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.198, 3.199	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.199	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.201, 3.202	Restricted parking on parts of Routes 29 and 179	R.1979 d.390	11 N.J.R. 589(b)
16:28-7.6	Lane usage on parts of Route 35	R.1979 d.296	11 N.J.R. 471(a)
16:28-12.7, 12.21, 12.22, 12.25, 12.33, 12.34, 12.36, 12.37, 12.48, 12.59, 12.71	Amend right turns on red signals	R.1979 d.470	12 N.J.R. 52(b)
16:29-1.8	Amend no passing zones on parts of Route U.S. 46	R.1979 d.346	11 N.J.R. 524(b)
16:29-1.20	No-passing zones on parts of Route U.S. 40	R.1979 d.264	11 N.J.R. 410(b)
16:29-1.21	No passing zones on parts of Route 27 in Mercer County	R.1980 d.2	12 N.J.R. 94(c)
16:30-1.7	One-way traffic on parts of Eisenhower Avenue in Dover Township	R.1979 d.347	11 N.J.R. 524(c)
16:30-3.1, 3.4	Amend lane usage on parts of Routes 35 and U.S. 9	R.1979 d.471	12 N.J.R. 52(c)
16:30-3.5, 3.6	High occupancy vehicle lanes on parts of Routes I-95 and 444	R.1979 d.312	11 N.J.R. 471(c)
16:30-5.1	Amendments on parking at Metro Park train station	R.1980 d.13	12 N.J.R. 95(d)
16:31-1.13	Amend no left turns on parts of Route 71	R.1979 d.348	11 N.J.R. 524(d)
16:31-1.14	Rules on no-left turns on parts of Route 35	R.1979 d.389	11 N.J.R. 589(a)
16:41-16	Permits allowing use or occupancy of State-owned railroad property	R.1979 d.331	11 N.J.R. 523(a)
16:43	Junkyards adjacent to the interstate and primary highway systems	R.1979 d.499	12 N.J.R. 94(b)
16:53A	Rules on financial and accounting conditions and criteria for bus operating assistance program	R.1979 d.302	11 N.J.R. 471(b)
16:53B	Delegation of authority by Computer Operating Agency	R.1979 d.334	11 N.J.R. 523(b)
16:65-1.4	Amend effective date of classification	R.1980 d.108	12 N.J.R. 214(a)
16:65-3.1, 3.2	Amend distribution and sale of construction plans and supplementary specifications	R.1979 d.388	11 N.J.R. 588(b)

(Title 16, Transmittal 13 dated June 14, 1979 includes all rules through June 7, 1979 N.J. Register.)

TREASURY-GENERAL — TITLE 17

17:1 foreword, 17:1-4.21	Amend general administration	R.1980 d.63	12 N.J.R. 163(a)
17:1-4.31	Rules on normal retirement age	R.1980 d.64	12 N.J.R. 163(b)

17:1-9.1-9.6, -10 foreword, -11 foreword, 11.9	Amend general administration	R.1980 d.63	12 N.J.R. 163(a)
17:2-1.8, 2.2, 2.4, 3.1, 3.6, 4.11, 4.14, 5.7, 6.2, 6.19, 7.1, 7.2	Amend Public Employees' Retirement System	R.1979 d.399	11 N.J.R. 596(b)
17:3-1.8, 1.11, 2.1, 2.7, 3.1, 5.2, 6.7, 6.11, 6.13, 6.14	Amend Teachers' Pension and Annuity Fund	R.1980 d.103	12 N.J.R. 224(e)
17:3-6.15	Amend compulsory retirement	R.1979 d.397	11 N.J.R. 596(a)
17:5-1.7, 2.3, 3.8	Amend State Police Retirement System	R.1980 d.101	12 N.J.R. 224(c)
17:6-1.8	Amend the suspension of pension checks	R.1979 d.476	12 N.J.R. 57(a)
17:9-5.5	Amend State Health Benefits Program	R.1979 d.396	11 N.J.R. 595(c)
17:10-1.7	Amend Judicial Retirement System	R.1979 d.431	11 N.J.R. 649(b)
17:10-1.8, 2.2	Amend Judicial Retirement System	R.1980 d.97	12 N.J.R. 224(a)
17:10-3.6	Amend Judicial Retirement System	R.1979 d.431	12 N.J.R. 649(b)
17:10-5.4	Amend Judicial Retirement System	R.1980 d.97	12 N.J.R. 224(a)
17:16-27	Amend certificates of deposit	R.1979 d.436	11 N.J.R. 650(c)
17:16-31.9	Amend calculation of daily income per participating unit	R.1979 d.437	11 N.J.R. 651(a)
17:19-10	Architect/engineer selection procedures	R.1980 d.100	12 N.J.R. 224(b)
17:20	Amend concerning Lottery Bingo game	R.1980 d.67	12 N.J.R. 163(c)
17:21	Amend concerning Lottery Bingo game	R.1980 d.67	12 N.J.R. 163(c)
	Meadowlands Sports Lottery	R.1979 d.381	11 N.J.R. 594(b)

(Title 17, Transmittal 13 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

TREASURY-TAXATION — TITLE 18

18:6-1.1	Amend Unfair Cigarette Sales Act	R.1979 d.416	11 N.J.R. 596(c)
18:12-1.1	Amend categories of nonusable deed transactions	R.1980 d.62	12 N.J.R. 162(a)
18:12-7.1(d)	Amendments concerning homestead tax rebate	R.1979 d.432	11 N.J.R. 650(a)
18:12-7.12(c)	Extend filing date for 1980 homestead tax rebate claims	R.1979 d.467	12 N.J.R. 56(b)
18:12A-1.12	Amend determination and judgments	R.1979 d.385	11 N.J.R. 595(b)
18:12A-1.12(b)	Amend County boards of taxation regarding determination and judgments	R.1980 d.40	12 N.J.R. 97(b)
18:24-22.1, 22.3	Amend floor covering and the Sales and Use Tax Act	R.1980 d.102	12 N.J.R. 224(d)
18:24-25.2	Amend electronic data processing transactions; Sales and Use Tax Act	R.1979 d.384	11 N.J.R. 595(a)
18:26-8.7	Amend payment of inheritance tax	R.1979 d.295	11 N.J.R. 475(a)
18:35-1.12	Computation of tax credit under the gross income tax	R.1979 d.433	11 N.J.R. 650(b)
18:35-1.13	One-time election to exclude up to \$100,000 of gain on sale of principal residence: rollover	R.1979 d.475	12 N.J.R. 56(c)
18:36	Savings Institution Tax Act	R.1980 d.6	12 N.J.R. 97(a)

(Title 18, Transmittal 13 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

OTHER AGENCIES — TITLE 19

19:4-6.28	Amend district zoning regulations	R.1980 d.43	12 N.J.R. 164(a)
19:8-1.2	Amend speed limits on the Garden State Parkway	R.1979 d.339	11 N.J.R. 530(a)
19:8-1.9(b), 3.1(b)	Amend use of Garden State Parkway and tolls	R.1979 d.469	12 N.J.R. 57(c)
19:9-2.1	Amend pre-qualification of bidders and award of contracts	R.1979 d.500	12 N.J.R. 97(c)
19:25-4.8	Political action committees	R.1979 d.391	11 N.J.R. 597(b)
19:30-3	Payment of prevailing wages	R.1979 d.337	11 N.J.R. 530(b)
19:30-4	Targeting authority assistance	R.1979 d.338	11 N.J.R. 530(c)
19:40-2.1, 2.2	Rules on child labor laws	R.1979 d.378	11 N.J.R. 599(d)
19:41-1.3	Amend employee licenses applications	R.1979 d.379	11 N.J.R. 559(e)
19:41-7.16	Amend applications and additional copies	R.1979 d.357	11 N.J.R. 530(e)
19:43-1.14	Rules on Casino service industry licenses	R.1979 d.376	11 N.J.R. 599(b)
19:45	Amend internal and accounting controls	R.1979 d.336	11 N.J.R. 530(d)
19:46-1.1	Amend chip specifications	R.1979 d.358	11 N.J.R. 531(a)
19:46-1.13	Amend Big Six Wheel Game rules	R.1979 d.429	11 N.J.R. 600(b)
19:47-2.6—2.9	Amend Blackjack and peek rules	R.1979 d.380	11 N.J.R. 600(a)
19:47-5.5	Amend Big Six Wheel Game	R.1979 d.429	11 N.J.R. 600(b)
19:47-5.7	Amend rules on minimum and maximum wagers	R.1979 d.377	11 N.J.R. 599(c)

(Title 19, Transmittal 13 dated July 19, 1979 includes all rules through September 6, 1979 N.J. Register.)

(Continued from Page 196)

The City of Hoboken 07030 (Hudson County)	10/15/79
The Tp. of Upper Pittsgrove 08318 (Salem County)	10/15/79
The Boro of Berlin 08009 (Camden County)	10/18/79
The Boro of Sussex 07461 (Sussex County)	10/24/79
The Tp. of Ocean 07755 (Monmouth County)	11/27/79
The Boro. of Lavallette 08735 (Ocean County)	12/11/79
The City of Rahway 07065 (Union County)	12/18/79
The City of Pleasantville 08232 (Atlantic County)	12/27/79
The Tp. of Mount Holly 08060 (Burlington County)	1/29/80
The Town of Secaucus 07094 (Hudson County)	3/5/80

This list was filed on March 18, 1980, as R.1980 d.115. This list is not a rule, but will appear in the New Jersey Administrative Code for informational purposes.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF BEAUTY CULTURE CONTROL

Proposed Rule Regarding Mandatory Price Posting

Richard G. Griswold, Executive-Secretary, Board of Beauty Culture Control in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:4A-1 et seq., proposes to adopt a new rule to require the mandatory posting of prices in beauty shops licensed by the Board.

Full text of the proposed new rule follows.

13:28-1.56 Prices; posted

The listing of services performed and charges for each service must be posted in a position to be clearly visible to all patrons receiving services in the licensed beauty salon. If special services are available to patrons, the following phraseology will be clearly included on the sign: Prices for additional services available upon request.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Helmut Muenster
Board Chairman
Board of Beauty Culture Control
Room 311
1100 Raymond Blvd.
Newark, N.J. 07102

The Board of Beauty Control may thereafter adopt the above rule substantially as proposed without further notice.

Richard G. Griswold
Executive-Secretary
Board of Beauty Culture Control
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF BEAUTY CULTURE CONTROL

**Proposed Amendments Concerning
Name of Schools**

Richard G. Griswold, Executive-Secretary, Board of Beauty Culture Control, in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:4A-1 et seq., proposes to amend an existing regulation to prospectively forbid beauty schools from using potentially misleading names.

Full text of the proposed amended rule follows.

13:28-2.6 Name of school; advertisements; signs

(a) School advertisements shall set forth the name and address of the school as it appears on the license for that school.

(b) False or misleading statements in school advertisements or any statement appearing in school advertisements endeavoring to influence the public to enroll in the school through the use of the name, "State Board of Beauty Culture" other than advertising that they are licensed and governed by the rules and regulations of the said Board is prohibited.

(c) Schools shall display at the main entrance a sign or other marking clearly visible at all times the establishment is open, indicating the establishment is a beauty culture school.

(d) A private school of cosmetology should exercise great care in the selection of the name of the school. It shall not infringe on the name of another school.

(e) No school, proposed or previously licensed, shall adopt any title or name commonly accepted as descriptive of collegiate or university institutions, on or after January 1, 1981.

(f) No new or modified school name shall contain any word(s) or phraseology referencing a political subdivision, geographical area, the State of New Jersey, county of location, or municipality closely associated with the location of the beauty school, on or after January 1, 1981.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Helmut E. Muenster
Board Chairman
Board of Beauty Culture Control
Room 311
1100 Raymond Boulevard
Newark, New Jersey 07102

The Board of Beauty Culture Control may thereafter adopt the above rule substantially as proposed without further notice.

Richard G. Griswold
Executive Secretary
Board of Beauty Culture Control
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF BEAUTY CULTURE CONTROL

Proposed Amendments Concerning Student Standards and Requirements

Richard G. Griswold, Executive Secretary, Board of Beauty Culture Control, in the Division of Consumer Affairs of the Department of Law and Public Safety pursuant to the authority of N.J.S.A. 45:4A-1 et seq., proposes to amend an existing rule as follows:

- 1) To make it mandatory for beauty schools to inform prospective students that they must take and pass a Board exam to qualify for licensure as a beautician;
- 2) To delete that portion of the existing rule which forbade the enrollment of any student who did not read, write or speak the English language.

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

13:28-2.24(a)1. [Meets the minimum requirements established by the provisions of the law found in N.J.S.A. 45:4A-8 and 45:4A-9;] Has been informed that they must meet the minimum requirements for admission to licensing examination and that an examination must be taken and successfully completed. A copy of this notification must be retained in the student personnel file.

2. Has been certified by a practicing physician to be free from all infections, contagious or communicable diseases.

[3. Schools shall not enroll any student who does not read, write or speak the English language.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Helmut Muenster
Board Chairman
Board of Beauty Culture Control
Room 311
1100 Raymond Blvd.
Newark, N.J. 07102

The Board of Beauty Culture Control may thereafter adopt the above rule substantially as proposed without further notice.

Richard G. Griswold
Executive-Secretary
Board of Beauty Culture Control
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF BEAUTY CULTURE CONTROL

Proposed Repeal Exempting Male Beauty Students From Performing Manicuring and Facial Work

Richard G. Griswold, Executive-Secretary, Board of Beauty Culture Control in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:4A-1 et seq., proposes to delete

a portion of an existing rule which had exempted male beauty students from performing manicuring and facial work as part of their courses in beauty school.

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

13:28-2.24[(g) Male students shall not be required to perform manicuring and facial work as part of their courses but shall be taught the basic theory of these two subjects.]

Ed. Note: The current text of N.J.A.C. 13:28-2.24(h) through (s) is proposed to be cited as N.J.A.C. 13:28-2.24(g) through (r) if this proposal is adopted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Helmut Muenster
Board Chairman
Board of Beauty Culture Control
Room 311
1100 Raymond Blvd.
Newark, N.J. 07102

The Board of Beauty Culture Control may thereafter adopt the above rule substantially as proposed without further notice.

