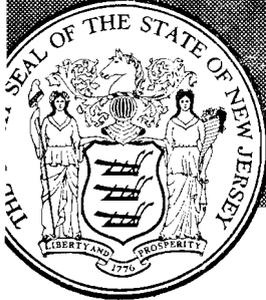


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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(a)

CHIEF EXECUTIVE

Notice of Certification and Adoption of Water Quality Management Plans

Notice is hereby given by the Office of the Governor of the certification and adoption of the Water Quality Management Plans for the following areas: Upper Raritan, Upper Delaware, Lower Delaware, Monmouth, Cape May, Ocean, Atlantic, Sussex and Northeast New Jersey. Notice of intent to certify and adopt these plans was given at 11 N.J.R. 534(a).

The plans were prepared pursuant to Section 208 of the Federal Clean Water Act, as amended, 33 U.S.C.A. 1251 et seq. and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq. and, as certified and adopted by the Governor, are now the official Water Quality Management Plans for the areas noted above. The plans have been forwarded to the Regional Administrator of Region II of the U.S. Environmental Protection Agency for his review and approval.

Notice is also hereby given of the adoption of the Water Quality Management Plans for the Lower Raritan/Middlesex, Tri-County and Mercer planning areas. The Lower Raritan/Middlesex Water Quality Management Plan was certified by the Governor on August 2, 1978. The Tri-County and Mercer areawide plans were certified by the Governor on March 21, 1979. These plans have been reviewed and approved by the U.S. Environmental Protection Agency and, as certified and approved, are now the official Water Quality Management Plans for the applicable areas.

Copies of the plans are available for review at the following addresses:

Upper Raritan, Upper Delaware, Lower Delaware, Monmouth and Northeast areas—

Division of Water Resources
Bureau of Planning and Standards
1471 Prospect Street
Trenton, New Jersey 08625

Cape May County—

Cape May County Planning Department
County Buildings
Cape May Court House, New Jersey 08210

Ocean County—

Ocean County Planning Board
7 Madison Avenue
Toms River, New Jersey 08753

Atlantic County—

Atlantic County Planning Department
730 Guarantee Trust Building
Atlantic City, New Jersey 08401

Sussex County—

Sussex County Planning Board
55-57 High Street
Newton, New Jersey 07860

Lower Raritan/Middlesex County—

Middlesex County Planning Board
40 Livingston Avenue
New Brunswick, New Jersey 08901

Tri-County Area—

Delaware Valley Regional Planning Commission
1819 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

Mercer County—

Mercer County Planning Division
County Administration Building
P.O. Box 8068
Trenton, New Jersey 08650

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

(b)

BANKING

DIVISION OF BANKING

Proposed Repeal Concerning Report of Ten Year Dormant Accounts

Angelo R. Bianchi, Commissioner of the New Jersey

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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The New Jersey Register (USPS 442-950) is published the first Thursday after the first Monday of each month by the Division of Administrative Procedure of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$15.00, monthly back issues when available, \$1.50. Make checks payable to: Division of Administrative Procedure.

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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.

Department of Banking, proposes to repeal N.J.A.C. 3:6-1 concerning the report of ten year dormant accounts in savings banks. On June 27, 1980, Chapter 54, P.L. 1980 was signed into law and eliminated the report referred to in this regulation.

Full text of the repealed rule follows.

[SUBCHAPTER 1. REPORT OF TEN-YEAR DORMANT ACCOUNTS]

[3:6-1.1 Time for filing

Every savings bank shall file in the Department on or before December 31 of each year the report of ten year dormant accounts required by Section 257 of the Banking Act of 1948, as amended.]

Interested persons may present relative written comments, statements or arguments, on or before September 24, 1980 to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
P.O. Box CN040
Trenton, N.J. 08625

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

Angelo R. Bianchi
Commissioner
Department of Banking

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

**Rescind Unemployment Compensation
Local Jurisdictions**

On July 11, 1980, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, rescinded Subpart 16-1.101 of the Civil Service Personnel Manual (Local Jurisdictions) concerning unemployment compensation.

An order adopting this rule was filed and became effective on July 29, 1980 as R.1980 d.338 (Exempt, Procedural Rule). Take notice that this rule is not subject to codification and will not appear in the New Jersey Administrative Code.

Howard H. Kestin
Director
Office of Administrative Law

(b)

COMMUNITY AFFAIRS

DIVISION OF PLANNING

**Notice of Hearings State Development
Guide Plan**

Take notice that Richard A. Ginman, Director of the Division of Planning in the Department of Community Affairs, has issued the following Notice of Hearing con-

cerning the revised State Development Guide Plan.

This Plan includes a description of existing conditions, a statement of goals and a discussion of factors considered in preparing the Plan, as well as a growth management strategy and guidelines for use by the State's Cabinet Development Committee and by State agencies with responsibilities related to the long-term development of New Jersey. Two alternative uses of the Plan being considered include the following:

Consistency with the Guide Plan would be required of all investment and regulatory actions in which State agencies participate in an administrative, advisory or policy-making capacity unless justification for any inconsistency is approved by the Cabinet Development Committee.

Consistency with the Guide Plan would be required, unless explicitly justified and approved by the Cabinet Development Committee, of all State policy-making and investment decisions but not of regulatory activities where the standards for review and approval have been firmly established by statute or practice.

The public is asked to address these alternatives as well as the substance of the Guide Plan. Copies of the full text will be forwarded by mail to all municipal clerks and county planning boards on or after August 11, 1980.

Written and oral comments concerning the Guide Plan will be received at the following public hearings:

Rutgers, the State University
Robeson Campus Center, Newark
September 3, 1980, 7:30 p.m.

Richard Stockton State College
Pomona
September 9, 1980, 7:30 p.m.

New Jersey State Museum Auditorium
Trenton
September 11, 1980, 10:30 a.m.

Hackettstown High School Library
Hackettstown
September 16, 1980, 7:30 p.m.

Rutgers, the State University, College Center
Camden
September 18, 1980, 7:30 p.m.

Interested persons may also send statements in writing relevant to the Guide Plan to be received on or before October 17, 1980 at:

Department of Community Affairs
Division of Planning
Bureau of Statewide Planning
P.O. Box 2768
Trenton, N.J. 08625

This Notice is published in order to inform the public of opportunities to comment on the State Development Guide Plan. Those wishing to testify are encouraged to provide a written copy of their remarks and to register their appearance in advance with the Division of Planning (telephone (609) 292-2953).

The Department of Community Affairs may thereafter adopt this Plan substantially as proposed without further notice.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Emergency Amend Tax Abatement

On July 21, 1980, Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 54:4-3.79 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 5:22-1.5 concerning tax abatements.

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

5:22-1.5(c) No exemption shall be allowed pursuant to the Act for any improvement for which no construction permit or, if applicable, no certificate of occupancy has been issued by the local construction official.

An order adopting this rule was filed and became effective on July 23, 1980 as R.1980 d.334 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

EDUCATION

STATE BOARD OF EDUCATION

**Proposed Repeal Rules
Special State Aid for Children
Resident in Institutions**

The State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-33, proposes to repeal N.J.A.C. 6:20-5.1 concerning special State aid for children resident in institutions. The rules are being proposed for repeal by the Department due to the enactment of the "Public School Education Act of 1975."

Full text of the section to be repealed follows.

6:20-5.1 [Special State aid for children resident in institutions] (Reserved)

[(a) Whenever a board of education shall decide that the persons eligible for admission to its public schools under subsection (d) of Section 18A:38-1 and under 18A:38-2 of N.J.S.A., in its opinion, an unreasonable number, the board of education may make application to the Commissioner of Education for the approval and granting to the district of special State aid. The Commissioner may require the district to keep such records and supply such data as may be necessary to his determination. If the Commissioner shall determine that the number of such pupils constitutes an unreasonable number he shall grant special State aid in accordance with the following:

1. For such qualified pupils attending schools within the district and residing in tax-exempt property, special aid shall be an amount equal to the number of such pupils multiplied by the difference between the day school cost per pupil in average enrollment in the schools of the district and the total State foundation program aid and building aid per pupil.

2. For such qualified pupils attending schools within the district and residing in taxable property, special aid shall

be an amount equal to the number of such pupils multiplied by the difference between the day school cost per pupil in average enrollment in the schools of the district and the State formula and building aid per pupil of this category in resident average daily enrollment.

3. For such qualified pupils who reside in tax-exempt property in this district and for whom tuition is paid to another district, special aid shall be an amount equal to that number of such pupils multiplied by the difference between the tuition per pupil paid to another district and the total State foundation program aid and building aid per pupil.

4. For such qualified pupils who live in taxable property in this district and for whom tuition is paid to another district, special aid shall be an amount equal to that number of such pupils multiplied by the difference between the tuition paid and State aid per pupil as in paragraph 2 of this subsection.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 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 repeal this section as proposed without further notice.

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

(c)

EDUCATION

STATE BOARD OF EDUCATION

**Proposed Repeal Emergency
State Building Aid**

The State Board of Education, pursuant to authority of N.J.S.A. 18A:58-33.2, proposes to repeal N.J.A.C. 6:20-5.3. These rules are being proposed for repeal in response to the Board's decision that they are obsolete.

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

6:20-5.3 [Emergency State building aid] (Reserved)

[(a) The State Board of Education establishes priorities for its declaration of entitlements through the use of the following factors and the point schedule allocated to each of the said factors:

1. Equalized property valuation per pupil-five points for each \$1,000.00 or major fraction thereof between \$29,001.00 and \$34,000.00 per pupil in equalized property valuations; ten points for each \$1,000.00 between \$24,001.00 and \$29,000.00 per pupil; 15 points for each \$1,000.00 between \$19,001.00 and \$24,000.00 per pupil; 20 points for each \$1,000.00 between \$14,001.00 and \$19,000.00 per pupil, and 25 points for each \$1,000.00 under \$14,000.00 per pupil;

2. Rate of growth — five points for each percentile of increase in enrollment from September 1962 to September 1967;

3. Density of population — five points for each 250 inhabitants per square mile;

4. A.F.D.C. (Aid for Dependent Children) — 20 points for each percentile of welfare children (5-17) as compared with the total enrollment of the district;
5. Children living in public housing projects — 20 points for each percentile of children living in public housing projects as compared with total enrollment of the district;
6. Classrooms over 50 years old — ten points for each percentile of classrooms constructed prior to 1918 as compared with total number of classrooms available;
7. Total municipal tax rate (1968 - equalized) — three points for each penny in excess of \$3.05 (Median);
8. School tax rate (1968 - equalized) — three points for each penny in excess of \$1.89 (Median);
9. Municipal debt — five points for each 1/10 of a percentile in excess of 3.50 per cent;
10. School debt — five points for each 1/10 of a percentile in excess of 4.00 per cent;
11. Part-time enrollment — five points for each 25 pupils on half session; five points for each 25 pupils in temporary facilities approved by the county superintendent of schools;
12. All other — up to 500 points for other factors to be considered by the Commissioner of Education and the State Board of Education.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 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 repeal this section as proposed without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amend Bookkeeping and Accounting in Local Districts (Debt Service State Support)

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-14, proposes to adopt a new regulation to be cited as N.J.A.C. 6:20-2.12, Debt service State support, in the rules on Bookkeeping and Accounting in Local School Districts.

The proposed rule provides for the disposition of the surplus debt service State support.

Full text of the proposed rule follows.

6:20-2.12 Debt service State support

In the budget year following the final payment of all school debt service if all or any part of the debt service funds which are to be made available to a board of education for that budget year pursuant to N.J.S.A. 18A:7A-19 and 18A:7A-26 are not necessary for debt service purposes in that budget year, the board of education of the district shall record such funds as capital outlay revenue to the district.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 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 this new regulation substantially as proposed without further notice.

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Statewide Assessment

On August 6, 1980, Fred G. Burke, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:4-15 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:39-1.3 and 6:39-1.4 concerning Statewide assessment as proposed in the Notice published July 10, 1980 at 12 N.J.R. 389(a).

An order adopting this rule was filed and became effective on August 7, 1980 as R.1980 d.352.

Howard H. Kestin
Director
Office of Administrative Law

(c)

EDUCATION

STATE BOARD OF EDUCATION

Family Life Education Programs

On August 6, 1980, Fred G. Burke, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:4-15 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:29-7.1 concerning family life education programs as proposed in the Notice published July 10, 1980 at 12 N.J.R. 388(c).

An order adopting this rule was filed and became effective on August 7, 1980 as R.1980 d.353.

Howard H. Kestin
Director
Office of Administrative Law

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Map of the Swimming River Natural Area

Jerry Fitzgerald English, Commissioner of the Depart-

ment of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1B-2 and N.J.S.A. 13:1B-15.12a9 hereby proposes to amend the map of the Swimming River Natural Area designated as a Natural Area in N.J.A.C. 7:2-11.22(e)2. This proposal is known within the department as docket number 047-80-08.

This rule is being proposed to correct an inconsistency between the boundary description of the Swimming River Natural Area adopted on July 13, 1978 and the map of the Area filed at that time. This proposal is to correct this inconsistency only, and does not involve the inclusion of additional lands within the delineated Swimming River Natural Area.

A copy of the revised map for the Swimming River Natural Area is available from the person indicated below.

Interested persons may present statements or arguments in writing on the proposal on or before October 20, 1980 to:

Robert Stokes, Chief
Bureau of Heritage and Recreation Planning
1301 Parkside Avenue
Trenton, New Jersey 08638

The Department may thereafter adopt this revision substantially as proposed without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Flood Plain Delineation Of the Great Egg Harbor River

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 amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard area of the Great Egg Harbor River from the Lake Lenape Dam in Hamilton Township upstream of the Conrail Bridge, formerly the Pennsylvania-Reading Seashore Railroad, in Winslow Township; Hospitality Branch from its mouth at the confluence with the Great Egg Harbor River upstream to the head of Spruce Lake in Monroe Township; Four Mile Branch from its mouth at the confluence with the Great Egg Harbor River upstream 22,800 feet to a point 800 feet upstream from an unimproved road in Monroe and Winslow Township; and Squankum Branch from its mouth at the confluence with the Great Egg Harbor River upstream to the Conrail Bridge, formerly the Pennsylvania-Reading Seashore Railroad in Monroe Township, all within the Counties of Atlantic, Camden, and Gloucester.

The proposed amendment affects the Borough of Folsom and the Township of Hamilton in the County of Atlantic; the Township of Winslow in the County of Camden; and the Township of Monroe in the County of Gloucester and is based upon studies undertaken by the Bureau of Flood Plain Management, Division of Water Resources.

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).

All relevant information and documents are available for inspection during normal working hours at:

Office of the Bureau of Flood Plain Management
Division of Water Resources
P.O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

The Department will hold public hearings on this matter on Wednesday, September 24, 1980 at 8:00 P.M. at Hamilton Township, Municipal Building, 2nd and Cape May Avenue, Mays Landing, New Jersey. This proposal shall be known within the Department of Environmental Protection as Docket No. DEP 044-80-08.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before October 1, 1980 to: Clark Gilman, at the above address, or at a hearing to be held at 8:00 P.M. on September 24, 1980 at the Hamilton Township Building, as announced above.

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

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Flood Plain Delineation Of the Mullica River and Tributaries

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 amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodway and flood hazard area of the Mullica River from approximately 2700 feet downstream from the Green Bank-Weekstown Road upstream to Route 542 between Mullica Township, Atlantic County and Washington Township, Burlington County; Landing Creek from approximately 3000 feet downstream from Philadelphia Avenue upstream to Hamburg Avenue, Union Creek from its mouth at the confluence with Landing Creek upstream to Bremen Avenue and Union Creek Tributary from its mouth at the confluence with Union Creek upstream to City Line Road, all within Egg Harbor City, Atlantic County; Cedar Creek from the Wharton State Forest Boundary upstream to Liberty Street in the Town of Hammonton, Atlantic County; Pump Branch from the Waterford-Blue Anchor Road upstream to the Conrail Bridge, formerly the Pennsylvania-Reading Seashore Railroad in the Township of Winslow, Camden County; and the West Branch Wading River from the Lake Chatsworth Dam upstream to a culvert at the Lebanon State Forest Boundary in the Township of Woodland, Burlington County. This proposal is known within the department as Docket Number DEP 043-80-08.

The proposed delineation affects the City of Egg Harbor, Town of Hammonton and Township of Mullica in the County of Atlantic, the Township of Winslow in the County of Camden and the Townships of Washington and Woodland in the County of Burlington and is based upon studies undertaken by the Bureau of Flood Plain Management, Division of Water Resources.

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).

All relevant information and documents are available for inspection during normal working hours at:

Office of the Bureau of Flood Plain Management
Division of Water Resources
P.O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

The Department will hold public hearings on this matter on Wednesday, October 1, 1980 at 8:00 P.M. in Room CC-103, Stockton State College, Jimmy Leeds Road, Pomona, New Jersey. This proposal is to be known within the Department of Environmental Protection as Docket No. DEP 043-80-08.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before October 8, 1980 to: Clark Gilman, at the above address, or at a hearing to be held at 8:00 P.M. on October 1, 1980 at the Stockton State College as announced above.

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

THE COMMISSIONER

Proposed Development and Land Use in the Flood Fringe Area

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., proposes to adopt Flood Fringe Area Standards to be cited as N.J.A.C. 7:13-3, and proposes minor amendments to N.J.A.C. 7:13-1, the "General Provisions" subchapter of the "Water Supply and Flood Plain Management" rules. This is known within the department as Docket Number DEP 046-80-08.

The proposed Flood Fringe Area Standards will provide municipalities with minimum standards for development and use of land in the flood fringe area. These standards or more stringent standards are to be incorporated into a municipal ordinance which is to be adopted within one year of the effective date of these proposed rules or the delineation of a flood hazard area within the boundaries of the municipality, whichever occurs later. If a municipality fails to adopt these or more stringent standards within the prescribed time period, the Department may adopt and enforce flood fringe rules for the municipality.

The Department has consulted with the staff of the National Flood Insurance Program to coordinate the State and Federal programs. Once the Flood Fringe Area Standards are adopted the Department will supply each municipality with a model ordinance which will satisfy the re-

quirements of both the National Flood Insurance Program and the State's Flood Fringe Area Standards.

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

CHAPTER 13

[WATER SUPPLY AND] FLOOD [PLAIN] HAZARD AREA MANAGEMENT

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SUBCHAPTER 1. GENERAL PROVISIONS

7:13-1.1 Purpose

To safeguard the public health, safety and general welfare, and to minimize losses and damages caused by land uses which, [at times of flood,] during flooding increase flood heights and/or velocities; to safeguard the public from the dangers and damages caused by materials being swept onto nearby or downstream lands, to protect and enhance the public's health by minimizing the degradation of stream water quality from point and non-point pollution sources, and to protect wildlife and fisheries by preserving and enhancing the environment of the [flood plain] flood hazard area; the Department of Environmental Protection, pursuant to N.J.S.A. 58:16A-50 et seq. and the powers, duties and functions vested in the Department under the provisions of N.J.S.A. 13:1D-1 et seq., has adopted the following land use regulations [shall be applicable] governing all of the State's delineated floodways listed in section 11 of this subchapter and has adopted the following minimum standards and procedures for local ordinances and Department regulations governing the development and use of land in the State's delineated flood fringe areas listed in section 11 of this subchapter.

7:13-1.2 Definitions

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

"Encroachment" means any obstruction within a delineated floodway or flood fringe area.

"Expansion or enlargement" means the increase in the external dimensions of an existing structure.

"Fill" means sand, gravel, earth or other [select] material [of equal quality] placed or deposited within the

floodway or flood fringe area so as to form an embankment or raise the elevation of the land surface.

"Flood or flooding" means the general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood damage potential" means the susceptibility of a [floodway] use at a particular site in a floodway or flood fringe area to damage by potential floods [at that site, as well as increased off-site flooding or flood related damages caused by such floodway use.] and the potential of such use for increasing flooding or flood related damages caused by such use.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Ground water" means that water, beneath the land surface, which is below the water table and is termed phreatic water.]

"Hazardous materials" means any waste or combination of waste which poses a present or potential threat to human health, living organisms or the environment. It shall include waste material that is toxic, corrosive, irritating or sensitizing, radioactive, biologically infectious, explosive, or flammable. It includes, but need not be limited to, those materials and concentrations of materials that are determined to be toxic by the Federal Secretary of Health, Education and Welfare pursuant to section 20(6) of the Occupational Safety and Health Act of 1970 (Public Law 91-596, OSHA) and those materials listed in the current Part 172, Title 49 of the Code of Federal Regulations issued by the Federal Department of Transportation.]

"Hazardous material" means any material now or hereinafter defined as a "hazardous material" or "hazardous substance" in N.J.A.C. 7:1E-1.3, or in 49 C.F.R. Part 172, or pursuant to any regulation promulgated by the U.S. Environmental Protection Agency under the authority of sections 307 or 311 of the Clean Water Act, 33 U.S.C. 1251 et seq.

"Motor vehicle" means any vehicle propelled otherwise than by muscular power, excepting such vehicles that run only upon rails or tracks.]

"Planning board" means any municipal planning board as defined and provided for under [N.J.S.A. 40:55-1.1 et seq.] the laws of the State of New Jersey.

"Pesticide" means any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term "pesticide" shall also include any substance or mixture of substances labeled, designed or intended for use as defoliant, desiccant, or plant regulator.]

"Petroleum products" means oil or petroleum of any kind and in any form, including crude oils and derivatives of crude oils, whether alone, as sludge, oil refuse or mixed with other wastes.]

"Water carrying capacity" means the ability of a channel or floodway to transport water as determined by its

shape, cross-sectional area, bed slope and coefficient of hydraulic friction and upstream and downstream channel configurations as used in accepted engineering practices.

SUBCHAPTER 3. FLOOD FRINGE AREA STANDARDS

7:13-3.1 Scope and construction of rules

(a) Unless otherwise provided by statute or rule, this subchapter, adopted pursuant to the provisions of N.J.S.A. 58:16A-50 et seq. and N.J.S.A. 13:1D-1 et seq., shall constitute the Department's minimum standards for municipal ordinances and Department regulations governing development and land use in the flood fringe area.

(b) The Commissioner may repeal, rescind, amend, or expand these rules from time to time, and such new rules shall be filed with the Secretary of State as provided by law.

(c) The Commissioner, the Director of the Division of Water Resources, or their designee shall exercise his discretion in respect to any other matters not governed by the rules.

7:13-3.2 Definitions

For the purposes of this subchapter, the definitions contained in N.J.A.C. 7:13-1.2 shall apply unless otherwise indicated herein.

"Application" means the form provided by the municipality or department as appropriate, for a flood fringe use permit.

"Designated Agency" means that unit of municipal government which has been directed by the municipality to be responsible for carrying out the functions and duties necessary to implement and enforce these regulations. Where said implementation and enforcement is not carried out by the municipality the Department may act as the Designated Agency.

"Obstruction" includes, but is not limited to, any structure, fill, or other material placed in, along, across, or projecting into any channel, watercourse, or flood fringe area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property.

"Regulated use" means any flood fringe use which requires a flood fringe use permit or its equivalent from the designated agency.

"Structure" means any construction or assembly of materials above or below the surface of land or water, including, but not limited to, buildings, fences, except as provided in section 5 of this subchapter, dams, fill, levees, bulkheads, dikes, jetties, embankments, wharves, piers, docks, landings, obstructions, pipelines, causeways, culverts, roads, railroads, bridges, and the facilities of any utility or governmental agency. Trees or other vegetation shall not be considered to be structures if planted in the flood fringe area.

7:13-3.3 Municipal responsibilities

(a) Each municipality shall adopt and enforce a flood fringe area ordinance complying with the minimum standards set forth in sections 4 through 10 of this subchapter and, to be in compliance with the National Flood Insurance Program, should include in that ordinance the Federal "Criteria for Land Management and Use," 44 CFR 60.3(a.) through (d.). The ordinance may be more restrictive but shall not be less restrictive than these regulations. When adopted the Flood Fringe Area Ordinance shall take precedence over any existing ordinance establishing standards less restrictive than the Flood Fringe Area

Ordinance. Any ordinances adopted subsequent to the adoption of the Flood Fringe Area Ordinance or modifications of pre-existing ordinances or sections thereof shall not diminish the effect of the Flood Fringe Area Ordinance.

(b) If a municipality fails to adopt a complaint ordinance within 12 months after promulgation of this subchapter or within 12 months after the adoption of a delineation of the flood fringe area by the Department, whichever is later, then the Department may adopt flood fringe area regulations complying with the minimum standards set forth in sections 4 through 10 of this subchapter and enforce those regulations in the noncompliant municipality.

(c) The municipality shall submit three copies of its Flood Fringe Area Ordinance to the Division and to the County Planning Board 60 days prior to the effective date of the ordinance.

(d) Each municipality shall notify the Division when it has adopted its Flood Fringe Area Ordinance and every time said ordinance is amended or modified.

7:13-3.4 Prohibited uses

The disposal of pesticides, domestic solid waste or industrial solid or liquid wastes, radioactive materials, petroleum products or other hazardous materials shall not be permitted within the flood fringe area. Wastewater and water treatment plants shall be permitted and shall comply with sections 6 and 7 of this subchapter.

7:13-3.5 Non-regulated uses

(a) For the purposes of this section, non-regulated uses are land uses within flood fringe areas which:

1. Do not require the construction of structures with an area of more than 100 square feet or major regrading; and
2. Do not require modification or relocation of any channel of a nondelineated stream.

(b) Examples of non-regulated uses include but are not limited to the following:

1. Residential: Improvements such as lawns, play areas, gardens, landscaping, fences, anchored dog houses and auxiliary utility buildings, driveways and barbecues.

2. Private and public recreation: Playing fields, picnic grounds, swimming areas, parks, wildlife and nature preserves, game farms, hunting and fishing areas, shooting preserves, hiking and horseback riding trails, tennis courts, basketball courts, driving ranges, archery ranges, target ranges, trap and skeet ranges, fish hatcheries and auxiliary utility buildings.

3. Agriculture: General cultivation, pasture, grazing, irrigation, outdoor plants, nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting. Additionally, specific soil conservation practices such as terracing, construction of diversions, subsurface drainage and the construction of grassed waterways and dug ponds will be considered non-regulated uses, but only when designed and constructed under the supervision of the appropriate Soil Conservation District. Plastic covered greenhouses and other auxiliary utility buildings constructed without permanent foundations, and fences associated with these agricultural uses are non-regulated.

7:13-3.6 Regulated uses; procedure

(a) Regulated uses are all land uses within delineated flood fringe areas except the nonregulated uses specified in section 5 of this subchapter and prohibited uses under section 4 of this subchapter.

(b) No person shall engage in a regulated use within a delineated flood fringe area until he has received a Flood Fringe Use Permit from the designated agency.

(c) The municipality shall be responsible for processing

all applications and issuing all permits, enforcing all permit conditions and the procedures therefor, in accordance with the requirements of this section.

1. The municipality shall provide standard forms and procedures for all applications and a Docket Number to identify each application. This Docket Number shall be clearly marked on all correspondence and submissions related to the application.

2. The municipality shall require at least one copy of the application, including detailed drawings of the project showing the floodway line and describing it by metes and bounds where the floodway line is within the property on which the project is to be constructed, and of any additional information required to be kept on file for public review. The municipality shall also specify the number of copies of the application, and of any additional information required, necessary for the review of the project. The applicant shall submit sufficient copies to satisfy both of these requirements.