Richard G. Griswold
Executive-Secretary
Board of Beauty Culture Control
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

Proposed Amendments Concerning Fees for Reissuance of a Certificate or Registration

Edwin H. Ruzinsky, President of the State Board of Certified Public Accountants in the Division of Consumer Affairs, in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:2B-17, proposes to amend N.J.A.C. 13:29-1.13 by adding a fee for the reissuance of a certificate or registration to any person whose certificate or registration has been declared forfeited due to failure to pay the biennial registration fee.

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

13:29-1.13 Fees

(a) Fees for original applications, examinations, re-examinations and renewals, and reissuance, for certified public accountants, public accountants, corporations, partnerships, professional corporations, and for certified public accountants' license by endorsement are as follows:

1. Original application, examination fee certified public accountant: \$100.00;
2. Re-examination fee, all subjects repeated, certified public accountant: \$75.00;
3. Re-examination fee for any one, two or three subjects, certified public accountant: \$60.00;
4. Original application, examination fee, registration municipal accountant: \$100.00;
5. Re-examination fee, registration municipal account: \$60.00;
6. Original application, public accountant: \$60.00;

7. Original application, endorsement as certified public accountant: \$100.00;

8. Biennial registration or any portion thereof for certified public accountant, public accountant municipal accountant, corporations, partnerships, professional corporations: \$40.00;

9. Reissuance of a certificate or registration to any person whose certificate or registration has been declared forfeited due to failure to pay the biennial registration fee: \$50.00.

Interested persons may present statements or arguments in writing, or orally in person relevant to the proposed action not later than May 10, 1980 to:

John J. Meade
Executive Secretary
New Jersey State Board of
Certified Public Accountants
Room 507A
1100 Raymond Boulevard
Newark, New Jersey 07102

The Board of Certified Public Accountants may thereafter adopt this proposed regulation without further notice.

Edwin H. Ruzinsky, President
New Jersey State Board of
Certified Public Accountants
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Notice of Informational Hearing

Take notice that Joseph H. Lerner, Director, Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 33:1-1 et seq. has directed that public informational hearings be conducted on Tuesday, April 22, 1980, concerning comments, suggestions, and factual presentations to delete, modify or otherwise amend Division Regulations concerning the following:

1. Discrimination in Sales to Wholesalers
N.J.A.C. 13:2-18.1 et seq.
2. Anti-competitive Retail Trade Practices
N.J.A.C. 13:2-24.1 et seq.
3. Practices Unduly Designed to Increase Personal Consumption
N.J.A.C. 13:2-24.10
4. Retail Cooperative Advertising, Joint Advertising with Non-alcoholic Beverage Products, and Institutional Advertising
N.J.A.C. 13:2-24.11
5. Retail Cooperative Purchasing on other than a Cash Basis
N.J.A.C. 13:2-26(a)(6)
6. Labeling and Standards of Fill
N.J.A.C. 13:2-27.1 et seq.
7. Sales in Original Containers for Off-premises Consumption
N.J.A.C. 13:2-35.1 et seq. and 38.1 et seq.

The informational hearings will be conducted at 10:00 a.m. in the Division's fourth floor offices at Newark Inter-

national Plaza, U.S. Rts. 1 & 9 (Southbound), Newark, New Jersey. If necessary, the Director may continue the hearings after April 22 to another day.

Interested persons are urged to submit written documentation and positions with respect to the regulations referenced above to the Director by Friday, April 18, 1980.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF BEAUTY CULTURE CONTROL

Amendments Concerning Notice and Beauty School Student Standards And Requirements

On July 25, 1979, Richard G. Griswold, Executive Secretary of the State Board of Beauty Culture Control in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:4A-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:28-1.54 and 13:28-2.33 concerning notice and beauty school student standards and requirements as proposed in the Notice published September 6, 1979 at 11 N.J.R. 452(c).

An order adopting these amendments was filed and became effective on February 27, 1980 as R.1980 d.94.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Amendments Concerning Claiming Requirements

On November 15, 1979, John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-12 concerning claiming requirements substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 463(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

An order adopting these amendments was filed and became effective on February 27, 1980 as R.1980 d.95.

Howard H. Kestin
Director
Office of Administrative Law

(a)

Howard H. Kestin
Director
Office of Administrative Law

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF BEAUTY CULTURE CONTROL

Amendments Concerning Non-English Speaking Student Enrollment

On January 30, 1980, Richard G. Griswold, Secretary of the State Board of Beauty Culture Control in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:4A-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:28-2.11 concerning non-English speaking student enrollment as proposed in the Notice published November 8, 1979 at 11 N.J.R. 561(b).

An order adopting these amendments was filed and became effective on March 14, 1980 as R.1980 d.109.

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Rules on Home Improvement Practices

On March 11, 1980, John J. Degnan, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:45A-16 concerning home improvement practices substantially as proposed in the Notice published November 8, 1979, at 11 N.J.R. 577(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

An order adopting these rules was filed on March 18, 1980 as R.1980 d.111 to become effective on April 1, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Amendments Concerning Statements of Origin

On March 5, 1980, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:21-4.1 concerning statements of origin as proposed in the Notice published December 6, 1979 at 11 N.J.R. 628(a).

An order adopting these amendments was filed and became effective on March 18, 1980 as R.1980 d.112.

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Amendments Concerning Motorized Bicycles

On March 5, 1980, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:4-14.3a, 39:4-14c and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:25-8.5 concerning motorized bicycles as proposed in the Notice published December 6, 1979 at 11 N.J.R. 628(b).

An order adopting these amendments was filed and became effective on March 18, 1980 as R.1980 d.113.

Howard H. Kestin
Director
Office of Administrative Law

(e)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Amendments Concerning Bus Drivers

On December 5, 1979, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10.1, 39:5-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:21-14 concerning bus drivers substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 450(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

An order adopting these amendments was filed and became effective on March 18, 1980 as R.1980 d.114.

Howard H. Kestin
Director
Office of Administrative Law

(f)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Amendments Concerning Form of Bill for Metered Service

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12, proposes to amend N.J.A.C. 14:3-7.9(a) concerning the form of bill for metered service.

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

14:3-7.9(a) Unless a utility has been specifically relieved of so doing by order of this Board, the bill shall show:

...
9. For each gas, electric, telephone and class A water

and sewerage company subject to the Board's jurisdiction sufficient information to reflect the estimated amount of money in that individual bill which is collected for the gross receipts and franchise taxes pursuant to N.J.S.A. 54:30A-18, 54.

i. The following language is suggested as a model statement to be included on the bill. "Approximately 13% or \$1.00 of this bill reflects the gross receipt and franchise taxes which are paid directly to New Jersey municipalities."

Interested persons are invited to present alternative language or methods which will serve to inform customers of the impact of the gross receipts and franchise taxes on bills of individual customers.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 10, 1980 to:

Board of Public Utilities
1100 Raymond Boulevard
Department of Energy
Newark, N.J. 07102
Attention: Eugene J. Byrne, Esq.

The Board of Public Utilities may thereafter adopt rules concerning this subject without further notice.

George H. Barbour
President, Board of Public Utilities
Department of Energy

(a)

ENERGY

OFFICE OF CABLE TELEVISION

Proposed Amendments Concerning CATV Rate Regulations Under A Common Tariff

John P. Cleary, Director of the Office of Cable Television in the Board of Public Utilities in the Department of Energy, issues the following request for comments as to the need for amendment of the Office's rules, N.J.A.C. 14:17-18, relative to cable television rate regulations under a common tariff.

On April 13, 1978, the Board of Public Utilities adopted a common tariff approach to the regulation of cable television rates for basic subscriber service. Such regulation anticipates that each cable television company will choose to be regulated by either traditional rate-making procedures or under the common tariff approach. If the common tariff approach is chosen, the company is classified in one of six ways reflecting the market area, the type of system construction and the potential subscribership in a service area. The company would then, subject to the provision of notice to the affected municipalities and subscribers, be allowed to raise its rates in incremental steps from its present level up to a maximum level established for each class of cable television system. Implicit in such procedures is a requirement placed on the operator that the service provided is at an acceptable level.

By its terms, the common tariff procedures will expire on April 13, 1981. To facilitate review thereof, the Director invites all interested parties to submit comments on or related to the following:

1. Has the common tariff promoted or hindered the development of cable television service within New Jersey?
2. Does the common tariff protect the public against unreasonable pricing practices?

3. Should the common tariff be continued? If so, what regulatory changes are desirable?

4. Are present maximum rate levels adequate to provide cable television companies with a fair and reasonable return on investment? If not, by what methodology should such levels be established?

5. Are the present six classifications adequate to set out the different characteristics of all New Jersey cable television systems? If not, what changes are proposed and why?

6. Are the procedures used to implement rate changes proper to facilitate cable television growth, as well as protect the public interest? If either thought to be too burdensome or not comprehensive enough, what changes are proposed?

7. Are municipal officials and subscribers given notice adequate to allow input into the rate review process? If not, by what means should greater public and governmental input be provided for?

8. Are the cable services included in the common tariff comprehensive enough to allow for unified rate regulation under one methodology? Is same desirable? Whether desirable or not, what changes in the services governed by the common tariff are proposed?

9. Does the common tariff provide adequate incentives for companies to aspire to superior service? Does it adequately penalize inferior service?

Note: Comments should be concise and should contain sufficient substantive and/or empirical data for proper review and evaluation.

All interested parties are invited to file written comments on or before May 9, 1980. Reply comments will be received until May 19, 1980. All such comments should be filed at the Office of Cable Television, 1100 Raymond Boulevard, Newark, New Jersey 07102. After receipt and review of all comments a proposed rulemaking will be issued and comments solicited thereon. Date and time for public hearing, if deemed necessary by the Director, will be published after consideration of all relevant data filed with the Office.

John P. Cleary
Director, Office of Cable Television
Board of Public Utilities
Department of Energy

(b)

ENERGY

THE COMMISSIONER

Notice of Public Hearings Concerning New Jersey's Proposed Residential Energy Conservation Service Plan

Take notice that the New Jersey Department of Energy (NJDOE) intends to submit a Residential Energy Conservation Service Plan for the State of New Jersey (State Plan), pursuant to the National Energy Conservation Policy Act, Pub. L. No. 95-619, 92 Stat. 3206, et seq., and 10 C.F.R. Part 456 (44 F.R. 64602; November 7, 1979). The purpose of the Residential Conservation Service Program is to encourage the installation of energy conservation measures, including renewable resource measures, in existing houses by residential customers of investor-owned gas and electric utilities as well as home heating suppliers.

The NJDOE will hold two public hearings for the purpose of receiving comments on the content of the proposed State plan:

May 13, 1980; 9:30 A.M.
Board of Public Utilities Hearing Room #1
1100 Raymond Boulevard
Newark, New Jersey 07102

May 14, 1980; 9:30 A.M.
City Hall
Commission Chambers
1301 Bacharach Boulevard
Atlantic City, New Jersey

Any person may request an opportunity to speak at the public hearings by writing to the person indicated below by April 30, 1980. Presentations will be limited to 15 minutes. Persons who request an opportunity to speak will be notified of their scheduled time. Persons scheduled to speak should bring 5 copies of their testimony to the hearing location on the date of the hearing.

Interested persons are also invited to submit written comments on the content of the proposed State Plan by May 14, 1980 to the person indicated below.

A copy of the proposed State Plan may be obtained by contacting:

Molly Davis
Office of Conservation
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102
(201) 648-3901

This Notice is published as a matter of public information.
Howard H. Kestin
Director
Office of Administrative Law

(a)

**TRANSPORTATION
THE COMMISSIONER**

**Proposed Amendments Concerning
Permits for Driveways**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority delegated by N.J.S.A. 27:1A-5, proposes to amend N.J.A.C. 16:41-2.1 et seq. Concerning Permits for Driveways (ACCESS).

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

16:41-2.1[(b)] The efficiency and safety of a highway depends to a large extent upon the amount and character of roadside interference with the movement of traffic. Most of the interference originates in vehicular movements to and from businesses, residences or other developments along the highways. Accordingly, regulation and overall control of driveway connections are necessary to provide efficient and safe operation, and to utilize the full potential of the highway investment. Abutting landowners have certain rights of access consistent with their needs. Road users have certain rights to freedom of movement, safety and efficient expenditures of their highway funds.]

(b) The efficiency and safety of a highway has to be under the jurisdiction of the Commissioner of Transportation, for the health and welfare of the citizens of the State. This efficiency and safety depends to a large extent upon the amount and character of roadside interference with

the movement of traffic. One of the major factors that influence the operating characteristics of highways is the movement of traffic to and from abutting property. In order for the Commissioner to maintain the safe and efficient flow of traffic he must exercise control over the factors that influence the volume, patterns, and mix of traffic. This includes, for example, the establishment of priorities for buses and high-occupancy vehicles to increase the cost effectiveness of the transportation system. Accordingly, regulation and overall control of driveway and street connections are necessary to provide efficient and safe operation, and to utilize the full potential of the transportation investment. Thus, it is necessary for the Commissioner, in evaluating access permit requests to ascertain their effect on the efficiency and safety of the highway system prior to granting approval. Abutting land owners have certain rights of access that have to be made consistent with the road users' rights to safety, freedom of movement and efficient use of the highway. In evaluating these rights the level of service provided by the highway and the effects on this level of service by the proposed development will provide the basis for any restrictions on the use of the access, in order that the road user's rights of safety, freedom of movement and efficient use of the highway are not unduly impaired.

16:41-2.1(d) The development [should] will give consideration to the following:

- [1. Proper design of entrances and exits;
 - 2. Adequate set-back of buildings and other structures;
 - 3. Ample parking on premises;
 - 4. Display of advertising;
 - 5. In situations where large traffic generators, such as a large shopping center complex is proposed, preliminary discussion should be held with the construction and maintenance unit prior to determining location of structures, parking facilities and access roadways.]
- 1. Proper design of entrances and exits, including adequate provisions for emergency vehicles, and compliance with handicap regulations;
 - 2. Adequate on-site parking and provisions for public transportation;
 - 3. Adequate set-back of buildings and other structures;
 - 4. Display of advertising;
 - 5. Preliminary discussions with appropriate units of the Department at an early stage of planning when undertaking a major development in order to properly coordinate the location of structures, parking areas and access points.