3. The municipality shall within 20 days of receipt of the application either:

i. Declare the application complete for the purpose of making a review for determination and decision; or

ii. Return the application as unacceptable for further review. The applicant shall be notified in writing of the reasons for such action; or

iii. Request in writing that the applicant submit, within a specific period of time, additional information to assist in its review.

4. When the application is deemed complete the municipality shall provide for public notice and review. One copy of the application and other submitted information and a Fact Sheet stating the following shall be made available for public review:

i. The docket number;

ii. The applicant;

iii. The date the application was declared complete by the municipality;

iv. The date by which interested parties may submit comments concerning the application. Such date shall be 30 days from the date the application is declared complete; and

v. The date by which the municipality shall approve, condition, or disapprove the application.

5. The municipality shall review the application and other submitted information and any public comments submitted concerning the application for compliance with the standards set forth in section 7 of this subchapter.

6. The municipality shall render its decision and notify the applicant in writing within 90 days after the date the application is declared complete as follows:

i. Approval — by issuance of a Flood Fringe Use Permit;

ii. Conditional approval — by issuance of a Flood Fringe Use Permit with conditions or by issuance of a letter citing the conditions to be met for approval;

iii. Disapproval — by issuance of a letter citing the reasons for disapproval.

7. If the municipality fails to render a decision within 90 days after the date the application is declared complete the application shall be deemed approved.

8. The municipality shall notify all persons, who have submitted comments concerning the application, of the decision within five working days after the decision.

9. To give persons who may object to the issuance of the permit time to appeal, the permit shall not be valid until 15 days following issuance of the permit.

(d) Applicants for Flood Fringe Use permits for land in municipalities where the Flood Fringe Area program is administered by the Department shall follow the pro-

cedures set forth in the Department's Ninety-Day Construction Permits regulation, N.J.A.C. 7:1C-1.1 et seq.

7:13-3.7 Regulated uses; standards

Applications shall be reviewed for conformance with the following standards.

(a) Structures: All structures shall be designed and anchored to prevent collapse, lateral movement and buoyancy.

1. Hospitals, nursing homes, schools, day care centers, residences and similar noncommercial structures shall be elevated so that the lowest floor, including any basement, is at or above the flood hazard design elevation. At least one driveway to any hospital, school, nursing home, day care center or other similar noncommercial structure, shall be elevated to or above the flood hazard design elevation.

2. Commercial and industrial structures including water supply and wastewater treatment facilities shall either be elevated so that the lowest floor, including any basement, is at or above the flood hazard design elevation or shall be dry floodproofed in a manner which reflects flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, probable evacuation time available after flood warning, and other similar factors. The applicant shall submit a plan or document certified by a licensed professional engineer that the floodproofing measures are consistent with the flood hazard design elevation and associated flood factors. All or any of the following floodproofing measures may be required so as to result in a dry floodproofed structure:

i. Installation of watertight doors, bulkheads, and shutters, or similar devices.

ii. Reinforced walls to resist water pressures.

iii. Use of paints, membranes, or mortars to reduce seepage of water through walls.

iv. Installation of pumps to lower water levels in structures.

v. Construction of water supply and wastewater treatment systems in a manner which prevents the entrance of floodwaters.

vi. Pumping facilities, or comparable measures, for the subsurface drainage systems of buildings to relieve external foundation wall and basement flood pressures.

vii. Construction that resists rupture or collapse caused by water pressure or floating debris.

viii. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage or storm waters into the structure. Gravity drainage of basements may be eliminated by mechanical devices.

ix. Location of all electrical equipment, in a manner which will assure they are not subject to flooding.

x. Adequate emergency electrical power supplies.

(b) Excavation: All projects involving permanent excavation within the flood fringe area except as related to the installation of underground utilities or foundation for structures shall not have cut faces at slopes steeper than two horizontal to one vertical (2:1).

(c) Individual sewage disposal systems in flood fringe areas shall be constructed in accordance with the Department's Standards for the Construction of Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9-2.1 et seq.

(d) All fill shall be graded in a manner so as not to adversely affect overland drainage flows.

1. Fill shall be placed so that slopes are not steeper than two horizontal to one vertical (2:1).

2. The surface elevation of fill placed for the purpose of raising buildings above the flood hazard design eleva-

tion shall be no lower than the flood hazard design elevation and shall extend at such height for a distance of at least 15 feet beyond the limits of any buildings erected thereon. The 15 foot provision may be modified if approved by the municipal engineer in writing.

3. Fill shall be compacted and stabilized in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey or latest amendment thereto, adopted pursuant to N.J.A.C. 2:90-1.3 et seq.

(e) Utilities: The following standards pertain to all projects involving the installation of above and below ground conduits, cables and pipes:

1. The width of trenches for installation of below ground utilities shall be limited to the minimum necessary to permit installation.

2. Poles for the support of above ground utilities shall be adequately anchored to withstand flood flow forces and erosion.

7:13-3.8 Appeals and hearings

(a) Appeals from decisions made by the Department on applications for Flood Fringe use permits shall be made in accordance with the provisions of the Appeals section of the Ninety-Day Construction Permits regulation, N.J.A.C. 7:1C-1.1 et seq.

(b) The municipality shall establish an appellate body and appeal procedures which shall provide a fair hearing for persons aggrieved by the municipality's decision concerning an applicant's Flood Fringe Use permit. Aggrieved persons may file an appeal within fifteen days after the municipality's decision.

7:13-3.9 Pre-existing structures and uses

Lawful pre-existing structures and uses of land are permitted provided that no pre-existing structure shall be expanded or enlarged, except in compliance with the minimum standards set forth in this subchapter. Any structure under construction, except structures being constructed in violation of the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., its rules or permit requirements, shall be considered a pre-existing structure and completed in accordance with the conditions of that permit.

7:13-3.10 Approved structures

Maintenance, repair or restoration of a structure shall be undertaken and completed so far as is practicable in accordance with the minimum standards set forth in these regulations.

7:13-3.11 Other statutes, rules and regulations

The powers, duties, and functions vested in the municipality under the provisions of the Act or these standards shall not be construed to limit in any manner the powers, duties, and functions vested in the Department under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., or under any other provision of law. The permit requirements of N.J.S.A. 58:16A-55.3 for structures within the area which would be inundated by the 100 year design flood of any nondelineated stream or for a change in land use within a delineated floodway shall be complied with when the project for which the applicant is seeking a Flood Fringe Use Permit falls within these areas.

7:13-3.12 Severability

If any section, subsection, provision, clause or portion of these standards is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these standards shall not be affected thereby.

7:13-3.13 Fees

The fee schedule for applications for State administered Flood Fringe Use Permits is set forth in the Fee Section of

the Ninety-Day Construction Permits regulations, N.J.A.C. 7:1C-1.5.

7:13-3.14 Penalties

Any person who violates any of the provisions of this subchapter shall be liable to the penalty provisions of the Flood Hazard Area Control Act, N.J.S.A. 58:16A-63.

7:13-3.15 Delineated Flood Fringe Areas

Unless otherwise indicated herein, the maps listed in section 11, subchapter 1 shall be used to delineate Flood Fringe Areas.

Copies of the Basis and Background document may be obtained from:

John O'Dowd, Chief
Bureau of Flood Plain Management
Division of Water Resources
P.O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

Persons wishing to comment on the proposal may do so by submitting comments in writing to the Department of Environmental Protection at the above address on or before September 22, 1980, or by testifying at one of the two public hearings listed below:

September 26, 1980
10:00 a.m.
Cherry Hill Library
1100 Kings Highway North
Cherry Hill, New Jersey

October 14, 1980
10:00 a.m.
Parsippany High School Auditorium
Intersection of Vail and Baldwin Roads
Parsippany, New Jersey

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
SOLID WASTE ADMINISTRATION**

Proposed Hazardous Waste Management

Jerry Fitzgerald English, Commissioner, Department of Environmental Protection, pursuant to the authority of the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), proposes to adopt the following regulations:

- N.J.A.C. 7:26-6 Hazardous Waste Identification Requirements
 - N.J.A.C. 7:26-8 Hazardous Waste Facility Registration Requirements
 - N.J.A.C. 7:26-9 Hazardous Waste Facility Operational Requirements
 - N.J.A.C. 7:26-10 Public Participation
- and to amend the following regulations:
- N.J.A.C. 7:26-1 General Provisions

N.J.A.C. 7:26-4 Fees

N.J.A.C. 7:26-7 Labeling, Records and Requirements

This proposal is known within the Department as Docket No. DEP 049-80-08.

The regulations forming the body of this proposal are the result of the redrafting of an earlier version proposed for adoption in January, 1979. A first draft of the revised regulations were released for public review and comment in March of 1980.

In May of 1980, the USEPA issued final and interim final regulations (45 FR 33066, May 19, 1980) implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA). These regulations set out minimum standards to be met by any state seeking authorization to administer a hazardous waste management program in lieu of the federal program.

In a letter to USEPA Regional Administrator Charles Warren, the Department notified USEPA of our intent to seek authorization to administer the RCRA hazardous waste management program in New Jersey. This course of action will benefit both the public at large and New Jersey industry by relieving the burdens of dual regulation by both state and federal agencies in this area.

Consequently, a second draft of the revised regulations, based in part on the federal RCRA regulations referenced above, was developed and reviewed by the Department's environmental and industrial advisory groups. The results of this redrafting and review process are the regulations formally proposed today.

Copies of the proposal and the basis document may be obtained from and written testimony relating thereto will be accepted prior to November 25, 1980 by:

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

Copies of this notice, of the proposed regulations and of the basis and background document are being deposited and will be available for inspection during normal office hours until the close of the hearing record at:

N.J. Division of Environmental Quality
Room 1110, Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Hazardous Waste
32 East Hanover Street
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control
Metropolitan Field Office
25 Route 22
Springfield, New Jersey 07081

N.J. Bureau of Air Pollution Control
Southern Field Office
5635 Westfield Avenue
Pennsauken, New Jersey 08110

N.J. Bureau of Air Pollution Control
Newark Field Office
Room 510, 1100 Raymond Boulevard
Newark, New Jersey 07102

Written and/or oral testimony concerning the proposed rules will be received at a public hearing to be held at the following locations and time and dates specified below:

October 20, 1980 at 10 a.m.
Ballroom
War Memorial Building
West Lafayette Street
Trenton, New Jersey

October 22, 1980 at 8 p.m.
Newark City Council Chambers
Newark City Hall
920 Broad Street
Newark, New Jersey

October 23, 1980 at 8 p.m.
Cherry Hill Township Council Chambers
Cherry Hill Municipal Building
820 Mercer Street
Cherry Hill, New Jersey

The Department of Environmental Protection may adopt these rules substantially as proposed without further notice after the close of the hearing record.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Green Acres

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1B-3 and N.J.S.A. 13:8A-16, hereby proposes to amend N.J.A.C. 7:36-2.2, 3.2, 5.5 and 6.4 concerning the State of New Jersey Green Acres program. These amendments are being proposed in order to clarify certain procedural components in the administration of the Green Acres program by this Department. This proposal is known within the department as Docket Number DEP 045-80-08.

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

7:36-2.2 Limitations

(a) Acquisition projects do not qualify for combined funding.

(b) The project must meet applicable BOR standards.

(c) The project funding consists of:

[1. State share up to 50 percent;]

[2. BOR share up to 40 percent;]

1. Green Acres and Land and Water Conservation Funds' share up to 90 percent.

[3.] 2. Local share 10 percent or balance.

7:36-3.2 Allowable costs

(a) Construction project contracts must be awarded to the lowest qualified bidder.

(b) In addition to the construction bid, the following costs are allowed for up to 50 percent reimbursement.

[1. Site plans, engineering plans and specifications which together may not represent more than 10 percent of total grant reimbursement.]

[2. Supervision and inspection, which together may not represent more than 3 percent total grant reimbursement.]

1. Engineering plans, specifications, supervision and inspection may not exceed 13 percent of the total cost of construction of the project. Incidental costs such as legal fees and advertising fees should not be included in the total construction cost.

[3.] 2. Equipment required to make the facility initially operational.

(c) Force account labor (employees of the local unit) expenses are reimbursable costs only under exceptional circumstances. Each request will be reviewed on a project by project basis.

7:36-5.5 Supplemental grant payments

(a) A supplemental grant may be approved, if funds are available, to help reduce the financial impact of condemnation awards. Guidelines are:

1. Timing - The local unit must have demonstrated significant progress and efficient use of the time between [the establishment of fair market value], grant approval and the initiation of condemnation action (see N.J.A.C. 7:36-1.10(a)4.).

2. Land cost [Condemnation] — The final price paid [is] must be the result of a condemnation action. [and appeal judgment. DEP limits supplemental participation only to a court action. Increases related to negotiation do not qualify.]

[3. Amount — A Green Acres Supplemental Grant will be limited to a 20 percent increase over and above the grant that was based on the fair market value, as established by DOT, regardless of the amount of the condemnation award. In no case will the total Green Acres Grant, including supplemental grant, exceed 50 percent of the total acquisition cost.]

[4. Limitations — The Green Acres Supplemental Grant may not exceed \$350,000.]

[5. Other Funding — State Green Acres Assistance represents the major site-specific source of financial aid to the project. Combined with other State or Federal site-specific funds, the total combined grants will not exceed 50 percent of the project acquisition cost. The local share shall be a minimum of 50 percent.]

6. Appeals — Appeals from Condemnation Commission awards or Court Judgements shall be taken whenever either the State or local unit deems it necessary or advisable.

7. Value Documentation — All updating or revision to appraisals necessitated by the court action shall be completed in accordance with the procedures as outlined in the DOT/DEP Memorandum of Agreement dated July 12, 1976.

8. Amount — In no case will the total Green Acres grant, including supplemental grant, exceed 50 percent of the total acquisition cost.

7:36-6.4 Eminent domain

(a) Condemnation — Prior to the local unit initiating court action, Green Acres must be informed.

[(a)] (b) Condemnation proceedings are the responsibility of the local unit.

[(b)] (c) All pertinent records documenting conformance to N.J.S.A. 20:3.1 et seq.—Eminent Domain—should be accurately and permanently kept on file by the local unit.

[(c)] (d) Although the State is assisting the local unit in the acquisition of the lands and is involved in value determinations for grant purposes, no state agency will participate in condemnation hearings.

[(d)] (e) Green Acres payments will only be made when the local unit has taken title to the property in question.

Interested persons may present statements or arguments in writing on the proposal on or before October 20, 1980 to:
Curt Hubert, Administrator
Green Acres and Recreation Program
1301 Parkside Avenue
Trenton, New Jersey 08638

The Department may thereafter adopt the proposed amendments substantially as proposed without further notice.

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Public Notice of State Certifications of Draft NPDES Permits

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

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

Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION PINELANDS COMMISSION

Notice of Public Hearings on Pinelands Comprehensive Management Plan

The Pinelands Commission has previously given notice of its intention to adopt the proposed comprehensive management plan for the Pinelands area pursuant to the authority of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. and the National Parks and Recreation Act of 1978, 16 U.S.C. § 471i. That notice, a brief description of the comprehensive management plan, and a list of places where the public may review the draft plan, were published at 12 N.J.R. 309(a) (June 5, 1980).

As originally enacted, the Pinelands Protection Act required the Pinelands Commission to adopt the comprehensive management plan for the entire Pinelands area "on or before August 8, 1980." L. 1979, ch. 111, § 7. Recently, however, the Act was amended to require that "the portion or portions of the comprehensive management plan applicable to the protection area shall be adopted on or

after November 14, 1980, but in no case later than December 15, 1980" L. 1980, ch. 65, § 2 (effective July 10, 1980).

The Pinelands Commission has therefore scheduled public hearings in order to provide additional opportunity for the public to submit written and/or oral testimony on the comprehensive management plan applicable to the protection area. Public hearings will be held as follows:

Tuesday, October 7, 1980
Woodbine Borough Hall
Franklin and Monroe Streets
Woodbine, New Jersey
2:00 to 5:00 p.m.; 7:00 to 10:00 p.m.

Thursday, October 9, 1980
Vaughn Hall
Stokes Road and Tecumseh Trail
Medford Lakes, New Jersey
2:00 to 5:00 p.m.; 7:00 to 10:00 p.m.

Moreover, written testimony relating to the proposed comprehensive management plan will be accepted on or before October 15, 1980 by:

Terrence D. Moore
Executive Director
Pinelands Commission
P.O. Box 7
New Lisbon, New Jersey 08064

The Pinelands Commission may thereafter adopt the comprehensive management plan substantially as proposed without further notice.

Terrence D. Moore
Executive Director
Pinelands Commission
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Notice of Regulatory Calendar

Take notice that Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, hereby publishes the first of the Department of Environmental Protection's Regulatory Calendars. This calendar, which will be published biannually, will provide public notice of major rule-making activities for the following six month period. This advance notice will permit greater public input into the Department's regulatory development process and will enable the public to gain a perspective of the long-range rule-making activities of the Department. This is known within the department as Docket No. DEP 048-80-08.

The following items constitute the Department's expected rule-making activities for the following six months. This list does not contain minor rules or amendments to existing rules and the Department may require the proposal of major regulations not set forth below to meet unanticipated regulatory requirements.

Title of Rule	Summary of Rule	Anticipated Proposal Date
Draft standards for additional toxics—water pollution regulation	This rule will propose standards for additional toxics in coordination with the Department's toxic program.	October, 1980
Sulfur in coal	Revisions to the existing sulfur in coal air pollution regulation as it applies to new coal burning utilities.	October, 1980
Control and Prohibition of Pesticides from Combustion of Fuel	Revision to the existing air pollution regulation as it applies to new particulate control devices.	October, 1980
New Jersey Pollutant Discharge Elimination System—water pollution regulation	New regulations establishing New Jersey Pollutant Discharge Elimination System program for point and non-point surface and groundwater discharges.	October, 1980
Control and Prohibition of Air Pollution by Volatile Organic Substances	Revisions to the existing volatile organic substances regulation.	November, 1980
Control and Prohibition of Open Burning	Revisions to the existing air pollution regulation controlling open burning.	November, 1980
Noise—Test Methods and Procedures	Formally adopt existing noise test methods and procedures.	November, 1980
General Pretreatment standards—water pollution regulation	The establishment of general pretreatment standards for affected direct discharges.	November, 1980
Dam Control Regulations	New regulations governing the construction, repair and replacement of dams in the State.	November, 1980
Sea Clam Regulations for 1980-1981	Review and develop sea clam regulations for the 1980-1981 inshore season.	November, 1980
Volatile organic substances—air pollution regulation	Formally adopt test methods for volatile organic substances	November, 1980
Pesticide Control Regulation	Revisions to the existing pesticide control regulations.	December, 1980
Mercury Vapor Lamps	New regulations to control nonionizing radiation from mercury vapor lamps.	December, 1980
Motor Vehicles amendments—air pollution regulation.	Amendments to the existing motor vehicle air pollution regulations to include: 1) Heavy duty gas vehicle emission standards; 2) 1980 and later standards; and 3) Anti-Tampering revisions.	February, 1981

In addition, whenever possible, all future rule-making proposals for this Department shall provide a minimum of a 45 day comment period in lieu of the 20 day period specified in the Administrative Procedure Act.

The Department encourages comment on the Regulatory Calendar and welcomes comments and recommendations for consideration by the Department on the subject of future publication of the Regulatory Calendar. Comments should be directed to:

Herbert B. Bennett, Chief
Office of Regulatory Affairs
Commissioner's Office
P.O. Box 1390
Trenton, New Jersey 08625
Jerry Fitzgerald English
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

County Environmental Health Services

On August 5, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:3A2-21 et seq. and N.J.S.A. 13:1D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules cited as N.J.A.C. 7:1H concerning county environmental health standards of administrative procedure and performance as proposed in the notice published December 6, 1979 at 11 N.J.R. 616(a).

(b)

Note: Copies of the final rules and a summary and response to comment may be obtained from:

Barbara M. Greer
Monitoring and Planning Element
Division of Water Resources
P.O. Box CN029
Trenton, N.J. 08625

An order adopting this rule was filed August 7, 1980, to become effective on September 1, 1980 as R.1980 d.362.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Proposed Amend Criteria: Certification Of Need and Designation of Regional Services

David A. Wagner, Deputy 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 amend N.J.A.C. 8:31-28 concerning criteria for the certification of need and designation of regional services.

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

8:31-28.1(d) Further, parts of the process established in this regulation (specifically, the development of HSA and State plans for regionalized services, prior to action by the SHCC) may be deemed to constitute "Appropriateness Review" for such services, as defined in 42 CFR 122, Subpart F and 42 CFR 123, Subpart G. Integration of those two processes should substantially ease the administrative burdens on HSAs, the State, and providers; strengthen the procedural aspects of the designation process; and provide a stronger planning basis for the designation process.

8:31-28.3(c) To the extent that the plans developed by HSAs and the State in conformance with this section conform to the requirements of 42 CFR 122, Subpart F and 42 CFR 123, Subpart G, and with the Procedures Manuals for Appropriateness Review that may be adopted by HSAs and the State under those Federal regulations, they shall also be deemed to constitute "areawide findings of appropriateness" as defined in those regulations. As such, the State plan may be appealed by any HSA to the HCAB, on written record only, if the State findings are inconsistent with those of the HSA.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

John C. Scioli
Coordinator, Health Planning Services
P.O. Box 1540 - Room 802
Trenton, N.J. 08625

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

David A. Wager
Deputy Commissioner
Department of Health

HEALTH

THE COMMISSIONER

Proposed Amend Procedural Methodological Regulations

Dr. Joanne E. Finley, Commissioner of Health, with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:31B-3, Procedural and Methodological Regulations. The regulations previously adopted established the process by which the Commissioner of Health determines rates to be proposed to the New Jersey Hospital Rate-Setting Commission, hospitals implement and respond to the rate, and the Commission shall make final determination.

The proposed revisions are summarized as follows.

1. Proposed schedule of rates

The 26 hospitals which received Commission approved rates in 1980 will receive an Adjusted Rate Order in 1981. That Adjusted Rate Order will consist of the 1980 Payment Rates and Other Indirect Financial Elements incremented by the 1981 Economic Factor. In other words, these hospital's 1980 rates will simply be trended forward into 1981 to account for inflation.

2. Procedures

a. Implementation

The proposed changes require all hospitals to implement the Proposed Schedule of Rates within 30 working days of receipt. Previously, only those hospitals that accepted or conditionally accepted were required to implement.

b. Notification

Hospitals must notify the Commission and Commissioner that they will Accept (formally Accept and Conditionally Accept) or Not Accept the Proposed Schedule of Rates within 60 working days. Exceptions are to be filed along with the hospital's notification of intent. (Formally, notification of intent was due within 30 working days and exceptions within 60 working days.)

c. Commission

The Commission and Commissioner's responsibilities have been clarified and consolidated in an attempt to avoid confusion regarding submission of information and initial review of certain information (e.g., revised charge schedules). The Commission retains approval of all rates.

3. Reasonable costs

a. Direct patient care costs

Changes include provisions for treatment of different types of outliers, low volume, application of the full standard and the use of Nursing RIMs if available.

b. Indirect costs

New screens have been established to evaluate the reasonableness of these costs. Limits for each cost center have been identified, as opposed to the more aggregate screen used in 1980.

c. Capital Facilities Allowance (CFA)

The Formula Allowance portion of the CFA replacement fund will be calculated using target beds, which reflect the difference between hospital and statewide optimal occupancy rates by clinical service, as opposed to using existing licensed beds. Further, the treatment of capital costs for proprietary hospitals has been changed to address the different tax status.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1980 to:

James R. Hub, Director
Health Economics Services
New Jersey State Department of Health
Post Office Box 1540
Trenton, N.J. 08540

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Amend Financial Elements and Reporting Regulation

Dr. Joanne E. Finley, Commissioner of Health, with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:31B-4, Financial Elements and Reporting Regulation which was previously adopted in order to implement the provisions of the Health Care Facilities and Planning Act (N.J.S.A. 26:2H-1) pertaining to health care services provided by hospitals.

The proposed revisions are summarized as follows:

1. Elimination of the procedure to calculate certain financial elements (i.e., Capital Facilities Allowance) and incorporated into the Procedural and Methodological Regulation.
2. Clarification to items included as income from other sources.
3. Definitions of certain financial elements were expanded to include provisions for for-profit hospitals.
4. Changes due to the use of information reported by the Uniform Cost Reporting Regulation; rather than the Financial Elements Report, are highlighted.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1980 to:

James R. Hub, Director
Health Economics Services
New Jersey State Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Proposed Amend Interchangeable Drug Products

The Drug Utilization Review Council, pursuant to authority of N.J.S.A. 24:6E-6(d) proposes to amend the interchangeable drug products listing referenced in 8:71.

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

Generic name	Popular Product	Acceptable mfr.
[Acetazolamide tablets 250 mg	Diamox	Bolar, Lederle]

A public hearing on this proposed deletion will be held at 4:00 p.m. on Friday, September 26, 1980 in the first floor auditorium, Health-Agriculture Bldg., John Fitch Plaza, Trenton, New Jersey 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1980 to:

Thomas T. Culkin
Executive Director
Drug Utilization Review Council
Box 1540
Trenton, N.J.

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

Robert G. Kowalski
Chairman
Drug Utilization Review Council

(c)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Notice of Interchangeable Drug Hearing

Take notice that in the Notice of Proposals concerning interchangeable drug products at 12 N.J.R. 265(a) and 265(b) a notice of hearing was omitted. This hearing has been rescheduled to Friday, September 26, 1980 at the first floor auditorium, Health-Agriculture Building, Trenton, New Jersey 08625 at the following times:

Deletions (See: 12 N.J.R. 465(b)): 10:00 A.M.

Additions (See: 12 N.J.R. 465(a)): 2:00 P.M.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

THE COMMISSIONER

Emergency Amend Maintenance of Records And Inventories

On August 5, 1980, Allen N. Koplin, M.D., Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 8:65-5.4 concerning maintenance of records and inventories.

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

8:65-5.4(a) Every inventory and other record required to be kept under subchapter 5 shall be kept by the registrant and be available, for at least two years from the date of such inventory or records, for inspecting and copying by authorized employees of the Administration, except that financial and shipping records (such as invoices and packing slips but not executed order forms subject to N.J.A.C. 8:65-6.13) may be kept at a central location, rather than at the registered location, if the registrant [obtains from the Administration approval of his central record keeping system and a permit to keep central records.] has notified the Administration of his intentions to keep central records. Written notification must be submitted by registered or certified mail, return receipt requested to the Regional Director of the Administration in the region in which the registrant is located. Unless the registrant is informed by the Regional Director that permission to keep central records is denied, the registrant may maintain central records commencing 14 days after receipt of his notification by the Regional Director. All central record-keeping permits previously issued by the Administration will expire on September 30, 1980. Registrants who desire to continue maintaining central record keeping will make notification to the local Regional Director as provided in this section. [The central record keeping system of any person whose system was approved by the Administration prior to May 1, 1971 shall continue to be approved under this paragraph if such person satisfies the Administration by July 1, 1971, of such approval and applies for a permit to keep central records. The permit to keep central records shall be issued by the Administration to a registrant upon his application if the Administration approves his central record keeping system and be subject to the following conditions.] All notifications shall include:

1. [The permit shall specify] The nature of the records to be kept centrally and the exact location where the records will be kept; the name, address, DEA registration number and type of DEA registration of the registrant whose records are being maintained centrally, and whether central records are being maintained in a manual, or computer readable form.