[16:41-2.3] 16:41-2.4 Permit provisions

(The Department retains the right to determine the final classification of the type of permit requested.)

- (b) Types of permits are:
- 4. Commercial minor[;] and minor development;
- 5. Commercial major[;] and major development.

(d) 2. Application for all other access driveway(s) [involving automobile service stations or commercial establishments] must be supported by six copies and eight copies for a major development of a detailed plan to a scale no greater than 50 feet to one inch, preferably 30 feet to one inch using an engineer's scale, setting forth the following information:

- xx. Traffic planning and traffic management as well as design feature for major development;
- xxi. Design feature for minor development;
- xxii. Shoulder width;
- xxiii. Traveled lane width to center line;

xxiv. Number of traffic lanes.

(e) Fee schedule is:

4. Commercial minor[:] and minor development:
5. Commercial major and major development without speed change lanes:
6. Commercial major and major development with speed change lanes:

(j) All applications must be accompanied by the appropriate fee based on submitted documentation. Upon Departmental review and possible recommended changes, additional application fees may be required.

(k) When due to changes in use or major expansion of existing use, the permit may become null and void and a new permit will have to be applied for. Such cancellation consistent with Department hearing practices will occur after 30 days written notice to the permittee, giving the permittee due opportunity to make a new application and take any remedial steps necessary.

(l) The Department retains the right to control traffic on the highway system which may impose limits on the amount of traffic using a driveway for the safe and efficient use of the highway system.

(m) Upon issuance of a permit for a major development copies will be forwarded to the appropriate official of the municipality and county which have jurisdiction over the property for which the permit is issued.

[16:41-2.4] 16:41-2.3 Definitions

“Commercial major” and “major development” means an entrance or driveway serving shopping centers, business establishments, manufacturing plants, parking and/or sales lots, truck terminals, churches, recreational areas, subdivisions, housing projects and similar establishments where the expected traffic volume is 500 cars per day or more with or without speed-change lanes involved as shown by the applicant’s analysis of anticipated activity.

“Commercial minor” and “minor development” means an entrance or driveway serving shopping centers, business establishments, manufacturing plants, parking and/or sales lots, truck terminals, churches, recreational areas, subdivisions, housing projects and similar establishments where the expected traffic volume is less than 500 cars per day as shown by the applicant’s analysis of the anticipated activity[,] and verified by the NJDOT.

“Curb ramps for physically handicapped” means a graded walkway connecting two level areas of different elevation which is to provide a smooth transition between pedestrian and motorized lines of travel, specifically designed for the use of physically handicapped persons.

“Estimated traffic volume” is the estimate of the number and types of vehicles that will use the driveway(s) in a 24 hour period, including an estimate of the highest hourly volume utilizing accepted traffic forecasting procedures.

“Extensive impact access” means the impact of access from an adjoining property to a highway, where the impact has a reduction level of service and/or safety upon traffic using the highway.

“High traffic volume generators” means a development where the estimated site traffic during the peak hour is 3% or more of the traffic on the roadway.

“Limited impact access” means the impact of access from an adjoining property to a highway, where the impact has little or no effect upon traffic using the highway.

“Small traffic volume generators” means a development where the estimated site traffic during the peak hour is less than 3% of the traffic on the roadway.

16:41-2.5 Curbing

[(a) In certain situations, the Department may require curb construction, which will be noted as a condition of the permit.]

(a) At the discretion of the Department, curb construction may be required on commercial and industrial frontage. The need for said construction shall be noted as a condition of the permit.

(b) All curbing to be constructed within right-of-way of any State Highway shall be white concrete, Class “B,” air-entrained, and shall conform to New Jersey Department of Transportation Standard Specifications[.]. [except, if curbing exists in an area where curbing is to be constructed, the curb should conform to color and dimension of that which exists.] If there is existing curb which does not comply with current regulations regarding color and dimensions, the property owner may be required to remove and replace previously installed curbing within the extended property boundaries, or at the discretion of the Department, provide transitional curb sections to the adjacent existing curb.

(d) [Nine inch x 20 inch white concrete vertical curb shall be constructed of white and gray concrete as shown on curb detail, Figure 4 of this Section or entirely of white concrete.] Nine inch x 18 inch white concrete vertical curb shall be constructed of white concrete as shown on curb detail, Figure 4. White concrete shall mean concrete composed of white cement, white sand and light colored coarse aggregate.

(i) Curb ramps for the physically handicapped will be placed at all intersections and crosswalks where there is an existing or proposed sidewalk. Ramp design will be in accordance with Department design standards.

Ed. Note: The vertical dimensions of Figures 4 and 5 as reads: [8’], [18’] and [20’] will be changed to read: 6”, 16” and 18” respectively.

16:41-2.8(a) No part of highway right-of-way is to be used for parking, servicing of vehicles, displays, or to conduct private business. The sidewalk area is to be kept clear of buildings, sales exhibits, signs, parking areas, service equipment and appurtenances thereto.

16:41-2.8(m) Normal maintenance work within an approved access area may be permitted with the written permission of the New Jersey Department of Transportation. Such maintenance is considered to be the work required to provide against general deterioration due to wear and tear without alteration of any of the original components. Such items may include:

1. Resurfacing of driveway;
2. Replacing section of sidewalk;
3. Repairing damaged curb;
4. Reseeding or topsoiling a grassy area;
5. Replacing concrete apron of driveway.

16:41-2.9(a) Driveways [should] will be so located as to avoid undue interference with, or restriction of the free movement of normal highway traffic so that areas of traffic congestion will not be created. In accordance with this principle, driveways [should] will be constructed where highway alignment and profile are favorable; i.e., where there are no sharp curves, or steep grades, and where sight distance in conjunction with driveway access would be adequate for safe traffic operation. Driveway locations should be avoided within intersections, rotaries, and interchanges. Also to be avoided are locations that would interfere with the placement and proper functioning of highway signs, signals; lighting, or other devices that affect traffic operations.

16:41-2.10(d) When constructing a bituminous concrete driveway, that portion from curblineline to right-of-way line should not be inferior to four inches of [macadam base with a bituminous concrete surface, two inches thick.] **quarry processed stone and two inches of MABC surface.**

16:41-2.11(a) All portions of the driveway [should] **shall** be within the extended property lines. The normal edge clearance (E) should not be less than five feet; i.e., measured from the said property line, along the curblineline to the beginning of the curblineline opening.

16:41-2.12(h) Relocation of utility poles carrying units of the Department's lighting system [usually cannot be arranged.] **may require modification of the lighting system. Since [These] these are placed in accordance with a carefully designed spacing pattern[.], modifications must meet the standards of the Department. The costs associated with this modification will be borne by the applicant.**

16:41-2.14(i) In planning roadside enterprises it becomes imperative that properties to be developed should be adequate in size to provide off the road parking facilities. [Traffic surveys indicate that the number of parking spaces available should equal about 60 per cent of the number of patrons at peak business hours. The average passenger car requires a space of about 9 feet by 18 feet plus an aisle width of about 25 feet between rows of cars. If parking space is required for heavy commercial vehicles, a separate parking area of adequate size should be provided.] **The number and design of parking spaces should be in accordance with accepted traffic engineering principles and in compliance with local zoning ordinances.**

16:41-2.18 Conditions for high traffic volume generators

(a) In order to obtain consideration of requests for such special driveways, the applicant must submit a statement supporting his request setting forth an estimate of the number and type of [cars] vehicles which will enter and leave the highway on an average 24-hour period and the approximate hour or hours at which the maximum movement will occur and the magnitude of the hourly movement and the willingness to meet all expenses in connection with proposed construction within the State's right-of-way.

(b) Six copies of plans shall be submitted for approval, showing the following:

5. **Public transportation improvements (shelters, bus pull-outs, etc.):**

[5.] 6. Changes in location of driveway facilities if such exists;

[6.] 7. Type of pavement proposed to be constructed;

[7.] 8. Plan must be fully dimensioned as to curb, [radii,] right-of-way and lateral property lines, width of traffic lanes, dimension of center and channelizing islands and all other data necessary for complete working plans.

16:41-2.19(b) Note the curb construction indicated on the sketches in this section. On such designs, the Department requires the construction of 9 inches x [20] 18 inches white concrete vertical curbing. There will be no following through with curb depressions as previously mentioned when constructing curbing for standard driveways.

16:41-2.19(f)2. It would be [unpractical] **impractical** to pave the island entirely, due to size. Therefore, the island shall be topsoiled and seeded, sodded, or ornamentally planted with low growing ground cover. The only part to be paved is a sidewalk strip that must be provided. Location, measurements and specifications would be indicated on the approved plan and as a condition of the permit issued.

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before April 30, 1980, to Charles Meyers, Administrative Practice Officer, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The New Jersey Department of Transportation may thereafter adopt these regulations substantially as proposed without further notice.

Russell H. Mullen
Assistant Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Application Requirements for Street Intersections

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority delegated by N.J.S.A. 27:1-5, proposes to amend N.J.A.C. 16:41-7.2 et seq., concerning application requirements for street intersections.

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

16:41-7.2(b) The pertinent provisions of chapter 41, subchapter 2, which relate to the efficiency and safety of the highway system will apply to street intersections.

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before April 30, 1980, to Charles L. Meyers, Administrative Practice Officer, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The New Jersey Department of Transportation may thereafter adopt these regulations substantially as proposed without further notice.

Russell H. Mullen
Assistant Commissioner, Highways
Department of Transportation

(b)

TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Proposed Rules on Railroad Station Leasing Guidelines

Martin E. Robins, Acting Executive Director of the New Jersey Transit Corporation in the Department of Transportation, pursuant to authority of N.J.S.A. 27:25-1 et seq., proposes to adopt new rules concerning railroad station leasing guidelines.

The following is a listing of the Table of Contents regarding these proposed rules. Copies of the 31 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Facility Coordination Section
N.J. Transit Corporation
N.J. Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

CHAPTER 70
RAILROAD STATION LEASING GUIDELINES
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Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before April 30, 1980, to Charles L. Meyers, Administrative Practice Officer, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The New Jersey Transit Corporation may thereafter adopt these regulations substantially as proposed without further notice.

Martin E. Robins
Acting Executive Director
New Jersey Transit Corporation
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Amendments Concerning Effective Date of Classification

On March 14, 1980, Russell H. Mullen, Assistant Commissioner of Transportation, pursuant to authority of N.J. S.A. 27:7-35.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:65-1.4 concerning the effective date of classification as proposed in the Notice published February 7, 1980 at 12 N.J.R. 94(a).

An order adopting these amendments was filed and became effective on March 14, 1980 as R.1980 d.108.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TRANSPORTATION

THE COMMISSIONER

Emergency Amendments Concerning No Parking Zones on Parts of Route U.S. 9 in Lakewood Township, Ocean County

On March 20, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments concerning no parking zones on parts of Route U.S. 9 in Lakewood Township, Ocean County.

Full text of the adoption follows.

16:28-3.38(d) In accordance with the provisions of N.J. S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 described herein below 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 along both sides of Route U.S. 9:

i. From the northerly curb line of John Street to the Ocean County - Monmouth County line.

ii. From the northerly curb line of Spruce Street to a point 300 feet north of the center line of Prospect Street.

An order adopting these amendments was filed and became effective on March 20, 1980 as R.1980 d.126 (Ex-empt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION

THE COMMISSIONER

Emergency Rule on State Aid To Counties and Municipalities

On March 20, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, P.L. 1979, c. 165, section 5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new emergency rules concerning State aid to counties and municipalities.

Full text of the adoption follows.

CHAPTER 21. STATE AID TO COUNTIES AND MUNICIPALITIES

SUBCHAPTER 1. GENERAL PROVISIONS

16:21-1.1 Appropriation of funds

1979 transportation bond issue funds are appropriated by the Legislature as the State's share of the cost for the construction, reconstruction, resurfacing, restoration and rehabilitation of county and municipal roads and bridges.

16:21-1.2 Standards

(a) The proposed road and bridge improvement projects shall conform to the design criteria of the appropriate American Association of State Highway and Transportation Officials publication listed below: Any exceptions to this design criteria must be justified by the local engineer to be in the public interest.

1. Geometric Design Guide for Resurfacing, Restoration and Rehabilitation (R-R-R) of Streets;
2. A Policy on Geometric Design of Rural Highways;
3. A Policy on Arterial Highways in Urban Areas;
4. Geometric Design Guide for Local Roads and Streets;
5. Standard Specifications for Highway Bridges.

(b) All workmanship and materials shall conform with the current New Jersey State Department of Transportation Standard specifications for Road and Bridge Construction as amended for county and municipal projects (State Aid).

16:21-1.3 Applications and agreements

(a) Each county and municipality may submit fully executed applications and agreements for 1979 transportation bond issue funds to the district office of the Bureau of Local Aid.

(b) Application and agreement forms are available to the local government at the district offices.

16:21-1.4 Procedure

(a) The application and agreement provides for an en-

gineering description of the existing road or bridge and the description of the proposed road improvement indicating the right-of-way width, paved and graded widths, shoulder widths, type and depth of proposed pavement and an estimate of the cost of the proposed work. The district offices shall make a field investigation of all projects for which applications have been received. The Commissioner of Transportation determines the applications considered essential.

(b) State aid funds for county and municipal projects in each county will be allocated according to the formula set forth in the legislation appropriating said funds. For the purpose of said formula, population figures will be derived from the 1970 Federal Census, and road mileage figures will be the latest available statewide county and municipal road mileages.

16:21-1.5 Contracts

All work must be performed by the contract method unless otherwise approved by the State.

SUBCHAPTER 2. PLANS AND SPECIFICATIONS

16:21-2.1 Local government responsibility

(a) The local government shall be responsible for engaging a professional engineer registered in the State of New Jersey to prepare construction plans and specifications and to provide construction engineering and inspection and material testing as required.

(b) The local government will provide such maps, reports, construction plans and specifications and contract documents as may be required by the State.

SUBCHAPTER 3. CONTRACTS

16:21-3.1 Award of contract

(a) The local government will advertise and award the contract, subject to the approval of the State, in accordance with the provisions of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

(b) Within 10 days following the receipt of construction bids, the local government shall submit the following to the district office of the Bureau of Local Aid:

1. Two copies of the contract plans and specifications;
2. Two copies of the engineers estimate of cost;
3. Two copies of the summary of construction bids;
4. A resolution awarding the contract to the lowest responsible bidder, subject to the approval of the department.

(c) When all information relative to the bidding has been approved by the State, the local government shall be advised of the approval of the award of contract.

16:21-3.2 Contract completion and payment

(a) When all work has been completed satisfactorily, the local government will prepare and submit to the district office, Bureau of Local Aid, the following:

1. A statement of the work performed, certified by the municipal/county engineer, for acceptance and approval of the completed work.

2. A certification by the county/municipal auditor that the project's records have been examined and all expenditures are supported by valid documentation.

3. A request for reimbursement by the State, on vouchers to be supplied by the State.

(b) After a final inspection of the completed work by the State and a determination has been made by audit that all documents are in proper order, action shall be taken to reimburse the county/municipality.

(c) The county/municipality shall maintain complete documentation of the project for a period of three years after receiving reimbursement by the State. An evaluation

of the acceptability of the work by the department and a determination of the extent of State participation in the cost thereof, will be based on an inspection of the completed project and a review of the documentation maintained by the county/municipality.

SUBCHAPTER STATE PARTICIPATION IN COST

16:21-4.1 State participation in cost

(a) Unless otherwise approved by the department, State participation shall not exceed the lesser of either 90 per cent of the eligible cost of the completed construction work or the original allocation.

(b) Unless otherwise approved by the department, design costs, the costs of acquisition of all necessary right-of-way, easements, slope rights and permits as required by governmental agencies and costs associated with construction supervision and inspection and material testing will be totally borne by the county/municipality and not be considered as eligible project cost.

An order adopting these rules was filed on March 20, 1980, as R.1980 d.127 (Exempt, Emergency Rule) to become effective on March 24, 1980.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TREASURY

DIVISION OF PENSIONS

STATE POLICE RETIREMENT SYSTEM

Proposed Amendments and Repeal of Rule Concerning the State Police Retirement System

Elmer G. Baggaley, Secretary of the State Police Retirement System Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 53:5A-30, proposes to amend N.J.A.C. 17:5-1.7 and 17:5-5.7 and repeal rule N.J.A.C. 17:5-5.8 concerning the State Police Retirement System.

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

17:5-1.7 Suspension of pension checks

(a) Monthly retirement allowances will be suspended under the following circumstances and the suspension will continue during the period of default:

1. If a disability retiree [under age 55] fails to timely file a report with the system of his annual earned income pursuant to the provisions of N.J.S.A. 53:5A-1 et seq.;

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. The member was under the normal retirement age [of 55] at the time of filing application for a disability retirement allowance; and

17:5-5.8 [Deferred retirement] (Reserved)

[A person electing a deferred retirement in lieu of withdrawal will receive the retirement benefit commencing with the month following his 55th birthday.]

Interested persons may present statements or arguments in writing relevant to the proposals on or before April 30, 1980 to:

Elmer G. Baggaley, Secretary
State Police Retirement System
Board of Trustees
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The State Police Retirement System Board of Trustees may thereafter adopt rules concerning this subject without further notice.

Elmer G. Baggaley, Secretary
State Police Retirement System
Board of Trustees
Division of Pensions
Department of the Treasury

(b)

TREASURY

DIVISION OF PENSIONS

STATE HEALTH BENEFITS COMMISSION

Proposed Amendment Concerning Major Medical Reimbursement

William J. Joseph, Secretary, State Health Benefits Commission, in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27, proposes to amend N.J.A.C. 17:9-2.15 Major medical; separate plans, concerning the State Health Benefits Program.

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

17:9-2.15 Major medical; separate plans

If the State or local employer adopts separate plans for all employees or for some portion of covered employees for prescription drug reimbursement, vision care, or other health care benefits, largely duplicating or minimizing the benefits provided under the major medical program, such services or benefits for the participants of such separate plans will no longer be considered eligible for reimbursement under the major medical program[.] to the extent benefits are provided under such plans.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 30, 1980 to:

William J. Joseph, Secretary
State Health Benefits Commission
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The State Health Benefits Commission may thereafter adopt rules concerning this subject without further notice.

William J. Joseph, Secretary
State Health Benefits Commission
Division of Pensions
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendments Concerning the Cigarette Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:40A-1 et seq., proposes to amend certain rules concerning the Cigarette Tax Act.

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

18:5-6.1 Licenses required

No person is permitted to engage in, or conduct the business of manufacturing, purchasing, selling, consigning or distributing cigarettes in the State of New Jersey, nor is any person permitted to acquire unstamped cigarettes for consumption, storage or use in the State of New Jersey without having first obtained the appropriate license for that purpose pursuant to the provisions of the [Act.] Cigarette Tax Act and these rules.

18:5-6.2 Issuance of license; Director's powers

(a) All licenses are to be issued by the Director.

(b) [The Director may refrain from the issuance of any license where he has reasonable cause to believe that:

1. The applicant has willfully withheld information requested of him for the purpose of determining the eligibility of the applicant to receive a license, or where he has reasonable cause to believe so;

2. Information submitted in the application is false or misleading and is not made in good faith.] The following individuals related to distributors, wholesale dealers, retail dealers operating more than five cigarette vending machines, and retail dealers who sell cigarettes at retail at more than five premises, except retail grocery stores and supermarkets primarily engaged in the self-service sale of foods and household supplies for off-premises consumption or to restaurants, hotels and motels operated by national corporations with such premises in six or more states and primarily engaged in the sale of foods for retail consumption or in the rental of rooms for lodging shall submit with applications for a license fingerprints, which shall be processed through the Federal Bureau of Investigation and the New Jersey State Police, and such other information as the director may require:

1. Individuals having any interest whatsoever in a proprietorship or company;

2. Partners of a partnership, regardless of percentage;

3. Joint venturers in a joint venture;

4. Officers, directors, and all stockholders holding direct or indirectly a beneficial interest in more than five per cent of the outstanding shares of a corporation;

5. Employees receiving in excess of \$30,000.00 per annum compensation whether as salary, commission, bonus or otherwise and persons who, in the judgment of the Director are employed in a supervisory capacity or have the power to make or substantially affect discretionary business judgments of the applicant entity with regard to the cigarette business;

6. Other persons who the director establishes have the ability to control the applicant entity through any means including but not limited to, contracts, loans, mortgages or pledges of securities where such control is inimical to the policies of this act because such person is a career offender or a member of a career offender cartel as de-

finied in subsection (e) of this section. Individuals licensed pursuant to the Casino Control Act shall only be required to produce evidence of said licensure in satisfaction of the foregoing.

(c) No license shall be issued where the director has reasonable cause to believe that anyone required to submit information requested of him for the purpose of determining the eligibility of the applicant to receive a license, or where the director has reasonable cause to believe that information submitted in the application is false and misleading and is not made in good faith.

(d) The director shall not issue any license under the Cigarette Tax Act, or these rules, where he has reasonable cause to believe that anyone required to be licensed or anyone required to submit information under said act, or these rules, has been convicted of any offense in any jurisdiction in this State or pursuant to the laws of another state or of the United States or any of the United States' territories or possessions which would be at the time of conviction a crime of moral turpitude. Any applicant or person required to submit information who has a charge pending, pursuant to any of the foregoing, shall disclose that fact to the director. The director may then withhold action on new applications or, in the application for the renewal of a license, issue a temporary license until there has been a disposition of the charge. The director shall have the discretion to waive the prohibition against licensure herein provided upon presentation of proof that a period of not less than five (5) years has elapsed since the last conviction or the expiration of any period of incarceration imposed with respect thereto.

(e) The director shall not issue any license where the applicant, or anyone required to submit information has been identified as a career offender or a member of a career offender cartel in such a manner as to create a reasonable belief that the association is of such a nature as to be inimical to the policies of the Cigarette Tax Act, or this chapter, or to the taxation, distribution and sale of cigarettes within New Jersey. The director may request the Attorney General for advice respecting whether a person is a "career offender" within the meaning of this subsection or is a "contumacious defiant" within the meaning of subsection (f) of this section.

1. As used in this subsection "career offender" means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of the State of New Jersey, and

2. "Career offender cartel" means any group of persons who operate together as career offenders.

(f) The director shall not issue any license where the applicant or anyone required to submit information has been found to be contumaciously defiant before any legislative investigative body or other official investigative body of the State of New Jersey or of the United States when such body is engaged in the investigation of organized crime, official corruption or the cigarette industry itself.

(g) Each such license shall lapse on March 31 of the period for which it is issued, and each such license shall be continued annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of the Cigarette Tax Act and this chapter.

18:5-6.4 Expiration of license; renewable

(a) Each license expires on the last day of March of the period for which it is issued.

(b) Licenses are renewable annually on condition that the licensee pay the required fee and comply with all the provisions of the [act] Cigarette Tax Act and [these regulations] chapter.

18:5-6.5 Distributor's license

(a) Each distributor is to apply for a distributor's license on Cigarette Tax Form CD-1.

(b) For each license issued to a distributor, there must be paid to the director a fee of \$350.00.

(c) If a distributor sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license is required for each place of business.

[(d) All applications for cigarette distributor's licenses must have attached thereto fingerprints of the owner, if under individual ownership; partnership fingerprints of all partners, if a partnership application; and if a corporation, fingerprints of all corporate officers, directors or stockholders (include entity) with a 20 per cent or more interest. No license will be issued unless fingerprints as required are attached. All fingerprints submitted will be processed through the New Jersey State Police and the Federal Bureau of Investigation.

(c) The director shall have the authority to deny the issuance of a distributor's license if the applicant (including entities and all corporate officers, directors or stockholders with a 20 per cent or more interest) has been convicted of a crime.]

18:5-6.8 Wholesale dealer files bond

(a) Each nonresident licensed wholesale dealer is required to file with the director a bond in an amount not less than \$2,000 to guarantee the proper performance of his duties and the discharge of his liabilities pursuant to the provisions of the [act.] Cigarette Tax Act and these rules.

(b) The bond is to be executed by such licensed wholesale dealer as principal, and by a corporation approved by the director and duly authorized to engage in business as a surety company in the State of New Jersey as surety.

(c) The bond is to run concurrently with the wholesale dealer's license and be filed on Cigarette Tax Form CWD-3.

18:5-6.16 Refund of license fee; paid in error

No refund of any license fee, paid pursuant to the Cigarette Tax Act, may be made to any person upon the surrender or revocation of any license, except a license fee paid or collected in error.

18:5-6.18 Sale of cigarettes to persons improperly licensed

All persons duly and properly licensed to sell cigarettes in the State of New Jersey pursuant to the Cigarette Tax Act, may not sell, loan or exchange cigarettes to, with or from any person required to be licensed under the New Jersey Cigarette Tax Act, who is not so licensed or is improperly licensed.

18:5-6.19 Suspension or revocation of license

(a) The director may suspend or revoke the license, or all licenses issued to any person under the Cigarette Tax Act or these rules who:

1. Violates any of the provisions of the Cigarette Tax [act] Act; or
2. Violates any of these [regulations] rules; or
3. Ceases to act in the capacity for which the license was issued; or
4. For other good and sufficient causes; or
5. If it is found that:
 - i. Any applicant has been convicted of a crime [(including entities and all corporate officers, directors or stockholders with a 20 per cent or more interest);] as set forth in N.J.A.C. 18:5-6.2(b);
 - ii. Any applicant has made any misrepresentation on the license application.

18:5-6.24 Appeal of order of suspension or revocation of license

Any person aggrieved by the final order of the director suspending or revoking the license of such person may appeal therefrom within three months from the date of the order to the New Jersey [Division of Tax Appeals] tax court in the manner and form, and subject to such terms and conditions as said [division] court shall by rules prescribe.

18:5-6.26 Abatement of proceedings

No disciplinary proceedings or action by the director is barred or abated by the expiration, transfer, surrender, renewal, continuance or extension of any license issued pursuant to the provisions of the [act.] Cigarette Tax Act or these rules.

18:5-6.27 Applicability of these rules

The provisions of P.L. 1979, c. 481 took effect on February 28, 1980, and are included in N.J.A.C. 18:5-6.1, et seq., but they shall be applicable only to license periods commencing on or after April 1, 1981.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendments Concerning the Motor Fuels Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:39-1 et seq., proposes to amend N.J.A.C. 18:18-12.5 concerning violations of the Motor Fuels Tax Act.

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

18:18-12.5 Certain violations; [misdemeanors] crime of the fourth degree

(a) Any person, firm, partnership, association or corporation or any officer or agent thereof shall be guilty of a [misdemeanor] crime of the fourth degree (see N.J.S.A. 2C:43-1, et seq.) and upon conviction[,] shall be punished by a fine of not more than [\$1,000.00] \$5,000.00 or by imprisonment for not more than [six] eighteen (18) months or by both fine and imprisonment for:

1. Failing to pay the tax;
2. Violating any of the provisions of subchapter 3 (Distributors and Gasoline Jobbers) of this chapter;
3. Making any false statement; or
4. Concerning any material fact in any report or affidavit.

(b)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State & Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Deletion of Portion of Rule Concerning Hospital Sales

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to delete a portion of N.J.A.C. 18:24-14.3 concerning hospital sales and the Sales and Use Tax Act.

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

18:24-14.3 Hospital sales specifically exempt

(a) The following sales by qualified hospitals are not considered retail sales subject to the sales tax. These may be considered a guide to the Legislative intent with respect to exemption:

1. Drugs, medicines and meals furnished patients and consumed on the premises;
2. Charges for oxygen, blood plasma and blood administered to patients;
3. Dressings and bandages applied in the hospital;
4. Charges for X-ray and radiation treatments, braces, splints, casts, therapeutic diets and intravenous solutions furnished patients;
5. Charges for anesthesia supplies and laboratory tests;
6. Meals [to personnel who are required to remain on the premises if] sold in a cafeteria used exclusively by hospital employees.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt this rule substantially as proposed without further notice.