2. If the records are kept on microfilm, computer media or in any form requiring special equipment to render the records easily readable, the registrant shall provide access to such equipment with the records. If any code system is used (other than for pricing information) a key to the code shall be provided to make the records understandable.

[2.] 3. The registrant agrees to deliver all or any part of such records to the registered location within [48 hours] two business days [of] upon receipt of a written request from the administration for such records, and if the Administration chooses to do so in lieu of requiring delivery of such records to the registered location, to allow authorized employees of the Administration to inspect such records at central location upon request by such employees without a warrant of any kind; and

[3.] 4. [The failure of a registrant to perform his agreement under the permit shall revoke without further action by the Administration such permit and all other such permits held by the registrant under other registrations. In the event of a revocation of other permits under this subparagraph, the registrant shall within 30 days after such revocation comply with the requirements of this section that all records be kept at the registered location.] In the event that a registrant fails to comply with these conditions, the Regional Director may cancel such central record keeping authorization, and all other central record keeping authorizations held by the registrant without a hearing or other procedures. In the event of a cancellation of central record keeping authorizations under this subparagraph the registrant shall within the time specified by the Regional Director, comply with the requirements of this section that all records be kept at the registered location.

5. Registrants need not notify the Regional Director or obtain central record keeping approval in order to maintain records on an in-house computer system.

An order adopting this rule was filed and became effective on August 7, 1980 as R.1980 d.360 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Hospital Reporting of Uniform Bill-Patient Summaries (Inpatient)

On August 7, 1980, Allen N. Koplin, M.D., Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31B-2 concerning hospital reporting of uniform bill-patient summaries (inpatient) as proposed in the notice published July 10, 1980 at 12 N.J.R. 392(d), with only inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on August 7, 1980 as R.1980 d.361.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

THE COMMISSIONER

Administrators and Intermediate Care Facilities

On August 8, 1980, Dr. Allen N. Koplin, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the Manual of Standards for Licensure of Intermediate Care Facilities (N.J.A.C. 8:37-4.4(a)) concerning the appointment of an administrator as proposed in the Notice published July 10, 1980 at 12 N.J.R. 393(b).

An order adopting this rule was filed and became effective on August 8, 1980 as R.1980 d.363.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Appointment of Administrator

On August 8, 1980, Dr. Allen N. Koplin, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:30-2.2 concerning the appointment of an administrator as proposed in the Notice published July 10, 1980 at 12 N.J.R. 392(c).

An order adopting this rule was filed and became effective on August 8, 1980 as R.1980 d.364.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Administrators: Long Term Care Facilities

On August 8, 1980, Dr. Allen N. Koplin, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to the Manual of Standards for Licensure of Long Term Care Facilities (N.J.A.C. 8:39-1.13(h)) concerning the appointment of an administrator as proposed in the Notice published July 10, 1980 at 13 N.J.R. 393(c).

An order adopting this rule was filed and became effective on August 8, 1980 as R.1980 d.365.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HEALTH

THE COMMISSIONER

Definition of Boarding Home

On August 8, 1980, Dr. Allen N. Koplin, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43-1.1 concerning expansion of the definition of boarding homes for sheltered care as proposed in the Notice published July 10, 1980 at 12 N.J.R. 394(b).

An order adopting this rule was filed and became effective on August 8, 1980 as R.1980 d.366.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amendments to the Definition Of a "College"

The Board of Higher Education in the Department of Higher Education, pursuant to the authority of N.J.S.A. 18A:68-3 proposes to amend N.J.A.C. 9:1-1.1 defining a college by deleting the current text and substituting new text therefor.

Full text of the proposed new text follows.

"College" means an institution of higher education which has an independent board of trustees and whose programs satisfy the requirements for a degree at the associate, baccalaureate, and/or graduate level and, with the exception of those institutions which have as their major mission the preparation of individuals for a religious vocation, offer a range of degree programs. It has a faculty whose duties include some combination of the instruction of students, the involvement in scholarship and research, and the involvement in public service to the non-collegiate community. A junior/community college or county college is an institution of higher education which offers the associate degree. A senior college offers degrees up to the baccalaureate level and/or offers graduate and professional degrees.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

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

The Board of Higher Education may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander
Chancellor and Secretary
Board of Higher Education

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amend "Visiting Specialist" Title at State Colleges

The Board of Higher Education in the Department of Higher Education, pursuant to the authority of N.J.S.A. 18A:3-14(h), proposes to amend N.J.A.C. 9:2-2.8 concerning the provisions of appointment for visiting specialists at the State colleges.

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

9:2-2.8 Visiting specialist

"A visiting specialist who may be appointed to a State College with a rank such as artist- or poet- or composer-in-residence shall be one who has achieved distinction in a field such as the arts, the humanities, the sciences, or public life. While the attainment of academic excellence in a given field is desirable, such appointment shall be made principally on the basis of the distinction the person has achieved in his chosen field. Such an appointment is to be in excess of faculty positions established in the faculty-student ratio. [He may serve at the State College for a period not exceeding two years.] A visiting specialist may serve at a State College for a period not exceeding three years of consecutive, full time service.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1980 to:

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

The Board of Higher Education may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander
Chancellor and Secretary
Board of Higher Education

(b)

HIGHER EDUCATION

EDUCATIONAL OPPORTUNITY FUND BOARD

Proposed Amend Student Refunds And Repayments

The Educational Opportunity Fund Board in the Department of Higher Education, pursuant to the authority of N.J.S. 18A:71-34 proposes to delete the current text of N.J.A.C. 9:11-1.13(c) and insert new section to be cited as N.J.A.C. 9:11-1.22 concerning student refunds and repayment.

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

9:11-1.13 [(c) Student support is to be discontinued for the semester(s) in which the action occurs for any student who withdraws or takes a leave of absence.

1. If a student(s) leaves unpaid accounts at the institution that would have been paid by the EOF grant, that bill may be paid from the EOF grant only after all other sources of financial aid available to the student have been exhausted.

2. The remainder of the EOF grant must be returned to the EOF Central Office.]

9:11-1.22 Refunds and repayments of disbursements made to students

(a) If a refund is due to a student under the institution's refund policy and the student received financial aid under any State student assistance program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Treasurer, State of New Jersey, through the Office of Student Assistance:

$$\frac{\text{amount of State assistance (minus work earnings) awarded for the payment period}}{\text{total amount of financial aid (minus work earnings) awarded for the payment period}}$$

(b) The payment period is the time between the day a student registers for an academic term and the end of that term according to the institutional calendar.

(c) The enrollment period is the time between the day a student registers for an academic term and the date the student officially or unofficially withdraws from an institution, is expelled by an institution, or reduces his academic course load such that he is no longer eligible for State assistance.

(d) The formula in subsection (a) of this section shall be applied if a student reduces his academic course load to less than full-time prior to the date full tuition liability is required by the institution. However, if the student reduces his academic course load to less than full-time after the date full tuition liability is due the institution, and the student budget for the payment period is not reduced by the institution, a refund to the State is not necessarily required.

(e) If a combination of State student funds has been packaged for the student and a refund is due the State, a prorated amount is applied to each of the State programs in the student's financial aid package.

(f) If the combination of State awards packaged for the payment period is less or equal to the tuition charged for that term, the student cannot receive State assistance greater than the tuition charged for the enrollment period. Conversely, if the combination of State awards packaged for the payment period is greater than the tuition charged for that term, the student can receive State assistance greater than the tuition charged for the enrollment period.

(g) If a cash disbursement has been made by an institution for non-institutional costs from any State assistance program, and it is determined by application of the institution's refund policy and the formula in subsection (a) that a refund should be paid to the State, the institution shall endeavor to collect the overpayment from the student and return it to the State. If this effort is unsuccessful, the institution shall notify the Office of Student Assistance of the amount owed for each State assistance program. Non-institutional costs may include but are not limited to room and board, books and supplies, transportation, and miscellaneous expenses.

(h) If a student utilizes any portion of an award, it will be treated the same as a full semester payment in calculating the number of semesters of eligibility. Thus, the

Institution shall afford the student the opportunity to decline and repay the State award for that payment period.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 27, 1980 to:

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

The Educational Opportunity Fund Board may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander
Chancellor
Department of Higher Education

(a)

HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Emergency Amend Graduate Insured Loan Policies and Procedures

On July 23, 1980, the Higher Education Assistance Authority, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:9-5.2 and 5.4 concerning graduate insured loan policies and procedures.

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

9:9-5.2(a)3. Have exhausted the provisions of the guaranteed student loan program[.] to the extent that such action would preclude other means of loan funding.

9:9-5.4(b) The interest rate shall be [seven] nine percent simple, per annum.

An order adopting this rule was filed and became effective on July 30, 1980 as R.1980 d.339 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Administration Manual And Physician Manual

Ann Klein, Commissioner of the Department of Human Services, pursuant to N.J.S.A. 30:4D-1 et seq., proposed to amend N.J.A.C. 10:49-1.5(a)12 and N.J.A.C. 10:54-1.3 concerning record keeping and documentation of medical necessity.

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

10:49-1.5 General exclusions

(a) The items listed here are general exclusions from New Jersey Medicaid coverage. There are certain additional specific exclusions and limitations which are detailed in the appropriate provider manual sections. Payment is not made for:

1. - 11. (No change in text.)

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

10:54-1.3

[Physicians are to keep individual records as are necessary to fully disclose the kind and extent of services provided and must be consistent with at least the minimum requirements as noted under the procedure codes contained in subchapter 3 of this chapter, which reflects services performed in the office, home, sheltered boarding home, long-term care facility and the hospital setting.]

Physicians are to keep legible individual records as are necessary to fully disclose the kind and extent of services provided, as well as the medical necessity for those services. Minimum requirements for services performed in the office, home, sheltered boarding home, long-term care facility and the hospital setting shall include a progress note in the clinical record for each visit, except where specified otherwise, which supports the procedure code or codes claimed. This information must be made available upon the request of the Division of Medical Assistance and Health Services (Medicaid) or its agents.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 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

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Procedure Code Manual

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. 10:54-3.1 concerning revisions to the Procedure Code Manual.

Said revisions will also be printed in the Division's Procedure Code Manual, and will be issued to Medicaid providers.

Copies of the 47 pages of the full text of the proposed revisions may be obtained from or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to the Division of Medical Assistance and Health Services at the above address.

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 MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Long Term Care Manual

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. 10:63-1.4(e) in the Long Term Care Manual concerning prior authorization for occupational therapy services.

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

10:63-1.4(e)3. Providers of service:

i. (No change in text.)

ii. Reimbursement for rehabilitation services is made to the LTCF and not to the therapist by this program. Prior authorization is required as outlined in paragraph 5 of this subsection.

(1) Outpatient physical therapy [and], speech therapy and occupational therapy services furnished by a Medicare Certified facility to its Medicare eligible inpatients may be billed by the facility to Medicare under Part B only when the beneficiary has exhausted his benefits under Part A or is otherwise ineligible for Part A benefits. When physical therapy [or], speech therapy or occupational therapy services are furnished under arrangements to combination Medicare/Medicaid patients, these services should be billed to the provider's Part A Intermediary using [the form] Form HCFA-1483 (Provider Billing for Medical and other Health Services) [SSA-1483] (Exhibit No. 23).

(2) Outpatient physical therapy [and special therapy], speech therapy and occupational therapy furnished only by a Medicaid LTCF to Medicaid eligible inpatients only may be billed by the facility to the Bureau of Claims and Accounts if prior authorization has been given by the LMAU. The facility must state to the LMAU that it is not a Medicare provider and, therefore, no Medicare denial letter is needed.

(3) Medicaid may reimburse Medicare certified facilities through their Part A Intermediary (Blue Cross or Prudential) for the unsatisfied deductible (Medicare Part B)

when physical therapy [or], speech therapy or occupational therapy services are performed for patients eligible for both programs.

4. Billing Medicaid following Medicare decline:

i. If the [SSA] HCFA - 1483 (Exhibit No. 23) claim for physical therapy [or], speech therapy or occupational therapy is declined by Medicare and you wish to bill Medicaid for these services, a request for authorization must be made to the LMAU. When submitting such a request for authorization to the LMAU the facility must attach a copy of the Medicare denial letter. Medicaid will not authorize payment for any [therapy claim which] claim for rehabilitation services including but not limited to physical therapy, occupational therapy, speech therapy or any other restorative services provided for the purpose of attaining maximum reduction of physical or mental disability and restoration of the patient to his best functional level, which was denied by Medicare by reason of "not medically necessary." If authorization is granted by the LMAU the facility shall bill the Bureau of Claims and Accounts in accordance with established procedures, e.g., therapy charges, Form MCNH-14 (Exhibit No. 5) plus [the form] Form FD-06 (Request for Authorization or Reauthorization for Prescribed Rehabilitation Treatment Program) [FD-06] (Exhibit No. 1).

ii. When submitting requests for prior authorization of physical therapy [or], speech therapy or occupational therapy to the LMAU on behalf of patients not covered by Medicare benefits, the facility must state that the "Patient is not a Medicare beneficiary."

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 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

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Independent Clinic Manual

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. 10:66 concerning the Independent Clinic Manual.

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

10:66-1.2 Definitions

“Ambulatory Surgical Center” means a free-standing independent facility, which provides specific surgical services as allowed by the New Jersey Medicaid Program.

10:66-1.3(b)3.i. New Jersey Medicaid approval of Ambulatory Surgical Centers will be on a time limited basis

consistent with the New Jersey Department of Health's licensing cycle. The execution of an annual provider agreement is required by the New Jersey Medicaid Program.

(c) 1. - 6. (No change in text.)
clinics must be approved [by the State agency], as indicated below, before they can obtain Medicaid approval.

- (c) 1. - 6. (No changes in text.)
- 7. Ambulatory Surgical Centers:
 - i. Licensed by the New Jersey Department of Health;
 - ii. Accredited by the Joint Commission on Accreditation of Hospitals;
 - iii. Fulfilled request for information as outlined in section 1.3(c)4 of this chapter.