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

TREASURY

DIVISION OF TAXATION

Proposed Amendments Concerning Sales and Use Tax and Commercial Motor Vehicles

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to amend N.J.A.C. 18:24-7.18 concerning the sales, renting or leasing of commercial motor vehicles and vehicles used in combination therewith that are exempt from the Sales and Use Tax.

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

18:24-7.18 Sales, renting or leasing of commercial motor vehicles and vehicles used in combination therewith exempt from tax

(a) The sale, renting or leasing of commercial motor vehicles and vehicles used in combination therewith, as defined in N.J.S.A. 39:1-1 and registered in New Jersey for more than 18,000 pounds, or which are operated pursuant to a certificate or permit issued by the Interstate Commerce Commission, and repair and replacement parts therefor are exempt from sales and use tax on or after January 1, 1978. Effective on and after January 14, 1980, pursuant to chapter 291, P.L. 1979, the exemption for commercial motor vehicles and vehicles used in combination therewith which are operated under a certificate or permit issued by the Interstate Commerce Commission will apply only when such commercial motor vehicles and vehicles used in combination therewith are registered in this State.

1. Example 1: A purchaser contracts to buy a commercial motor vehicle and a vehicle used in combination therewith on November 1, 1977. The vehicles will be delivered and registered in New Jersey for more than 18,000 pounds or will operate pursuant to a certificate or permit issued by the Interstate Commerce Commission, as the case may be, on January 2, 1978. The vehicles qualify for exemption and are not subject to tax.

2. Example 2: A purchaser contracts to buy a commercial motor vehicle and a vehicle used in combination therewith on December 15, 1979. The vehicles will be delivered and registered in New Jersey on January 15, 1980 and will be operated pursuant to a certificate or permit issued by the Interstate Commerce Commission. The vehicles qualify for exemption and are not subject to tax.

Note: For the purpose of motor vehicle dealer records indicating why sales tax has not been collected on sales of commercial motor vehicles, vehicles used in combination therewith or vehicles operated pursuant to a certificate or permit issued by the Interstate Commerce Commission, or repair and replacement parts therefor, the dealer is required to receive a properly completed exempt use certificate (form ST-4) from the purchaser whether such purchaser is or is not registered with the Division of Taxation. When the purchaser is not registered with the Division of Taxation, a certificate of authority number is not required. However, an Interstate Commerce Commission identification number and New Jersey registration plate number must be shown on form ST-4.

3. Example 3: A 35 ton quarry truck which is used off the road to convey stone from the quarry to the crusher

located on the same premises is purchased on January 15, 1978. The truck is not used for commercial purposes on the highways. It is a nonconventional motor vehicle and therefore not exempt from tax.

Note: Nonconventional type motor vehicles not designated or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, such as ditch digging apparatus, well-boring apparatus, road and general purpose construction and maintenance machinery, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, road rollers, earth-moving carryalls, self-propelled cranes, earth-moving equipment, bulldozers, road building machinery, and so forth, vehicles which operate on general registration plates transferable from vehicle to vehicle and which identify the owner rather than the vehicle, are not exempt from sales tax.

(b) For purposes of this section, "commercial motor vehicle" means and includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger-car type used for touring purposes or the carrying of farm products and milk, as the case may be, as defined in N.J.S.A. 39:1-1.

(c) For purposes of this section, "vehicle used in combination therewith" means and includes motor-drawn vehicles, such as trailers, semitrailers, pole trailers or any other type of vehicle drawn by a commercial motor vehicle as defined in N.J.S.A. 39:1-1.

(d) Equipment mounted on commercial motor vehicles or vehicles used in combination therewith is eligible for exemption only if it is an integral part of the basic vehicle, and the basic vehicle would lose its identity should the equipment be removed. If the equipment is not an integral part of the vehicle and can be severed from the vehicle, the equipment is not exempt from tax.

1. Example 1: Commercial motor vehicle bodies or bodies on vehicles used in combination with commercial motor vehicles, such as trailers or semitrailers, permanently mounted so that they effectuate the purpose for which the vehicle is intended are exempt from tax.

2. Example 2: Devices used in or on vehicles for effectuating business purposes, such as shortwave receiving and transmitting of messages, are not considered an integral part of such vehicle and are not exempt from tax.

(e) Repair and replacement parts for vehicles described in subsections (b), (c) and (d) of this section purchased on or after January 1, 1978[,] through January 13, 1980, are exempt from tax. On and after January 14, 1980 the exemption for repair and replacement parts for vehicles described in subsections (b), (c) and (d) will only apply to such vehicles which are registered in this State. The exemption from sales and use tax provided for in this section does not apply to charges for repair services, which charges must be separately stated.

[1. Example 1: A purchaser contracts to buy a commercial motor vehicle and a vehicle used in combination therewith on November 1, 1977. The vehicles will be delivered and registered in New Jersey for more than 18,000 pounds or will operate pursuant to a certificate or permit issued by the Interstate Commerce Commission, as the case may be, on January 2, 1978. The vehicles qualify for exemption and are not subject to tax.

Note: For the purpose of motor vehicle dealer records indicating why sales tax has not been collected on sales of commercial motor vehicles, vehicles used in combination therewith or vehicles operated pursuant to

a certificate or permit issued by the Interstate Commerce Commission, or repair and replacement parts therefor, the dealer is required to receive a properly completed exempt use certificate (form ST-4) from the purchaser whether such purchaser is or is not registered with the Division of Taxation. When the purchaser is not registered with the Division of Taxation, a certificate of authority number is not required.]

[2. Example 2:]

1. Example 1: A commercial motor vehicle was registered in New Jersey for more than 18,000 pounds prior to January 1, 1978. The vehicle was repaired on April 1, 1978. The total invoice was for \$550.00. Repair and replacement parts were listed at \$300.00, and labor was listed at \$250.00. The tax should be imposed on the labor charge of \$250.00, which should be separately stated. However, where the charge for repair and replacement parts and labor is not separated, the entire charge is subject to tax.

2. Example 2: Assume the facts as in Example 1 above, except that the repair work is performed prior to January 14, 1980 on a commercial motor vehicle operated under a certificate or permit issued by the Interstate Commerce Commission and registered in another state. The tax is properly imposed on the labor charge of \$250.00 which should be separately stated. If, however, on or after January 14, 1980 such vehicle is not registered in New Jersey, the total invoice of \$550.00 is subject to tax.

[3. Example 3: A 35 ton quarry truck which is used off the road to convey stone from the quarry to the crusher located on the same premises is purchased on January 15, 1978. The truck is not used for commercial purposes on the highways. It is a nonconventional motor vehicle and therefore not exempt from tax.

Note: Nonconventional type motor vehicles not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, such as ditch digging apparatus, well-boring apparatus, road and general purpose construction and maintenance machinery, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, road rollers, earth-moving carryalls, self-propelled cranes, earth-moving equipment, bulldozers, road building machinery, and so forth, vehicles which operate on general registration plates transferable from vehicle to vehicle and which identify the owner rather than the vehicle, are not exempt from sales tax.]

(f) Under a written agreement entered into prior to January 1, 1978, for the rental or lease of vehicles described in subsections (a), (b) and (c) of this section, the periodic rental payments due on or after January 1, 1978[,] through January 13, 1980, are exempt from tax. For the exemption to apply on or after January 14, 1980, all such vehicles must be registered in this State. A lease is distinguishable from an executed or completed sale. The lease is not considered to be a single and completed transaction at the time that a vehicle was first leased to the lessee. It is, rather, an agreement for a series of transactions to be completed thereafter. The right to the continued use and possession of the vehicle is conditioned upon subsequent payment of rental charges and performance of other covenants. Each rental period relates to a period of possession and the tax becomes chargeable as each rental payment becomes due. Rent which is due before January 1, 1978, is subject to tax irrespective of the period of possession. The payments for each rental period are thus treated as severable portions of the contract. Such a lease agreement differs from an ordinary sale of prop-

erty since it is not completely executed until the term expires and all of its conditions are fulfilled. For example, on January 1, 1976, a commercial motor vehicle was leased. The lease was for a term of five years (termination date, December 31, 1980), and rental payments are to be made in advance on the first day of each month. Each monthly rental payment for the rental period up to December 31, 1977, is subject to tax. The monthly rental payments due on [and] or after January 1, 1978[,] through January 13, 1980, are not subject to tax. For the exemption to apply on or after January 14, 1980, all such vehicles must be registered in this State.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
Department of the Treasury
West State and Willow Sts.
Trenton, N.J. 08646

The Department of the Treasury may thereafter adopt rules concerning this subject without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendments Concerning Transfer Inheritance Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:38-1 et seq., proposes to amend certain rules concerning the transfer inheritance tax.

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

18:26-5.4 (a) For purposes of the transfer inheritance tax laws of this State, the doctrine of equitable conversion will not be applied in [all] estates of New Jersey decedents which involve realty situate in New Jersey.

18:26-5.6 Inter vivos transfers

(a) Any transfer of real or tangible personal property situated in this state or intangible personal property wherever situated in the case of a resident decedent [or of real or situated in the case of a resident decedent] or of real or tangible personal property situated in this State in the case of a non-resident decedent made by such decedent during his lifetime, whether in contemplation of death or intended to take effect in possession or enjoyment at or after decedent's death, is subject to the New Jersey Inheritance Tax. Any such transfers will be taxed upon the clear market value of the transferred property on the date of death.

18:26-5.11(f) The right of a spouse, as a surviving joint tenant with his or her deceased spouse, to the immediate ownership or possession and enjoyment of a membership certificate or stock in a cooperative housing corporation, the ownership of which entitles such member or stock-

holder to occupy real estate for dwelling purposes as the principal residence of the decedent and spouse is exempt from Transfer Inheritance Tax.

Statutory Reference N.J.S.A. 54:34-1(f) Chapter 413, P.L. 1979

18:26-6.4(b) The State of New Jersey does not recognize a tenancy by the entirety in personal property therefore, such property is not exempt under New Jersey Inheritance Tax Law[,] except as provided by the provisions of N.J.S.A. 54:34-1(f), (Stock or certificates in a cooperative housing corporation).

18:26-6.12(c) Cemetery corporations are [not] deemed to be charitable institutions within the meaning of the Act.

18:26-8.8 Time limit for assessment

Upon the expiration of a period of [20] 15 years after the date of a decedent, no proceeding may be instituted to assess or collect any tax, interest or penalties due this State for Inheritance Tax purposes against any estate, executor, administrator, trustee, grantee, donee, vendee, devisee, legatee, heir, next of kin or beneficiary. However, this does not affect any rights to collection which this State has by reason of filing with the Clerk of the Superior Court, a Certificate of Debt, Decree or Judgment for the New Jersey Inheritance Tax, including any interest and penalties; nor does the period of limitation affect the rights of this State to assess and collect the New Jersey Inheritance Tax including any interest and penalties under the terms of a bond or other agreement securing the payment of such tax, interest and penalties.

Statutory Reference N.J.S.A. 54:35-5.1 [R.R. 1:3-1(b).] as amended by P.L. 1979, c. 417.

18:26-8.12(a) When real property is devised to a husband and wife as tenants by the entirety each having a vested life estate in common with the other for their joint lives with a vested estate in fee in the entire remainder subject to defeasance, as to the one first dying, the value of such property for New Jersey Inheritance Tax purposes, is ascertained as follows: [devisees or grantees and the value so determined is considered as immediately vested, in equal shares, and subjected to tax accordingly.]

18:26-9.9 Payment

(a) Due date of payment. The New Jersey Inheritance Tax is due at the date of a decedent's death, however, payment may be made at any time within eight months after the date of death [in the case of an estate of a decedent dying on or after 3:40 P.M., March 29, 1962, and within one year after the date of death in the case of a decedent dying prior to 3:40 P.M., March 29, 1962]. There is no extension of time permitted or granted for the payment of the tax.

(b) Due date, executory devises, contingent future estates, estates subject to power of appointment. The New Jersey Inheritance Tax on executory devise or the transfer of property subject to a contingency or a power of appointment is due and payable within two months after the person entitled to the property comes into enjoyment, seisin or possession of such property.

[Historical Note:

Formerly Regulation of Transfer Inheritance Tax Bureau promulgated and filed on 4/4/62.]

Statutory Reference N.J.S.A. 54:35-1, 54:36-5.

18:26-10.2 Lien of tax; duration

(a) The New Jersey Inheritance Tax whether or not assessed or levied constitutes a lien on all the property owned by the decedent as of the date of death for a period of fifteen years [two years after July 1, 1946 or ten years] from the date of death [whichever expires later] unless sooner paid or secured by a bond.

(b) After a period of [20] 15 years from the date of a decedent's death has expired no proceeding may be instituted to assess and collect the New Jersey Inheritance Tax or any interest or penalties due thereon. No notice or consent to transfer is required for the transfer of any real or personal property and no personal liability remains on any executor, administrator, trustee, grantee, donee, vendee, devisee, legatee, heir, next of kin or beneficiary, however, this does not affect any right of the State under any certificate of debt, decree or judgment for taxes, interest and penalties duly recorded with the clerk of the Superior Court, or with any county clerk, or to assess and enforce the collection of any tax including any interest and penalties pursuant to the terms of any bond or other agreement securing the payment of the tax, interest and penalties.

Statutory Reference
N.J.S.A. 54:35-5 and 54:35-5.1[.],
as amended by P.L. 1979, c. 417.

18:26-10.12(a) All applications for a refund are to be made within three years from the date of payment or from the date of any final determination of a court of competent jurisdiction which establishes the fact that the decedent had no legal or equitable interest in the property on which the tax was assessed, whichever is later, but in no event shall a refund be made where such final determination occurs more than [20] 15 years after the date of decedent's death.

18:26-11.4(b) [Except for real property held by a resident decedent at death, a] A waiver is required for a period of [20] 15 years from the date of such decedent's death in order to effect the transfer or delivery of the real or personal tangible or intangible property specified in section 11.1 (Content to transfer) of this chapter which the decedent owned or in which he had an interest at the date of death.

18:26-12.12 Appeal to [appellate division] Tax Court

Any person aggrieved by any decision, order, finding or assessment of the Director or his deputies, through the Transfer Inheritance Tax Bureau, may appeal therefrom to the [Superior Court, Appellate Division] Tax Court within [45] 90 days from the date a final determination is made. No such appeal shall stay the collection of the tax or the enforcement of the same by entry of judgment unless by order of such court, and then only after the tax has been paid or a bond approved by the court in the amount of the tax assessed including any interest and cost is furnished to the court.