- 10:66-1.6 Scope
 - (g) [Minor] Surgical services
 - 1. Specific minor surgical procedures may be reimbursed when performed by a qualified physician, in a licensed Ambulatory Care Facility or Ambulatory Surgical Center which is specifically approved to perform such services by the New Jersey Medicaid Program.
 - 2. (No change in text.)
 - 3. Other specific procedures as allowed by the New Jersey Medicaid Program may be reimbursed when performed by a qualified physician in an Ambulatory Surgical Center. The Ambulatory Surgical Center must be specifically approved to perform such services by the New Jersey Medicaid Program.

- 10:66-1.7(d) Reimbursement for covered services in an approved ambulatory surgical center shall be based on the following:
 - 1. New Jersey Medicaid reimbursement for surgical procedures shall be in keeping with the New Jersey Medicaid Program procedure code manual and limited to Medicaid's allowable fees. The physician performing the surgical procedures shall bill the New Jersey Medicaid Program directly either as an individual or as part of a physician's group.
 - 2. New Jersey Medicaid reimbursement to the facility itself shall be limited to 65 percent of the weighted average Medicaid outpatient payment made to all participating hospitals in the State of New Jersey as of July 1, of each year.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 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 Kelin
Department of Human Services
Commissioner

(a)

HUMAN SERVICES
DIVISION OF PUBLIC WELFARE

Proposed Amend PAM: Identification Of Resources

Ann Klein, Commissioner, Department 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. 10:81-3.37 and 3.38 in the Public Assistance Manual concerning identification of resources.

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

10:81-3.37(a) To the greatest extent possible, the resources of individuals and families will be used for their maintenance and support. The time and method of liquidation or disposal of such resources frequently influence the amount of public assistance necessary and are, therefore, subject to regulation. [Applicants/recipients are required to identify all resources in accordance with ASH Section 303.]

10:81-3.38(a)2. Responsibilities of the eligible unit: Members of the eligible unit shall identify all resources and shall:

- i. - ii. (No change in text.)

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 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 Repeal ASH:
Rules Concerning Resources**

Ann Klein, Commissioner, Department of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to repeal N.J.A.C. 10:82-3.1(c) in the Assistance Standards Handbook concerning resources.

Full text of the repealed rule follows.

10:82-3.1[(c) Each member of the eligible unit shall identify all his/her resources for the agency, shall participate in their evaluation and, if indicated, shall participate in the planning and carrying out of their liquidation. The failure of an eligible unit member to so identify such resources and so participate in planning and/or liquidation shall render that individual ineligible for assistance.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Human Services

(Continued on Page 534)

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 August 7, 1980.

RULES NOT YET IN PRINT IN CODE: Adoption Notices 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 March 8, 1979.

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
ADMINISTRATIVE LAW — TITLE 1			
1:1	Rules on administrative hearings	R.1980 d.275	12 N.J.R. 362(a)
AGRICULTURE — TITLE 2			
2:2-2.4	Amend conformity of brucellosis tests and federal standards	R.1980 d.237	12 N.J.R. 377(c)
2:6-1.3, 1.4	Amend biologic product licensing	R.1980 d.306	12 N.J.R. 451(b)
2:16	Amend seed certification requirements	R.1980 d.210	12 N.J.R. 302(a)
2:52-2.1, 2.2, 3.1, 3.2, 4.1	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:53-4.1, 4.2	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:54	Amend milk marketing	R.1980 d.285	12 N.J.R. 450(d)
2:69-1.11	Amend commercial values of primary plant nutrients	R.1980 d.238	12 N.J.R. 378(a)
2:70-1.1, 1.8	Amend agricultural liming materials	R.1980 d.239	12 N.J.R. 378(b)
2:71-2.28—2.31	Amend fruit and vegetable inspection and grading	R.1980 d.140	12 N.J.R. 249(b)
2:72-1.1	Amend bond requirements	R.1980 d.57	12 N.J.R. 103(a)
2:90-1.3	Amend soil erosion and sediment control	R.1980 d.305	12 N.J.R. 451(a)
(Title 2, Transmittal 16 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)			
BANKING — TITLE 3			
3:1-1.1	Amend interest rates	R.1980 d.151	12 N.J.R. 249(b)
3:2	Advertising by financial institutions	R.1980 d.125	12 N.J.R. 170(a)
3:6-8.1	Savings banks' deposits	R.1980 d.144	12 N.J.R. 249(a)
3:6-8.2	Escrow account limitations	R.1980 d.298	12 N.J.R. 451(c)
3:6-9.1	Maximum interest rate on small business loans	R.1980 d.204	12 N.J.R. 302(d)
3:11-2.1	Amend approved subsidiaries	R.1980 d.240	12 N.J.R. 383(a)
3:21-1.8	Loan interest rate; credit union law	R.1980 d.207	12 N.J.R. 303(a)
3:22	Insurance Premium Finance Company Act	R.1980 d.203	12 N.J.R. 302(c)
(Title 3, Transmittal 15 dated January 17, 1980 includes all rules through March 6, 1980 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)
4:1-9.1	Amend review of scoring key	R.1980 d.236	12 N.J.R. 383(c)
4:1-9.5	Amend performance evaluations	R.1980 d.61	12 N.J.R. 104(b)
4:1-17.9	Amend disability leave and sick leave injury	R.1980 d.231	12 N.J.R. 383(b)
4:1-20.3	Amend performance evaluation	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

5:19	Repeal rules of practice of Bureau of Housing Inspection	R.1980 d.205	12 N.J.R. 305(a)
5:22	Rules on exemptions from taxation	R.1980 d.206	12 N.J.R. 305(b)
5:22-1.5	Amend tax abatement	R.1980 d.334	12 N.J.R. 504(a)
5:23	Amend Uniform Construction Code	R.1980 d.316	12 N.J.R. 452(a)
5:23-4.9	Repeal plan waivers	R.1980 d.276	12 N.J.R. 452(b)
5:23-6	Readopt solar facility tax exemption	R.1980 d.303	12 N.J.R. 452(c)
5:25	Amend new home warranty	R.1980 d.316	12 N.J.R. 452(d)
5:25-1.3, 4.2, 5.5	Amend new home warranties and builders registration	R.1980 d.158	12 N.J.R. 250(a)
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)
5:30-17	Ratify rules concerning cooperative pricing and joint purchasing system	R.1980 d.243	12 N.J.R. 388(b)
5:80	Amend determining rents or carrying charges in developments financed by HFA	R.1980 d.234	12 N.J.R. 388(a)
5:100-1.6	Amend ombudsman subpoenas	R.1980 d.233	12 N.J.R. 387(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)
6:8-6.2, 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)
6:20-3.1, 3.4	Amend tuition public schools	R.1980 d.165	12 N.J.R. 251(c)
6:20-3.1, 3.4	Amend public school tuition	R.1980 d.225	12 N.J.R. 308(a)
6:20-5.4	Additional State school building aid	R.1979 d.479	12 N.J.R. 6(b)
6:20-6.2, 6.8	Amend purchase and loan of textbooks	R.1980 d.163	12 N.J.R. 251(a)
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)
6:26-3.1	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)
6:29-7.1	Family life education	R.1980 d.164	12 N.J.R. 251(b)
6:29-7.1	Amend family life education programs	R.1980 d.353	12 N.J.R. 505(c)
6:31	Amend bilingual education	R.1980 d.70	12 N.J.R. 107(b)
6:39-1.3, 1.4	Amend Statewide assessment	R.1980 d.352	12 N.J.R. 505(b)
6:68-2	Amend library incentive grant program	R.1980 d.224	12 N.J.R. 307(b)

(Title 6, Transmittal 15 dated Nov. 13, 1979 includes all rules through Dec. 6, 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)
7:1C-1.9	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.185	12 N.J.R. 314(a)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.267	12 N.J.R. 392(b)
7:1E-1.3	Amend discharge of hazardous substances	R.1980 d.326	12 N.J.R. 463(a)
7:1F	Industrial survey project	R.1980 d.129	12 N.J.R. 259(c)
7:1F	Amend industrial survey project	R.1980 d.181	12 N.J.R. 313(b)
7:1H	County environmental health services	R.1980 d.362	12 N.J.R. 514(a)
7:4-2.2(c)	Amend N.J. Register of Historic Places	R.1980 d.241	12 N.J.R. 391(b)
7:6-8	Motor vehicles using ice-covered waters	R.1980 d.88	12 N.J.R. 114(b)
7:7A-1.14	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:9-1.98	Delete rule on other disinfectants	R.1980 d.182	12 N.J.R. 313(c)
7:12	Amend condemnation of certain shellfish beds	R.1980 d.230	12 N.J.R. 391(a)
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	Amend Green Brook floodway	R.1980 d.325	12 N.J.R. 462(e)
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(c)	Amend flood plain delineation within the Delaware River Basin	R.1980 d.242	12 N.J.R. 391(c)
7:13-1.11(c)	Amend delineated floodways in the Delaware Basin	R.1980 d.251	12 N.J.R. 391(e)
7:13-1.11(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)
7:14-2.5	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)
7:14-5	Septage disposal	R.1980 d.277	12 N.J.R. 462(a)
7:23	Amend flood control bond grants	R.1980 d.279	12 N.J.R. 462(b)
7:25-5	1980-1981 Game Code	R.1980 d.266	12 N.J.R. 392(a)
7:25-7.2	Amend oyster seed beds	R.1980 d.215	12 N.J.R. 314(d)
7:25-7.4	Oyster dredging prohibition	R.1980 d.216	12 N.J.R. 314(e)
7:25-15.1	Amend relay of hard clams	R.1980 d.161	12 N.J.R. 280(a)
7:25-17	Disposal of dead deer	R.1980 d.193	12 N.J.R. 314(c)
7:25-20.1	Temporary fishing ban	R.1980 d.177	12 N.J.R. 313(a)
7:25-20.1	Temporary fishing ban	R.1980 d.184	12 N.J.R. 313(e)
7:26-3.2, 4.7	Amend registration and fees for solid waste collector/haulers	R.1980 d.250	12 N.J.R. 391(d)
7:27-18	Amend air pollution in non-attainment areas	R.1980 d.307	12 N.J.R. 462(c)
7:28-12	Amend transportation	R.1980 d.191	12 N.J.R. 314(b)
7:28-24.15	Amend certification fees for nuclear medicine technology	R.1980 d.87	12 N.J.R. 114(a)
7:37-1.5(d)	Delete part of rules on urban neighborhood assistance program	R.1980 d.183	12 N.J.R. 313(d)

(Title 7, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

HEALTH — TITLE 8

8:7-1.7	Amend health officer licensure	R.1980 d.317	12 N.J.R. 467(b)
8:7-1.9(a)	Amend health officer qualifications	R.1980 d.168	12 N.J.R. 272(c)
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)
8:19	Newborn hearing screening program	R.1980 d.173	12 N.J.R. 273(d)
8:21-1.13	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-1.29	Labeling, sale and distribution of cosmetics for professional use only	R.1980 d.218	12 N.J.R. 317(a)
8:21-1.31, 1.32	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
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(e)
8:25-3.2(a)	Amend physical examinations regarding Youth Camp Safety Act standards	R.1980 d.169	12 N.J.R. 272(d)
8:30	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:30-2.2	Appointment of administrator	R.1980 d.364	12 N.J.R. 518(b)
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)
8:31-30.1	Amendments concerning plan review fee	R.1980 d.256	12 N.J.R. 405(b)
8:31A-5.5	Temporary reporting procedures; implementation of S446	R.1979 d.368	11 N.J.R. 549(b)
8:31A-5.5	Amend hospital cost reporting procedures	R.1980 d.271	12 N.J.R. 407(a)
8:31A-6	1981 Hospital Rate Setting Rules in SHARE Manual	R.1980 d.269	12 N.J.R. 406(d)
8:31A-7	1981 SHARE guidelines	R.1980 d.270	12 N.J.R. 406(e)
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-2	Uniform bill-patient summaries (inpatient)	R.1980 d.361	12 N.J.R. 517(b)
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-3.48	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:31B-4	Financial elements and reporting	R.1979 d.407	11 N.J.R. 550(a)
8:31B-5	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
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)
8:34-1.29, 1.30	Administrative experience regarding nursing home administrators	R.1980 d.170	12 N.J.R. 273(a)
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)
8:37	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:37-4.4(a)	Administrators and intermediate care facilities	R.1980 d.363	12 N.J.R. 518(a)
8:39	Amend effective date	R.1980 d.257	12 N.J.R. 406(a)
8:39-1.1	Amend definition of ancillary nursing personnel	R.1980 d.171	12 N.J.R. 273(b)
8:39-1.13(h)	Administrators, long term care facilities	R.1980 d.365	12 N.J.R. 518(c)
8:39-1.15, 1.25	Amendments to Manual of Standards for Licensure of Long-Term Care Facilities	R.1980 d.258	12 N.J.R. 406(b)
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)
8:42-3	Amend expiration date of standards, alcohol abuse residential and inpatient treatment facilities	R.1980 d.272	12 N.J.R. 407(b)
8:43-1.1	Definition of boarding home	R.1980 d.366	12 N.J.R. 519(d)
8:43-4.1(a)	Amendments to standards for licensure of new boarding homes for sheltered care	R.1980 d.172	12 N.J.R. 273(c)
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-1.72	Amend expiration date of standards	R.1980 d.273	12 N.J.R. 407(c)
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)
8:51	Amend local board of health standards	R.1980 d.321	12 N.J.R. 467(f)
8:51-1.2(a)	Amend local board of health	R.1980 d.319	12 N.J.R. 467(d)
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, 8:65-5.4	Use of controlled dangerous substances by animal care facilities	R.1980 d.86	12 N.J.R. 117(b)
8:65-5.4	Amend maintenance of records and inventories	R.1980 d.360	12 N.J.R. 517(a)
8:65-5.11, 5.17, 6.6	Use of controlled dangerous substances	R.1980 d.86	12 N.J.R. 117(b)
8:65-10.1	Amend controlled dangerous substances	R.1980 d.322	12 N.J.R. 467(g)
8:65-10.2	Amend controlled dangerous substances	R.1980 d.323	12 N.J.R. 468(a)
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)
8:65-10.4	Amend controlled dangerous substances	R.1980 d.327	12 N.J.R. 468(b)
8:65-10.8	Amend exempt chemical preparations	R.1980 d.180	12 N.J.R. 316(b)
8:65-11.7	Use of Dextropropoxyphene in narcotic treatment	R.1980 d.328	12 N.J.R. 468(c)
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)
8:71	Deletions to list of interchangeable drug products	R.1980 d.254	12 N.J.R. 394(c)
8:71	Amend list of interchangeable drug products	R.1980 d.255	12 N.J.R. 405(a)
8:71	Additions to the list of interchangeable drug products	R.1980 d.263	12 N.J.R. 406(c)

(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)
9:7-4.1	Amend Garden State scholarship eligibility requirements	R.1980 d.212	12 N.J.R. 317(b)
9:7-6	Tuition Benefit Program	R.1980 d.324	12 N.J.R. 469(b)
9:9-1.12(a)	Amend loan amounts and eligibility requirements	R.1979 d.401	11 N.J.R. 551(c)
9:9-5.2	Amend Graduate Insured Loan procedures and policies	R.1980 d.339	12 N.J.R. 520(a)
9:9-5.3	Amend loan amounts and eligibility	R.1979 d.401	11 N.J.R. 551(c)
9:9-5.4	Amend Graduate Insured Loan	R.1980 d.339	12 N.J.R. 520(a)
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)
9:16-1	Physician/dentist Loan Advisory Committee	R.1980 d.309	12 N.J.R. 469(a)

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

HUMAN SERVICES — TITLE 10

10:44B	Standards on regulating adult foster homes, skill development homes and supervised apartments	R.1980 d.157	12 N.J.R. 278(e)
10:49-1.3	Amend disclosure of information	R.1980 d.90	12 N.J.R. 193(b)
10:49-1.12	Amend medical assistance claims	R.1980 d.278	12 N.J.R. 481(a)
10:49-1.18, 1.23	Amend nondiscrimination of handicapped recipients	R.1980 d.247	12 N.J.R. 418(d)
10:49-5.5	Amend fair hearing	R.1980 d.33	12 N.J.R. 86(f)
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)
10:52-1.6	Amend outpatient hospital services	R.1980 d.313	12 N.J.R. 483(c)
10:52-1.6(c)	Amend out-patient hospital services	R.1980 d.45	12 N.J.R. 125(c)
10:52-1.6(c)	Reimbursement for outpatient hospital services	R.1980 d.337	12 N.J.R. 536(a)
10:52-1.7, 1.13	Amend Hospital Services Manual	R.1980 d.139	12 N.J.R. 278(a)
10:52-1.16	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:52-1.16	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:52-2.12	Assessment of interest on overpayments	R.1980 d.47	12 N.J.R. 126(a)
10:53-1.14	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:53-1.14	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:53-2.17	Assessment of interest on overpayments	R.1980 d.217	12 N.J.R. 323(c)
10:54-1.5(b)	Amend Physician's Services Manual	R.1980 d.138	12 N.J.R. 277(c)
10:54-1.9	Amend Physicians Services Manual	R.1980 d.91	12 N.J.R. 193(c)
10:54-1.23	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:54-1.23	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:55-1.5(b)3.	Amend Prosthetic and Orthotic Services Manual	R.1980 d.89	12 N.J.R. 193(a)
10:58	Repeal of Independent Clinic Services Manual	R.1980 d.351	12 N.J.R. 536(d)
10:60-2.5	Assessment of interest on overpayments	R.1980 d.46	12 N.J.R. 125(d)
10:63-1.4	Amend consultations in Long Term Care Manual	R.1980 d.340	12 N.J.R. 536(c)
10:63-3	Amend longterm care facilities rate review guidelines	R.1979 d.482	12 N.J.R. 42(b)
10:63-3.1	Amend penalties for delinquent cost studies	R.1980 d.211	12 N.J.R. 323(b)
10:63-3.5	Amend long-term care manual rate review guidelines	R.1980 d.42	12 N.J.R. 125(b)
10:63-3.21	Long-term care per diem rates	R.1980 d.341	12 N.J.R. 536(b)
10:66	Amend Independent Clinic Manual	R.1980 d.249	12 N.J.R. 418(f)
10:66-1.15	Amend changes of reimbursement for independent clinics	R.1980 d.248	12 N.J.R. 418(e)
10:66-4.18	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
19:67-1.8	Amend Psychologists Service Manual regarding prior authorization	R.1980 d.137	12 N.J.R. 277(b)
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)

10:81-3.8	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.17	Amend ways by which continued absence from the home may be established	R.1980 d.222	12 N.J.R. 324(a)
10:81-3.21	Amend residence requirement and support rights	R.1980 d.119	12 N.J.R. 194(d)
10:81-3.27	Amend documentation in AFDC transfers	R.1980 d.330	12 N.J.R. 483(f)
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)
10:81-3.38	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)
10:81-7.1	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)
10:81-7.22, 7.26	Amend payment of burial and funeral costs	R.1980 d.244	12 N.J.R. 518(a)
10:81-7.32	Amend subpoena notification	R.1980 d.329	12 N.J.R. 483(e)
10:81-8.20	Amend exemption of an institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
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 ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
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)
10:82-2.3	Amend grant effective date	R.1980 d.331	12 N.J.R. 484(a)
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 Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.13	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.14	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-2.14(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)
10:82-2.20	Amend ASH	R.1980 d.332	12 N.J.R. 484(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)
10:82-4.9	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
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)
10:82-5.4, 5.5	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10(d)	Amend emergency assistance and victims of domestic violence	R.1980 d.166	12 N.J.R. 278(f)
10:85	Amend forms and references to forms in the general assistance program	R.1980 d.11	12 N.J.R. 86(a)
10:85-3.1, 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	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)
10:85-3.2	Amend application on behalf of a critically ill or hospitalized client by an authorized agent	R.1980 d.152	12 N.J.R. 278(b)
10:85-3.2	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-3.2	Amend out-of-State individuals entering New Jersey medical facilities	R.1980 d.245	12 N.J.R. 418(b)
10:85-3.2	Amend GAM	R.1980 d.252	12 N.J.R. 419(a)
10:85-3.3	Allowance schedule	R.1980 d.310	12 N.J.R. 483(a)
10:85-3.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.3(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(g)	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-3.5	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.5	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-4.6(b)	Amend emergency assistance and victims of domestic violence	R.1980 d.167	12 N.J.R. 279(a)
10:85-5.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-5.2, 5.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-5.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-5.3, 5.4	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)

10:85-5.3, 5.5	Amendments on medical payments	R.1979 d.495	12 N.J.R. 43(a)
10:85-5.8, 5.9	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-6.3	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-6.8	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-7.1—7.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-7.3	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-7.6	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-10	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-App. C	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-App. C	Amend GAM: Income and allowance standards	R.1980 d.295	12 N.J.R. 482(a)
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)
10:87-3.18(b)	Amend criteria for student exemption from work registration	R.1980 d.30	12 N.J.R. 86(e)
10:87-3.18, 4.7	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-4.8	Amend exclusion of resources	R.1980 d.220	12 N.J.R. 323(d)
10:87-5.8	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
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)
10:87-7.18, 9.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
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	Amend Food Stamp allotment and income	R.1980 d.296	12 N.J.R. 482(b)
10:87-12.1	Amend income deduction table	R.1980 d.154	12 N.J.R. 278(d)
10:90	Repeal Handbook for Home Services	R.1980 d.208	12 N.J.R. 323(a)
10:94-4.33	Amendments concerning Medicaid Only income eligibility levels	R.1980 d.223	12 N.J.R. 324(b)
10:94-5.8	Amend living allowance deductions	R.1980 d.187	12 N.J.R. 322(b)
10:94-5.8	Amend exemption of institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:94-5.8(a)	Amendments concerning living allowance deductions	R.1980 d.27	12 N.J.R. 86(b)
10:99	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:100-1.23	Amend SSI payments	R.1980 d.221	12 N.J.R. 323(e)
10:100-3.5, 3.6, 3.7	Amend payment of burial and funeral costs	R.1980 d.246	12 N.J.R. 418(c)
10:102	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:104-1.19	Pre-adoption home studies in cases of foreign born children	R.1979 d.457	12 N.J.R. 40(b)
10:105	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:107	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:108	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:120-	Amend DYFS administrative foreword	R.1980 d.308	12 N.J.R. 482(c)
Foreword			
10:122	Amend child care standards	R.1980 d.314	12 N.J.R. 483(d)
10:122A	Recodify AFDC Foster Care	R.1980 d.314	12 N.J.R. 483(d)
10:122B	Recodify Family Day Care	R.1980 d.314	12 N.J.R. 483(d)
10:123-3	Adopt personal needs allowance	R.1980 d.358	12 N.J.R. 536(e)

(Title 10, Transmittal 13 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

CORRECTIONS — TITLE 10A

10A:32	Manual of standards for juvenile detention facilities	R.1980 d.14	12 N.J.R. 87(b)
10A:70-1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-1.11	Temporary postponements of certain provision of Parole Act of 1979	R.1980 d.174	12 N.J.R. 335(a)
10A:70-1.11	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-8.1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71-3.3, 3.4, 3.19, 7.16	Amended Rules of State Parole Board	R.1980 d.226	12 N.J.R. 335(b)

(Title 10, Transmittal 4 dated Nov. 13, 1979 includes all rules through Jan. 10, 1980 N.J. Register.)

INSURANCE — TITLE 11

11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-16	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-17.6, 17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-18	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-21	Life insurance policies—limited death benefit as alternative to underwriting	R.1980 d.265	12 N.J.R. 423(c)

11:5-1.15	Amend real estate business cards	R.1980 d.279	12 N.J.R. 484(d)
11:5-1.15(1)	Amend advertising	R.1980 d.52	12 N.J.R. 128(a)
11:5-1.15(m)	Amend advertising	R.1980 d.213	12 N.J.R. 343(a)
11:5-1.16(c)	Amend advertising	R.1980 d.51	12 N.J.R. 127(e)
11:5-1.16(c)	Amend listing agreements and contracts	R.1980 d.214	12 N.J.R. 342(d)
11:5-1.16(c)	Amend contracts of sale and listing agreements	R.1980 d.274	12 N.J.R. 423(d)

(Title 11, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(c)
12:35	Assignment of employable general assistance recipients to worksites	R.1980 d.162	12 N.J.R. 280(b)
12:200	Amend liquefied petroleum gases	R.1980 d.143	12 N.J.R. 280(a)
12:235-1.5	Amend benefit rates	R.1980 d.357	12 N.J.R. 543(d)

(Title 12, Transmittal 12 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-4, -40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-20, -23, -24	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-33, 36	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:21-4.1	Amend statements of origin	R.1980 d.112	12 N.J.R. 209(c)
13:21-14	Amend bus drivers	R.1980 d.114	12 N.J.R. 209(e)
13:25-8.5	Amend motorized bicycles	R.1980 d.113	12 N.J.R. 209(d)
13:28-1.54	Amend beauty culture notice requirements	R.1980 d.94	12 N.J.R. 208(b)
13:28-1.56	Beauty shop price posting	R.1980 d.229	12 N.J.R. 433(b)
13:28-2.6	Amend names of schools	R.1980 d.261	12 N.J.R. 434(c)
13:28-2.11	Amend non-English speaking student enrollment	R.1980 d.109	12 N.J.R. 209(a)
13:28-2.24	Amend student standards and requirements	R.1980 d.262	12 N.J.R. 434(d)
13:28-2.24	Repeal of part of rule exempting male beauty students from performing manicuring and facial work	R.1980 d.228	12 N.J.R. 433(a)
13:28-2.33	Amend beauty culture curriculum	R.1980 d.94	12 N.J.R. 208(b)
13:33-1.11, 1.12, 1.15, 1.16	Amend licensure requirements	R.1980 d.201	12 N.J.R. 348(c)
13:35-6.18	Provision of radiological services	R.1980 d.344	12 N.J.R. 551(b)
13:38-2.2	Amend examination equipment	R.1980 d.202	12 N.J.R. 348(d)
13:39-5.7, 5.11, 5.15	Amend reciprocal licensure	R.1980 d.259	12 N.J.R. 434(a)
13:39-6.9	Availability of records	R.1980 d.260	12 N.J.R. 434(b)
13:41-3.2	Annual license fees and charges	R.1980 d.179	12 N.J.R. 348(a)
13:45A-9	Amend merchandise advertising	R.1980 d.200	12 N.J.R. 348(b)
13:45A-16	Home improvement practices	R.1980 d.111	12 N.J.R. 209(b)
13:47A-25.3	Amend disclosure of material terms to wire services	R.1980 d.155	12 N.J.R. 284(a)
13:70-12	Amend claiming requirements	R.1980 d.95	12 N.J.R. 208(c)
13:70-29.56	Pick-Six pool	R.1980 d.286	12 N.J.R. 494(a)

(Title 13, Transmittal 15 dated February 15, 1980 includes all rules through March 6, 1980 N.J. Register.)

PUBLIC UTILITIES — TITLE 14

ENERGY — TITLE 14A

14:3-7.9	Amend utility bill form	R.1980 d.299	12 N.J.R. 495(d)
14:3-7.9(b)	Estimated bills for residential customers	R.1980 d.44	12 N.J.R. 156(d)
14A:3-2.2, 2.11	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-4.2, 4.4	Repeal gas burning ignition	R.1980 d.280	12 N.J.R. 494(c)
14A:3-8.2, 8.4, 9.2, 9.3, 9.4	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-10	Energy conservation certificate of compliance	R.1980 d.282	12 N.J.R. 495(b)
14A:3-11	Used oil	R.1980 d.283	12 N.J.R. 495(c)

(Title 14, Transmittal 13 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

(Title 14A, Transmittal 5 dated January 17, 1980 includes all rules through July 10, 1980 N.J. Register.)