Statutory Reference:
N.J.S.A. 54:33-2 (P.L. 1978, c. 32)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

William Mulholland
Superintendent
Transfer Inheritance Tax Bureau
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules Concerning the Spill Compensation and Control Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to the authority of N.J.S.A. 58:10-23.11, et al., proposes to adopt new rules concerning the Spill Compensation and Control Act.

CHAPTER 37. SPILL COMPENSATION AND CONTROL TAX

SUBCHAPTER 1. IMPOSITION OF TAX

18:37-1.1 Tax imposed on transfer of hazardous substances

(a) The Spill Compensation and Control Tax is imposed on the transfer of hazardous substances within the jurisdiction (lands and waters) of New Jersey.

(b) The tax is payable by the transferee except as provided in subsection (d) of this section.

(c) The transferee is an owner or operator of a major facility, except as provided in subsection (e) of this section, which receives a transfer of a hazardous substance. For the purpose of these rules a major facility, as defined in the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, et seq., as amended by P.L. 1979, c. 346, is a facility that has a combined above-ground or buried storage capacity of:

1. 50,000 gallons or more for hazardous substances which are other than petroleum or petroleum products, or
2. 400,000 gallons or more for hazardous substances of all kinds.

(d) A transferor is liable for the tax, on and after April 1, 1980, only when a hazardous substance other than petroleum, which has not been previously taxed, is transferred from a major in-state facility to a facility which is not a major facility, including vessels.

(e) When a hazardous substance is transferred to a major facility which qualifies as a public storage terminal on or after January 18, 1979, the owner of the hazardous substance or his authorized agent is a transferee.

1. A public storage terminal means a public or privately owned major facility which is engaged in the business of providing storage space to the general public and for the exclusive storage of hazardous substances owned by others.

2. The owner of a hazardous substance is any person who holds title to such substance upon delivery at the public storage terminal.

(f) Effective on and after April 1, 1980, for purposes of subsection (a) of this section, in the case of the transfer of hazardous substances other than petroleum, which are in mixtures containing any precious metal or metals, the tax shall be based on the predominant hazardous substance of the mixture. Precious metals means gold, silver, platinum, palladium, iridium, rhodium and ruthenium.

SUBCHAPTER 2. TAX RATES

18:37-2.1 Tax rates on the transfer of petroleum or petroleum products

(a) The tax on transfers of petroleum or petroleum products shall be at the rate of \$0.01 per barrel, except as provided in subsection (b) of this section.

(b) In the event of a major discharge or series of discharges of petroleum or petroleum products resulting in claims against the Spill Compensation Fund which exceed the existing balance of the fund, a tax rate of \$0.04 per barrel on transfers of petroleum or petroleum products shall be levied until the balance in the Spill Compensation Fund equals 150 per cent of the pending claims against the fund. The tax rate as herein set forth may be less than \$0.04 per barrel transferred if, as provided by the Spill Compensation Law, the revenue produced by such lower rate shall be sufficient to pay outstanding claims against the fund within one year of such levy.

18:37-2.2 Tax rates on the transfer of hazardous substances other than petroleum or petroleum products

(a) The tax on transfers of hazardous substances other than petroleum or petroleum products shall be at the rate of:

1. On transfers occurring prior to April 1, 1980, \$0.01 per barrel; or

2. On transfers occurring on and after April 1, 1980, the greater of \$0.01 per barrel or 0.4 per cent of the fair market value of the hazardous substance provided, however, that with respect to transfers of hazardous substances other than petroleum which are in mixtures containing any precious metal or metals, the tax shall be the greater of \$0.01 per barrel or 0.4 per cent of the fair market value of the predominant hazardous substance in the mixture.

(b) For purposes of subsection (a) of this section, "fair market value" means the invoice price of the hazardous substances transferred, including transportation charges; but where no price is so fixed, "fair market value" shall mean the market price as of the close of the nearest day to the transfer paid for similar hazardous substances.

(c) In the event of a major discharge or series of discharges of hazardous substances other than petroleum or petroleum products resulting in claims against the Spill Compensation Fund which exceed the existing balance of the fund, a tax rate of the greater of \$0.04 per barrel transferred, or 0.8 per cent of the fair market value of such hazardous substance shall be levied until the balance in the Spill Compensation Fund equals 150 per cent of the pending claims against the fund. The tax rate as herein set forth may be less than \$0.04 per barrel transferred or 0.8 per cent of the fair market value of such hazardous substance if, as provided by the Spill Compensation Law, the revenue produced by such lower rate shall be sufficient to pay outstanding claims against the fund within one year of such levy.

(d) If under the Spill Compensation Law it is determined:

1. that pending, reasonable claims against the fund for hazardous substances other than petroleum exceed 70 per cent of the existing balance of the fund, and

2. that the sum of the claims paid by the fund on behalf of discharges or removals of hazardous substances other than petroleum plus pending, reasonable claims against the fund on behalf of discharges of hazardous substances other than petroleum is equal to or greater than 70 per cent of all claims paid by the fund plus all pending, reasonable claims against the fund, the State Treasurer may order the Director of the Division of Taxation to levy the tax on all hazardous substances other than petroleum at a specified rate greater than \$0.01 per barrel or 0.4 per cent of the fair market value of the product, whichever is greater,

but in no event to exceed the greater of \$0.04 per barrel or 0.6 per cent of the fair market value of the product. However, such levy of tax shall not preclude the imposition of the tax at the higher rate set forth under subsection (c) of this section.

SUBCHAPTER 3. REFUND OR CREDIT OF TAX ON TRANSFER OF HAZARDOUS SUBSTANCES OTHER THAN PETROLEUM PRODUCTS

18:37-3.1 Applicability of refund or credit

(a) When the revenues from the tax imposed upon the transfer of hazardous substances other than petroleum or petroleum products exceed \$7 million during any calendar year, the excess shall be refunded or credited to the taxpayers who paid such tax during the calendar year, except under the following conditions:

1. If at the end of the calendar year the increased tax rate as provided in N.J.A.C. 18:37-2(c) and (d) is in effect, no refund or credit shall be allowed for such calendar year; and

2. No refund or credit shall be allowed for such calendar year if by reason of such refund or credit a condition would occur which would authorize the imposition of the tax at the higher rate provided in N.J.A.C. 18:37-2(c) and (d).

(b) A partial refund or partial credit shall be allowed to the extent that the qualifying conditions set forth in subsection (a) of this section have not or would not occur.

18:37-3.2 Base for refund or credit

(a) Refund or credit shall be based upon the amount of taxes paid by each taxpayer on transfers of hazardous substances other than petroleum or petroleum products for the calendar year in proportion to all taxes paid by all taxpayers on such transfers during said year.

SUBCHAPTER 4. SUSPENSION OF TAX; RELEVY OF TAX

18:37-4.1 Suspension of tax

(a) In each fiscal year following any year in which the balance of the Spill Compensation Fund equals or exceeds \$50 million no tax shall be levied unless:

1. The current balance in the fund is less than \$40 million; or

2. Pending claims against the fund exceed 50 per cent of the existing balance of the fund.

18:37-4.2 Relevy of tax

(a) In the event the balance of the Spill Compensation Fund does not meet the criteria set forth in section 1 of this subchapter, upon certification thereof by the State Treasurer the Director of the Division of Taxation shall, within ten days of the date of such certification, relevy the tax which shall take effect on the first day of the month following such relevy.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1980 to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State & Willow Streets
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

JUDICIAL RETIREMENT SYSTEM

STATE HOUSE COMMISSION

Amendments Concerning the Judicial Retirement System

On February 25, 1980, William J. Joseph, Secretary of the Judicial Retirement System, State House Commission, in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:10-1.8, 17:10-2.2 and 17:10-5.4 concerning the Judicial Retirement System as proposed in the Notice published December 6, 1979 at 11 N.J.R. 648(c).

An order adopting these amendments was filed and became effective on February 28, 1980 as R.1980 d.97.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

DIVISION OF BUILDING AND CONSTRUCTION

Rules on Architect/Engineer Selection Procedures

On February 27, 1980, S. Leonard DiDonato, Director of the Division of Building and Construction in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, cited as N.J.A.C. 17:19-10, concerning architect/engineer selection procedures substantially as proposed in the Notice published November 8, 1979, at 11 N.J.R. 589(c) with only inconsequential structural or language changes in the opinion of the Department of the Treasury.

An order adopting these rules was filed and became effective on March 3, 1980 as R.1980 d.100.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TREASURY

DIVISION OF PENSIONS

STATE POLICE RETIREMENT SYSTEM

Amendments and New Rules Concerning the State Police Retirement System

On February 27, 1980, Elmer G. Baggaley, Secretary 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-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:5-1.7 and 17:5-3.8 and new rules, to be cited as N.J.A.C. 17:5-2.3 concerning the State Police Retirement System as proposed in the Notice published December 6, 1979 at 11 N.J.R. 648(b).

An order adopting these rules and amendments was filed and became effective on March 3, 1980 as R.1980 d.101.

Howard H. Kestin
Director
Office of Administrative Law

(d)

TREASURY

DIVISION OF TAXATION

Amendments Concerning Floor Covering and the Sales and Use Tax Act

On March 4, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:24-22.1 and 18:24-22.3 concerning floor covering and the Sales and Use Tax Act as proposed in the Notice published February 7, 1980

at 12 N.J.R. 96(b).

An order adopting these amendments was filed and became effective on March 5, 1980 as R.1980 d.102.

Howard H. Kestin
Director
Office of Administrative Law

(e)

TREASURY

DIVISION OF PENSIONS

TEACHERS' PENSION AND ANNUITY FUND

Amendments Concerning the Teachers' Pension and Annuity Fund

On February 28, 1980, A. Steven LaBrutte, Secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:3-1.8, 17:3-1.11, 17:3-2.1, 17:3-2.7, 17:3-3.1, 17:3-5.2, 17:3-6.7, 17:3-6.11, 17:3-6.13 and 17:3-6.14 concerning the Teachers' Pension and Annuity Fund as proposed in the Notice published January 10, 1980 at 12 N.J.R. 55(b).

An order adopting these amendments was filed and became effective on March 5, 1980 as R.1980 d.103.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HIGHWAY AUTHORITY GARDEN STATE PARKWAY

Proposed Amendments Concerning The Garden State Arts Center

F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J. S.A. 27:12B-1 et seq., proposes to amend N.J.A.C. 19:8-2.11 concerning seating and ticket scalping at the Garden State Arts Center.

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

19:8-2.11(f) No person may take or leave their seat when the house lights are out, unless accompanied by an usher.

(g) No person shall sell or offer to sell or dispose of, or possess with intent to sell or dispose of, any ticket of admission or any ticket entitling the holder to the use of a seat, lawn, mall or parking facilities of the Arts Center, at or for a price in excess of the sale price established for such ticket as printed on the face thereof.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 30, 1980 to:

F. Joseph Carragher, Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

The Highway Authority may, thereafter, adopt this rule substantially as proposed without further notice.

F. Joseph Carragher
Executive Director
New Jersey Highway Authority
Garden State Parkway

(b)

ELECTION LAW ENFORCEMENT COMMISSION

Proposed Rules Concerning Lobbying Disclosure

The New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6, proposes to adopt new rules concerning lobbying disclosure. Such rules, if adopted, will be cited as N.J.A.C. 19:25-8.

The proposed rules concern scope; definitions; exemptions; reporting requirements of certain lobbyists; annual report; audit by Commission, recordkeeping; responsibilities for filing annual reports; appointment of treasurer and depository; advisory opinions; investigations by the Commission; and severability clause.

Copies of the 22 pages of the full text of this proposal may be obtained from or made available for review by contacting the Election Law Enforcement Commission at the address listed below.

A public hearing will be held April 25, 1980 at 10 A.M. in the Assembly Chamber, State House, Trenton, New Jersey.

Persons wishing to testify at the hearing shall contact Gregory E. Nagy at (609) 292-8700 by April 24, 1980.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before April 30, 1980 to:

Gregory E. Nagy, Esq.
New Jersey Election Law Enforcement Commission
28 West State Street, Suite 1114
Trenton, New Jersey 08608

The Election Law Enforcement Commission may thereafter adopt rules concerning this subject without further notice.

Lewis B. Thurston, III
Executive Director
N.J. Election Law Enforcement Commission

(c)

CASINO CONTROL COMMISSION

Proposed Regulations Relating to Minimum Experiential and Training Requirements for Certain Casino Key Employees and Casino Employees

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to the authority of N.J.S.A. 5:12-1 et seq proposes to adopt regulations relating to minimum experiential and training requirements for certain casino key employees and casino employees.

Full text of this proposal is as follows.

19:41-7.17 Licensure as a casino employee or casino key employee; general business and experience standards

(a) No license as a casino employee or casino key employee shall issue unless the applicant for that license shall have first:

1. Established that he possesses a thorough knowledge of the Act and regulations of the Commission relevant to the position for which licensure is sought; and

2. Demonstrated the sufficiency of his business ability and casino experience so as to adequately establish the likelihood of his success and efficiency in the particular position for which licensure is sought.

19:41-7.18 Minimum training and experiential requirements for persons seeking licensure in positions dealing or supervising table games

(a) No person shall be licensed as a dealer unless he shall have first established that he either:

1. Received from a gaming school licensed by the Commission a certificate evidencing successful completion of an approved course of study in the game for which licensure is sought; or

2. Was employed for at least nine months in the first game for which licensure as a dealer is sought and for at least four months in each subsequent game in which licensure as a dealer is sought.

(b) When craps is the first game in which a first level supervisory license is sought, no person shall be licensed as a boxperson unless he first establishes that he satisfies the requirements for licensure as a dealer in the game of craps and, in addition, that he was employed for at least 1500 hours or twelve months as a dealer, boxperson or floorperson in craps.

(c) No person shall receive licensure as a floorperson in their first game unless the following requirements are satisfied:

1. Blackjack, roulette, baccarat: When either blackjack, roulette or baccarat is the first game in which a first level supervisory license is sought, no person shall be licensed as a floorperson in that particular game unless he first establishes that he satisfies the requirements for licensure as a dealer in that game, and, in addition, that he was employed for at least 1500 hours or twelve months as a dealer or floorperson in that game.

2. Craps: When craps is the first game in which licensure as a floorperson is sought, no person shall be licensed as a floorperson in craps unless he first establishes that he satisfies the requirements for licensure as a dealer and a boxperson in the game of craps and, in addition, that he was employed for at least 1000 hours or eight months as a boxperson or floorperson in the game of craps.

3. Big Six: When Big Six is the first game in which a first level supervisory license is sought, no person shall be licensed as a floorperson in Big Six unless he first establishes that he satisfies the requirements for licensure as a dealer in any authorized game and, in addition, that he was employed for at least 1500 hours or twelve months as a dealer, boxperson or floorperson in any authorized game.

(d) When craps is the second or subsequent game in which a first level supervisory license is sought, no person shall be licensed as a boxperson unless he first establishes that he satisfies the requirements for licensure as a floorperson in an authorized game in accordance with subsection (d) of this section, that he satisfies the requirements for licensure as a dealer in the game of craps and, in addition, that he was employed for at least 1500 hours or twelve months as a dealer, boxperson or floorperson in craps.

(e) No person shall receive licensure as a floorperson in their second or subsequent game unless the following requirements are satisfied:

1. Blackjack, roulette, baccarat: When either blackjack, roulette or baccarat is the second or subsequent game in which a first level supervisory license is sought, no person shall be licensed as a floorperson in that particular game unless he first establishes that he satisfies the requirements for licensure as a boxperson or floorperson in an authorized game, that he satisfies the requirements for licensure as a dealer in the game for which floorperson licensure is sought and, in addition, that he either has been employed for at least 500 hours or four months as a dealer or floorperson in the game for which floorperson licensure is sought, or that he has been employed for at least 1500 hours or twelve months as a floorperson in his first game and, in addition, has been employed for at least 350 hours or three months as a dealer or floorperson in the game for which floorperson licensure is sought.

2. Craps: When craps is the second or subsequent game in which floorperson licensure is sought, no person shall be licensed as a floorperson in craps unless he first establishes that he satisfies the requirements for licensure as a floorperson in an authorized game, that he satisfies the requirements for licensure as a dealer and boxperson in craps and, in addition, that he either has been employed for at least 500 hours or four months as a boxperson or floorperson in the game of craps, or that he has been employed for at least 1500 hours or twelve months as a floorperson in his first game and, in addition, has been employed for at least 350 hours or three months as a boxperson or floorperson in craps.

3. Big Six: When Big Six is the second or subsequent game in which a first level supervisory license is sought, no person shall be licensed as a floorperson in Big Six unless he first establishes that he satisfies the require-

ments for licensure as a boxperson or floorperson in any authorized game in accordance with this section.

(f) No person shall receive licensure as a pit boss in any game unless he first establishes that he satisfies the requirements for licensure as a floorperson in the game for which pit boss licensure is being sought and, in addition, that he has been employed for at least 24 months as a boxperson, floorperson, pit boss or instructor in a licensed gaming school in any authorized game.

(g) No person shall be licensed as a shift manager unless he first establishes that he possesses a thorough knowledge of all authorized table games, that he satisfies the requirements for licensure as a pit boss in at least two authorized table games and that he has been employed for at least 48 months dealing or supervising any authorized table game of which at least 12 months shall have been spent employed as a Pit Boss, Shift Manager or Casino Manager.

(h) No person shall be licensed as a casino manager unless he first establishes that he possesses a thorough knowledge of all authorized table games, that he satisfies the requirements for licensure as a pit boss in at least two authorized table games and that he has been employed for at least 60 months dealing or supervising any authorized table game of which at least 24 months shall have been spent employed as a Pit Boss, shift manager or casino manager.

(i) No person shall be licensed as a Vice President of Casino Operations unless he first establishes, through background, experience or training, that he possesses a thorough knowledge of casino operations and broad management and administrative skills and abilities.

(j) In satisfying any casino employment experience requirement of this section, only that employment experience acquired in a legally operated casino in this State or in any other state, territory or foreign jurisdiction shall be recognized.

(k) Any experiential requirement expressed in hours shall only be applicable when the applicant can demonstrate that the casino in which he was employed, as a matter of normal business practice, kept accurate attendance records by hours worked and position worked in for the time period in which he was employed and that those records exist at the time application is made to the Commission. Any requirement expressed only in months, without an hourly alternative being stated, shall only be satisfied if the applicant has been employed in the particular position for the number of months stated.

(1) "First level supervisory license" as used in this section shall mean a license as a floorperson or boxperson.

(m) In satisfying the 1500 hour or twelve month dealing requirement set forth in subsections (b) and (c) of this section, the following shall apply:

1. An applicant seeking licensure as a boxperson in craps or as a floorperson in blackjack, roulette or baccarat shall be credited with one-third of his time dealing Big Six which credit shall not exceed 500 hours or 4 months;

3. An applicant seeking licensure as a roulette floorperson shall be credited with time spent as a roulette chip mucker provided that he possesses a certificate of graduation in roulette from a licensed gaming school at the time employed as a chip mucker;

3. An applicant seeking licensure as a boxperson in craps or as a floorperson in blackjack or baccarat shall be credited with one-third of his time spent as a roulette chip mucker which credit shall not exceed 500 hours or four months;

4. An applicant seeking licensure as a boxperson in craps or as a floorperson in blackjack, roulette or baccarat shall be credited with time spent employed on the casino

floor assisting and orienting a new dealer assigned to the particular game.

(n) In determining compliance with any of the experiential requirements of this section, the Commission shall retain the discretion to consider such factors as the continuity, or lack thereof, of an applicant's experience, the amount of time that has transpired since that experience was acquired, and any diminution of an applicant's skills, knowledge or abilities resulting from significant periods of employment outside the casino industry.

(o) Notwithstanding any provision of this section to the contrary, the Commission shall retain the discretion to license an individual who, though not meeting the specific experiential requirements enumerated, can demonstrate by clear and convincing evidence that his background, experience and training qualifies him to perform the duties and responsibilities of the position for which licensure is sought.

19:41-7.19 Minimum training and experiential requirements for persons seeking licensure in positions in the slot department

(a) No person shall be licensed as a slot attendant unless he first establishes sufficient business ability so as to adequately establish the likelihood of his success and efficiency in assisting the public in the use of slot machines. A slot attendant position shall be considered an entry level position for which no specific employment experience is required.

(b) No person shall be licensed as a slot attendant supervisor unless he first establishes that he was employed for at least 350 hours or three months as a slot attendant or the equivalent, or a slot mechanic or the equivalent, by a legally operated casino in this State or in any other state, territory or foreign jurisdiction.

(c) No person shall be licensed as a slot mechanic unless he first establishes, as to each type of slot machine (electro-mechanical, electronic-mechanical, or video) for which licensure as a slot mechanic is sought, that he either:

1. Received from a gaming school licensed by the Commission a certificate evidencing successful completion of an approved course of study designed to train individuals for employment as a slot mechanic in the particular type of machine for which licensure is sought; or

2. Was employed for at least 1500 hours or 12 months by a legally operated casino in any other state, territory or foreign jurisdiction as a slot mechanic during which the applicant spent at least 1150 hours or nine months servicing the specific type of slot machine for which licensure is sought.

(d) No person shall be licensed as a chief slot mechanic unless he first establishes that he satisfies the requirements for licensure as a slot mechanic in at least two types of slot machines (electro-mechanical, electronic-mechanical or video) and that he was employed for at least 4500 hours or 36 months as a slot mechanic by a legally operated casino in this State or in any other state, territory or foreign jurisdiction which 4500 hour or 36 month period shall include any employment credited toward establishing qualification for licensure as a slot mechanic.

(e) No person shall be licensed as a slot shift manager unless he first establishes that he satisfies the requirements for licensure as a slot mechanic in at least two types of slot machines or has graduated from an approved course of study in two types of slot machines designed to train individuals for employment as a slot shift manager or slot department manager and that he was employed for at least 3000 hours or 24 months in the slot department of a legally operated casino in this State or in any other state, territory or foreign jurisdiction which 3000 hour

or 24 month period shall include any employment credited toward establishing qualification for licensure as a slot mechanic.

(f) No person shall be licensed as a slot department manager unless he first establishes that he satisfies the requirements for licensure as a slot mechanic in at least two types of slot machines or has graduated from an approved course of study in two types of slot machines designed to train individuals for employment as a slot shift manager or slot department manager and that he was employed for at least 6000 hours or 48 months in the slot department of a legally operated casino in this State or in any other state, territory or foreign jurisdiction which 6000 hour or 48 month period shall include any employment credited toward establishing qualification for licensure as a slot mechanic.

(g) Any applicant for a casino employee or casino key employee license in a position identified in this section which requires the applicant to establish specific employment experience with a legally operated casino may alternatively satisfy such requirement by establishing to the satisfaction of the commission that he has obtained equivalent employment experience of at least equal duration in another legally operated business enterprise.

(h) Any experiential requirement expressed in hours shall only be applicable when the applicant can demonstrate that the casino or other business in which he was employed, as a matter of normal business practice, kept accurate attendance records by hours worked and position worked in for the time period in which he was employed and that those records exist at the time application is made to the Commission.

i) In determining compliance with any of the experiential requirements of this section, the Commission shall retain the discretion to consider such factors as the continuity, or lack thereof, of an applicant's experience, the amount of time that has transpired since that experience was acquired, and any diminution of an applicant's skills, knowledge or abilities resulting from significant periods of employment outside the casino or slot machine industry.

19:41-7.20 Minimum training and experiential requirements for persons seeking licensure in surveillance positions

No person shall be licensed as a surveillance employee or director of surveillance unless he first establishes that he possesses a thorough knowledge of the rules, procedures, operations and security of all authorized games and the rules and procedures regarding casino internal and accounting controls and gaming equipment which shall be demonstrated through graduation from an approved course of study designed to train individuals for employment as a surveillance employee. In substitution for such course of study, an applicant may demonstrate prima facie compliance with this section by employment as a surveillance employee or the equivalent in a legally operated casino in another state, territory or foreign jurisdiction for at least 12 months.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 30, 1980 to:

Joseph P. Lordi, Chairman
Casino Control Commission
379 West State Street
Trenton, New Jersey 08625

The New Jersey Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(a)

CASINO CONTROL COMMISSION

Proposed Amendments Concerning Fees

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to delete the current text of N.J.A.C. 19:41-9 and adopt new text therein concerning fees.

Full text of the proposed new rules follows.

SUBCHAPTER 9. FEES

19:41-9.1 General description of fees and policy

(a) Under the Act, the commission and division are required to be financed exclusively from fees charged each fiscal year to applicants, licensees and registrants. Generally, the Act divides fees into two broad categories: those pertaining to casino licenses and those pertaining to all other forms of licensure or approval. Section 139 of the act requires the commission to establish, by regulation, fees for issuance and renewal of casino licenses. The statutory basis for the casino license issuance fee is the cost of investigation and consideration of the application. The statutory basis for the casino license renewal fee is the cost of maintaining the control and regulatory activities of the commission and the division. In contrast, sections 141 and 142 of the Act require the commission to establish, by regulation, issuance and renewal fees for all non-casino licenses and work permits, but indicate no cost basis for establishing such fees.

(b) The differing treatment of these categories reflects a legislative recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the agencies in implementing that process. Moreover, the experience of the commission and the division reveals that the actual costs of investigating and considering applications for individual employee licenses and non-gaming related service industry licenses frequently exceeds the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these regulations is designed to respond to these policies and problems.

(c) To the extent fairly possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to that applicant or licensee. However, since individual employees and non-gaming related businesses cannot always be expected to cover the full amount expended and since a portion of the costs incurred by the agencies pertain to the industry generally, there will be an amount of the annual combined budgets of the agencies which will not be recoverable through specified fees for particular services. This amount cannot be predicted with precision because of the necessarily variable allocation of commission and division efforts.

(d) Given the mandate of the Act to recover the cost of maintaining control and regulatory activities as renewal fees from operating casinos and the fact that the operating casinos derive the immediate, tangible benefits from the overall efforts of the commission and division, the operating casinos should be required to supply the otherwise unrecovered expenditures of the agencies. Thus, the operating casinos will be assessed the budgetary shortfall remaining after all other fees and charges. The assessment will be apportioned among the operating casinos based on the relative gross revenues derived by each during the fiscal year. This method is selected because the gross

revenues are directly attributable to the privilege of licensure and reflect the degree to which each operating casino has enjoyed and utilized the general regulatory and control activities of the agencies.

19:41-9.2 Fiscal year

For purposes of this subchapter, a fiscal year shall be the period commencing on July 1 and ending the subsequent June 30.

19:41-9.3 Payment of fees

(a) No application shall be accepted for filing by the chairman or processed by the commission or the division except upon the proper and timely payment of all required fees in accordance with the Act and the regulations of the commission. Any portion of a fee which is incurred or determined after the filing of the application or which is estimated in accordance with this subchapter shall be payable upon demand made by the commission through its Division of Financial Evaluation and Control. Failure to promptly remit any amount so demanded shall be deemed a failure to timely pay the required fee unless the chairman finds cause to permit an extension of time in which to remit the demanded amount.

(b) Any fee required to be paid in accordance with this subchapter shall be paid before the commission shall consider the application for issuance or renewal of licensure, unless the chairman finds cause to permit an extension of time in which to pay such fee.

(c) All fees shall be paid by check or money order made payable to the "Casino Control Fund" and presented to the commission at its offices. No check so presented shall be deemed payment until the commission shall be satisfied that sufficient funds are contained in the account against which it is drawn.

19:41-9.4 Casino license fees

(a) For the purposes of this section, the following words and terms shall have the meanings herein ascribed to them unless a different meaning clearly appears from the context:

1. "Casino license" means a plenary casino license issued under section 87 of the Act or a temporary casino permit issued under section 95.1 of the Act;

2. "Operating casino" means a licensed casino in which gaming operations have been conducted during a fiscal year;

3. "Casino operator" means a casino licensee which is designated as the primary obligor for payment of gross revenues taxes in accordance with N.J.A.C. 19:54-1.2;

4. "Initial license fee" or "issuance fee" means the total fee which is required by the Act and these regulations to be paid prior to consideration or issuance of either a temporary casino permit or a plenary casino license to an unlicensed applicant and which is based upon the cost of investigating and considering the application.

5. "License renewal fee" means the total fee which is required by the Act and these regulations to be paid prior to either the renewal of a plenary casino license under section 88 of the Act or issuance of an initial plenary casino license under section 87 of the Act to the holder of a temporary casino permit and which is based upon the cost of investigating and considering the application and of maintaining control and regulatory activities of the commission and the division.

(b) No application for the issuance or renewal of a casino license shall be accepted for filing by the chairman unless a nonrefundable deposit of \$100,000 shall first have been paid in full; provided that, where an unlicensed applicant for a casino licensee has paid the said deposit and subsequently requests a temporary casino permit in accordance with

section 95.1, the deposit previously paid shall be considered as the deposit for the temporary casino permit application. Such deposit shall be applied to the initial license fee or renewal fee if the application is approved.

(c) No casino license shall be issued unless the applicant shall first have paid in full an issuance fee of not less than \$200,000.

(d) No casino license shall be renewed unless the applicant shall first have paid in full a renewal fee of not less than \$100,000 for each renewal.

(e) As a component of its initial license fee or renewal fee and as a condition of casino licensure, each applicant or licensee shall be required:

1. Except as otherwise provided herein, to pay at the rate of \$30 per hour for efforts of professional staff members of the commission and the division on matters directly related to the applicant or licensee;

2. To reimburse any unusual costs or out of pocket expenses incurred by the commission or the division in regard to such matters; and

3. To pay at the rate of \$20 per hour for the efforts of the division's enforcement unit and of casino inspectors who are required by section 63(f) of the Act to be present at all times in operating casinos.

(f) For each fiscal year after June 30, 1980, an operating casino shall be required to pay, as a component of its renewal fee and a condition of licensure, a share of the amount by which the total costs incurred by the commission and the division for such year exceed the amount of all other fees collectible for such fiscal year. The additional fee charged to each operating casino under this subsection shall be that proportion of the otherwise uncollectible amount which is equivalent to the proportion of the gross revenues of that operating casino for the fiscal year to the gross revenues of all operating casinos for the fiscal year. The commission, through its Division of Financial Evaluation and Control, shall have the authority to estimate from time to time during the fiscal year the share of each operating casino under this subsection and demand payment of all or part of such estimated share. The obligation to pay estimated and final billings on the share required by this subsection shall be primarily upon the casino operator.

19:41-9.5 Work permits

In accordance with sections 106 and 142 of the Act, a casino licensee shall obtain work permits for all persons appointed or employed by such licensee and shall pay an issuance fee and annual renewal fee for such permits. The issuance fee for a work permit shall be \$50 and the annual renewal fee shall be \$30.

19:41-9.6 Slot machine fees

(a) In addition to any other tax or fee imposed by the Act or the regulations of the commission and as required by section 140 of the Act, each casino operator shall pay an annual license fee of \$500 upon every slot machine maintained for use or in use in the licensed casino establishment. The annual slot machine license fee shall be imposed as of the first day of July of each year with regard to all slot machines maintained for use or in use on that date, and on a prorata basis thereafter during the year with regard to all slot machines maintained for use or placed in use after July 1.

(b) In accordance with section 100(h) of the Act, no slot machine shall be used to conduct gaming unless it is identical to a model thereof which has been specifically tested by the division and licensed for use by the commission. Any person seeking to have a prototype slot machine so

tested and licensed shall pay an initial minimum amount of \$500, which shall be applied to the total fee. Such person shall be required to pay at the rate of \$30 per hour for the efforts of professional employees or agents of the commission and division engaged in the examination, testing and consideration of the prototype slot machine.

(c) In accordance with N.J.A.C. 19:46-1.22(c), an out-of-state manufacturer or distributor of slot machines may apply for and obtain from the commission a slot machine demonstration permit. The application fee for such a permit shall be \$500.

19:41-9.7 Casino hotel alcoholic beverage licenses

Under section 103 of the Act, no business may expose for sale, solicit or promote the sale of, possess with intent to sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel, unless said business possesses an appropriate casino hotel alcoholic beverage license. Such licenses shall be issued for one year and are renewable annually. The fee for issuance of such license shall be \$5,000 and the fee for annual renewal shall be \$5,000.

19:41-9.8 Casino service industry license fees; gaming related

(a) In accordance with sections 92(a) and (b) of the Act, all casino service industries offering goods and services on a regular basis which directly relate to casino or gaming activity, including gaming equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and casino security services, shall meet the high standards established for casino key employees in order to be licensed. Such a license shall be issued for one year and shall be renewable annually.

(b) In order to recover the cost of the thorough investigation and consideration of license applications by those sensitive industries, the following application and issuance fee schedule is adopted:

1. A minimum application charge of \$2,500, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the commission and the division at the rate of \$30 per hour in matters directly related to the applicant; and

3. Payment for all unusual or out of pocket expenses incurred by the commission or the division in investigating and considering the application.

(c) In order to recover costs for monitoring compliance with the Act and the regulations and for assuring the continued fitness of these sensitive service industries, the following renewal fee schedule is adopted:

1. A minimum renewal application charge of \$2,000, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the commission and the division at the rate of \$30 per hour spent on matters directly related to the applicant or licensee; and

3. Payment for all unusual or out of pocket expenses incurred by the commission or the division in matters directly related to the applicant or licensee.

(d) Notwithstanding the foregoing, the division shall promptly notify the commission, as soon as it appears to the division that it will incur expenses in excess of \$10,000 in connection with the issuance or renewal of a gaming related casino service industry license. At such time, the division shall also provide an estimate of the total expenses which it will incur in that matter.

19:41-9.9 Casino service industry license fees; non-gaming related

(a) In accordance with section 92(c) of the Act, all casino service industries offering to casino hotel facilities goods and services not directly related to gaming operations shall be licensed to the standards established by the commission. Under section 94(d) of the Act, such license shall be issued for a three year period and shall be renewable for additional three year periods.

(b) The issuance fee for a three year non-gaming related casino service industry license shall be as follows:

1. A minimum application charge of \$1,000, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the commission and the division at the rate of \$30 per hour spent on matters directly related to the applicant; and

3. Payment for all unusual or out of pocket expenses incurred by the commission or the division in investigating and considering the application; provided, however, that the amount of the issuance fee shall not exceed \$3,000 unless the division notifies the applicant and the commission within 75 days of receipt of the application that the division's expenses shall exceed \$3,000 and unless the commission approves the charging of more than the \$3,000 maximum to the applicant.

(c) The renewal fee for a three year non-gaming related casino service industry license shall be as follows:

1. A minimum application charge of \$750, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the commission and the division at the rate of \$30 per hour spent on matters directly related to the licensee; and

3. Payment for all unusual or out of pocket expenses incurred by the commission or the division in matters directly related to the licensee; provided, however, that the amount of the renewal fee shall not exceed \$3,000 unless the division notifies the licensee and the commission as soon as it appears that the division's expenses will exceed \$3,000 and unless the commission approves the charging of more than the \$3,000 maximum to the licensee.

19:41-9.10 Labor organization registration fee

Under section 93 of the Act, each labor organization seeking to represent employees licensed under the Act and employed by a casino hotel or a casino licensee shall register with the commission annually. The fee for each annual registration of a labor organization shall be \$100.

19:41-9.11 Casino key employee license fees

(a) Under section 89 of the Act, no person may be employed as a casino key employee unless such person is the holder of a valid casino key employee license, which license shall be issued for one year and be renewable for one year periods thereafter.

(b) The fee for the issuance or renewal of a casino key employee license shall be as follows:

1. A minimum application charge of \$500, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the commission and division at the rate of \$30 per hour spent on matters directly related to the applicant or licensee; and

3. Payment for all unusual or out of pocket expenses incurred by the commission and the division on matters directly related to the applicant or licensee; provided, however, that the amount of the issuance or renewal

fee shall not exceed \$3,000 unless the division notifies the commission and the applicant or licensee within 75 days of the receipt of an application for initial licensure or as soon as possible in renewal cases that the division's expenses will exceed \$3,000 and unless the commission approves the charging of more than the \$3,000 maximum to the applicant or licensee.

19:41-9.12 Gaming school resident director license fees

(a) Under section 92(b) of the Act, a gaming school resident director shall be qualified to the standards for a casino employee. The responsibilities and duties of a resident director require more thorough investigation and continued assurances of suitability than are routinely required of casino employees generally. Under section 94(d) of the Act, a resident director license shall be issued for two years and be renewable for two year periods thereafter.

(b) The issuance fee or renewal fee for a two year resident director license shall be as follows:

1. A minimum application charge of \$1,000, which shall be credited to the total fee; and

2. Payment for the efforts of professional agents and employees of the commission and the division at the rate of \$30 per hour spent on matters directly related to the applicant or licensee;

3. Payment of any unusual or out of pocket expenses incurred by the commission or the division on matters directly related to the application; provided, however, that the amount of the issuance fee or renewal fee shall not exceed \$3,000 unless the division notifies the commission and the applicant within 75 days of the receipt of the application for the initial license or as soon as it appears to the division in renewal cases that the division's expenses will exceed \$3,000 and unless the commission approves charging more than \$3,000 to the applicant or licensee.

19:41-9.13 Gaming school instructor, principal employee and sales representative license fees

(a) Under section 92(b) of the Act, each gaming school instructor, principal employee and sales representative shall be qualified and licensed to the standards established for casino employees. Under section 94(d) of the Act, a license for each such person shall be issued for two years and be renewable for two year periods thereafter.

(b) The issuance fee for a two year gaming school instructor license, gaming school principal employee license or gaming school sales representative license shall be \$160.

(c) The renewal fee for a two year gaming school instructor license, gaming school principal employee license or gaming school sales representative license shall be \$120.

19:41-9.14 Casino employee license fees

(a) Under section 90 of the Act, no person may be employed as a casino employee unless such person is the holder of a valid casino employee license. The Act creates a distinction between casino employees whose functions are directly related to gaming activity and those whose functions are not so related. The fee schedule established herein for casino employees recognizes that distinction and the difference in effort generally required to investigate, consider and monitor the two classes of casino employees.

(b) Under section 94(d) of the Act, a casino employee license for a person whose position is directly related to gaming activity shall be issued for two years and be renewable for two year periods thereafter. The issuance fee for such a two year license shall be \$200. The renewal fee for such a two year license shall be \$150.

(c) Under section 94(d) of the Act, a casino employee license for a person whose position is not directly related to gaming activity shall be issued for three years and be renewable for three year periods thereafter. The issuance fee for such a three year license shall be \$195. The renewal fee for such a three year license shall be \$180.

19:41-9.15 Casino hotel employee license fees

Under section 91 of the Act, no person may be employed as a casino hotel employee unless such person is the holder of a valid casino hotel employee license. Under section 94(d) of the Act, a casino hotel employee license shall be issued for three years and be renewable for three year periods thereafter. The issuance fee for a three year casino hotel employee license shall be \$30. The renewal fee for such a three year license shall be \$30.

19:41-9.16 Employee license position additions

Under sections 89(c), 90(a) and 90(c) of the Act, casino key employee licenses and casino employee licenses shall have endorsed upon them the particular position which the licensee is qualified to hold. In addition to any other fee or charge imposed by the Act and this subchapter, a request to endorse a second or subsequent authorized position upon a license shall require payment of \$60 for each such additional position. Furthermore, where such an additional position is requested and initial licensure to such position requires payment of a greater fee than is required for any position previously requested or authorized to be endorsed on the same license, the applicant shall also pay the difference between the greater issuance fee and the highest issuance fee previously paid. Nothing herein shall be deemed to permit endorsement on a casino employee license of a casino key employee position. Any license upon which two or more positions have been endorsed shall expire when the term for any position endorsed thereon first expires in accordance with section 94(d) of the Act. The renewal fee for any license upon which multiple positions are endorsed shall be the highest fee for any position endorsed thereon.

19:41-9.17 Miscellaneous administrative fees

- (a) Lost licenses shall be replaced for a fee of \$4.00.
- (b) Requests to change a name or address on an application or license shall require a fee of \$4.00.
- (c) A copy of the Casino Control Act shall be provided upon payment of \$3.00 plus postage.
- (d) A copy of the rules of the game shall be provided upon payment of \$2.00 plus postage.

19:41-9.18 Special assessment to operating casinos and casino license applicants

- (a) Section 153 of the Act requires all outstanding loans to the casino control fund, together with all interest there-

on, as of July 1, 1980, to be repaid from a special assessment to all operating casinos and casino license applicants as of that date. The assessed amounts shall be paid in full by December 31, 1980. In accordance with the directive of the Act, the assessment shall be determined as follows:

1. Each operating casino and casino license applicant as of July 1, 1980, shall pay \$100,000; and

2. The amount of the casino control fund deficit which exceeds the amount collectible under (1) shall be apportioned among all operating casinos and casino license applicants in proportion to the number of hours expended by the professional staff members of the commission and the division, exclusive of commission inspectors and division enforcement personnel, on matters directly related to each such casino or applicant from the creation of the commission and the division until July 1, 1980.

19:41-9.19 Obligation to pay fees and nonrefundable nature of fees

- (a) Any fee obligation arising in accordance with the Act and this subchapter shall be due and payable notwithstanding the withdrawal or abandonment of any application or the termination in any manner of an existing license.

- (b) Amounts actually paid by an applicant or licensee in accordance with the Act and this subchapter shall not be refundable; provided, however, that where payments made by an operating casino for its estimated share under section 4(f) of this subchapter exceed the actual share as finally determined, the excess payments shall be credited toward the fees to be charged to that casino in the next fiscal year.

19:41-1.20 Powers and duties of commission and division

Nothing in this subchapter shall be construed to limit the powers and duties of the commission or the division as provided in the Act or the regulations of the commission.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 30, 1980 to:

Joseph P. Lordi, Chairman
Casino Control Commission
379 West State Street
Trenton, New Jersey 08625

The New Jersey Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

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