STATE — TITLE 15

15:15-10 Amend Administrative hearings R.1980 d.275 12 N.J.R. 362(a)
 (Title 15, Transmittal 11 dated May 17, 1979 includes all rules through June 5, 1980 N.J. Register.)

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)
16:17-4.3	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)
16:22	Urban revitalization, special demonstration and emergency projects	R.1980 d.333	12 N.J.R. 553(b)
16:26-3.4	Amend reimbursed highway safety lighting	R.1979 d.466	12 N.J.R. 52(a)
16:28-1.11	Speed limits: Terrill Road	R.1980 d.145	12 N.J.R. 289(c)
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)
16:28-1.72, 1.77	Speed zones on Routes U.S. 206, N.J. 29	R.1980 d.346	12 N.J.R. 553(d)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.81	Speed zones on Route N.J. 49	R.1980 d.346	12 N.J.R. 553(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)
16:28A-1.7	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:28A-1.9	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.19, 1.20	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.21	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.21	Restricted parking: Route 30	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.22, 1.25	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.26	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.26	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.32, 1.33	Amend restricted parking	R.1980 d.291	12 N.J.R. 496(c)
16:28A-1.35	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.46, 1.51	Restricted parking: Routes 130, 168	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.61	Restricted parking: Route 41	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61—1.63	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
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	Amend lane usage on parts of Routes 35 and U.S. 9	R.1979 d.471	12 N.J.R. 52(c)
16:30-3.1(c)	Amend lane usage on Route 35	R.1980 d.342	12 N.J.R. 553(c)
16:30-3.4	Amend lane usage on 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)
16:30-5.1	Amend traffic and parking at Metro Park Train Station	R.1980 d.128	12 N.J.R. 289(b)
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	Amend general administration	R.1980 d.63	12 N.J.R. 163(a)
17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-4.13	Amend pension cash purchase discounts	R.1980 d.302	12 N.J.R. 497(d)
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)
17:1-8.7, 8.8, 8.12	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
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	Amend Teachers' Pension and Annuity Fund	R.1980 d.103	12 N.J.R. 224(e)
17:3-3.4	Amend contributory insurance rate of contribution	R.1980 d.175	12 N.J.R. 354(a)
17:3-5.2, 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)
17:4-1.8, 1.11 3.3, 4.10, 6.7, 6.8, 6.12, 6.14	Amend Police and Firemen's Retirement System	R.1980 d.135	12 N.J.R. 290(a)
17:5-1.7	Amend State Police Retirement System	R.1980 d.209	12 N.J.R. 355(d)
17:5-1.7, 2.3, 3.8	Amend State Police Retirement System	R.1980 d.101	12 N.J.R. 224(c)
17:5-5.7, 5.8	Amend State Police Retirement	R.1980 d.209	12 N.J.R. 355(d)
17:6-1.8	Amend the suspension of pension checks	R.1979 d.476	12 N.J.R. 57(a)
17:9-2.15	Amend major medical reimbursement	R.1980 d.300	12 N.J.R. 497(b)
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)
17:12-1.1, 2.4, 2.5, 2.7, 2.8, 3.3	Amend administrative procedures of Purchase Bureau	R.1980 d.142	12 N.J.R. 293(a)
17:12-7.2(a)	Amendments concerning debarment, suspension and disqualification of a person	R.1980 d.141	12 N.J.R. 292(a)
17:16-5.5	Amend fund classification	R.1980 d.315	12 N.J.R. 497(e)
17:16-27	Amend certificates of deposit	R.1979 d.436	11 N.J.R. 650(c)
17:16-31.7— 31.12	Amend common Treasury Fund A	R.1980 d.235	12 N.J.R. 436(a)
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)
17:21-15	Pick-6 (Lotto) Lottery	R.1980 d.136	12 N.J.R. 290(b)

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

TREASURY-TAXATION — TITLE 18

18:5-6	Amend Cigarette Tax Act	R.1980 d.194	12 N.J.R. 354(b)
18:7-3.6	Amend Corporation Business Tax Act and method of company tax and net income base	R.1980 d.146	12 N.J.R. 293(b)
18:12-1.1	Amend categories of nonusable deed transactions	R.1980 d.62	12 N.J.R. 162(a)
18:12-6, -6A	Amend home improvement exemptions	R.1980 d.253	12 N.J.R. 436(b)
18:12-6A.6	Adoption on home improvement exemption	R.1980 d.335	12 N.J.R. 554(c)
18:12-9	Moratorium on taxation of mobile homes as real property	R.1980 d.147	12 N.J.R. 293(c)
18:12A-1.7(c)	Amend filing fees and county boards of taxation	R.1980 d.148	12 N.J.R. 293(d)
18:18-12.5	Amend the Motor Fuels Tax Act	R.1980 d.195	12 N.J.R. 354(c)
18:24-7.18	Amend sales and use tax; commercial motor vehicles	R.1980 d.197	12 N.J.R. 355(a)
18:24-7.19	Taxation of mobile homes	R.1980 d.149	12 N.J.R. 293(e)
18:24-14.3	Deletion of part of rule on hospital sales of meals	R.1980 d.196	12 N.J.R. 354(d)
18:24-16.1, 16.2 16.5—16.7	Amend coin-operated vending machines and appropriate sales tax	R.1980 d.150	12 N.J.R. 293(f)
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)
18:26	Amend transfer inheritance tax	R.1980 d.198	12 N.J.R. 355(b)
18:26-3.10, 5.14, 5.15	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:26-8.9, 9.14, 10.5, 11.15, 12.9	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:37	Spill Compensation and Control Act	R.1980 d.199	12 N.J.R. 355(c)

(Title 18, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 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)
19:8-2.11	Amend concerning Garden State Arts Center	R.1980 d.189	12 N.J.R. 355(e)
19:8-7.3(b)	Amendments concerning inspection and obtaining authority records regarding State Police reports	R.1980 d.131	12 N.J.R. 294(a)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-8	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(b)
19:41-8.6	Amend withdrawal of applications	R.1980 d.159	12 N.J.R. 295(a)
19:41-8.8	Reapplication by natural persons	R.1980 d.160	12 N.J.R. 295(b)
19:45-1.11	Amend casino licensee's organization	R.1980 d.232	12 N.J.R. 447(c)
19:47	Amend rules of the games	R.1980 d.132	12 N.J.R. 294(c)
19:47	Corrected version of amendments to rules of the games	R.1980 d.186	12 N.J.R. 357(a)
19:47-5.7(d)	Amend minimum wagers on Big-Six Wheel	R.1980 d.133	12 N.J.R. 294(d)
19:54	Amendments concerning the gross revenue tax	R.1980 d.134	12 N.J.R. 294(e)

(Title 19, Transmittal 14 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

(Continued from Page 522)

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend ASH: Savings

Ann Klein, Commissioner, Department 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. 10:82-3.2 of the Assistance Standards Handbook concerning savings.

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

10:82-3.2(b)7vi. Savings [for a specified purpose]: Those funds[,] set aside by an eligible unit which is in fact receiving public assistance[, for the specific purpose of an identified item of family living,] so long as the amount thus accumulated does not exceed the total of three months' public assistance allowance standard for that eligible unit. [Future educational needs of children, automobile purchase or repair, down payment or upkeep of a home, replacement/repair of household appliances or furnishings, or future clothing needs are examples of acceptable items of family living.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

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

Department of Human Services
Ann Klein
Commissioner

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend GAM: Defining Immediate Need

Ann Klein, Commissioner, Department of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-3.3(a) in the General Assistance Manual defining immediate need.

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

10:85-3.3(a)1. Definition: [Immediate need exists when an applicant's available income and cash (Section 332.3) at the time of initial application are less than the applicable public assistance allowance standard, and the applicant appears to be eligible.] Immediate need is the condition in which the available resources of an applicant are insufficient to meet current living expenses.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 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 Amend GAM: Referral for Medicaid

Ann Klein, Commissioner, Department of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-3.3, 5.2 and 8.2 of the General Assistance Manual concerning referral for Medicaid.

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

10:85-3.3(g)2. [Medicaid coverage for persons under age 21 - An individual under age 21 whose income (or the income of his/her family with whom he/she lives) is less than that of the appropriate AFDC allowance standard*, but who would not otherwise be eligible for an AFDC money payment, may be eligible for medical care through the Medicaid program. Such person shall be referred to the CWA to make application for "Medicaid Special."

i. Referral to the CWA is accomplished by use of Form PA-14, Referral for Services. The MWD will be notified of the individual's eligibility for Medicaid Special through the return of the appropriate portion of Form PA-14.

ii. Eligibility for Medicaid under these provisions does not disqualify the individual for receipt of general assistance.

*NOTE: The AFDC allowance standards are the same as those contained in Schedule I, except that the standard for a single child (individual under age 21) is \$118.]

Medicaid Special - Certain low income persons under age 21 and certain low income pregnant women, regardless of age, may be eligible for Medicaid even though they may or may not be living with parents, may or may not be eligible for General Assistance, and may not be eligible for cash assistance from a county welfare agency.

i. The MWD will, via Form PA-14, refer all GA recipients under age 21 and all pregnant recipients to the county welfare agency for Medicaid Special. Referral of those who have income marginally above GA eligibility standards is also indicated. The CWA will advise as to the eligibility determination made.

ii. Persons found eligible for Medicaid Special are not thereby disqualified for grants of General Assistance but the MWD will make no medical payments for such persons.

10:85-5.2(d)iii. Any benefits provided through the Medical Assistance Program (Medicaid) of the State of New Jersey or any other state are not reimbursable.

10:85-8.2(c)2. Medicaid Only - This Federal/State program offers [purchase of service benefits] payment for medical care to persons who qualify for participation in

the AFDC or SSI program, but who do not receive cash maintenance payments available under the program for which they qualify. Also eligible are certain persons under age 21 and certain pregnant women, regardless of age, who have income below the AFDC standard but are not eligible for cash AFDC payments.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 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 Amend GAM: Savings

Ann Klein, Commissioner, Department of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-3.4 of the General Assistance Manual concerning savings.

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

10:85-3.4(c)7. Savings [or a Specified Purpose] - Funds up to three times the amount of the monthly assistance allowance standard for the eligible unit which have been set aside during a continuous period of receipt of assistance. [for an identified item of family living. Examples include clothing, fuel, furniture.] Funds, [even for such purposes,] which exist at the time of initial application or reopening of a case are not exempt under this section. Any funds above three times the amount of the monthly assistance allowance (not necessarily the monthly grant) are to be considered as an available resource.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 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 Amend GAM: Receipt of Assistance

Ann Klein, Commissioner, Department of Human Ser-

vices, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend N.J.A.C. 10:85-7.2 in the General Assistance Manual concerning the receipt of assistance at unreduced per diem rate after notification of termination or reduction of assistance.

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

10:85-7.2(a)1. Termination or reduction of assistance: The municipal welfare department shall send a notice to every recipient for whom assistance is to be terminated or reduced no later than ten days before the date such action will be taken ([S]see Appendix A for [N]notice [F]forms[.]). In the event the ten day period extends beyond the last date for which assistance has already been granted, the MWD will continue assistance at an unreduced per diem rate for the balance of the full 10 day period.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 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

Notice of Proposed State Plan for Low Income Energy Assistance

Take notice that Ann Klein, Commissioner of the Department of Human Services proposes to adopt the State Plan governing the Low Income Energy Assistance program as authorized by the federal Home Energy Act of 1980. The program will offer assistance to low income households to offset the rising costs of home energy.

A summary of the State Plan will be available for public inspection at all county welfare agencies, county offices on aging and community action agencies. In addition, a copy of the summary may be obtained free of charge from the New Jersey Division of Public Welfare.

Interested persons may present statements or arguments in writing relevant to the plan on or before September 10, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Emergency Amend Reimbursement for Outpatient Hospital Services

On July 23, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:40-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an emergency amendment to N.J.A.C. 10:52-1.6(c) concerning reimbursement for outpatient hospital services.

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

10:52-1.6(c) Reimbursement for covered services in the outpatient department of the hospital shall be determined by the Commissioner of the Department of Human Services. The rates of reimbursement are established by the Commissioner at [60%] 100% of the lower of costs or charges defined and determined by Medicare principles of reimbursement.

An order adopting this rule was filed July 29, 1980 to become effective July 1, 1980 pursuant to U.S. District Court Order, Civil No. 80-594, as R.1980 d.337 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Emergency Long Term Care Per Diem Rates

On August 1, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:40-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency rules to be cited as N.J.A.C. 10:63-3.21 concerning long term care per diem rates.

Full text of the new rule follows.

10:63-3.21 Payment of per diem rates

(a) Payment of the prospective rates established for July 1, 1980 and periods thereafter is reduced by 50% of any and all increases in the per diem rate adjustment when compared to the long term care facility's previously established per diem rate; or

(b) Payment of the prospective rates established for July 1, 1980 and periods thereafter will be reduced by 150% of any and all decreases in the per diem rate adjustment when compared to the long term care facility's previously established per diem rate.

An order adopting this rule was filed and became effective on August 1, 1980 as R.1980 d.341 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amend Long Term Care Manual: Consultations

On July 25, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:63-1.4 concerning consultations in the Long Term Care Manual as proposed in the Notice published May 8, 1980 at 12 N.J.R. 275(a), but with subsequent, substantive changes not detrimental to the public in the opinion of the department.

An order adopting this rule was filed and became effective on August 1, 1980 as R.1980 d.340.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Repeal of Independent Clinic Services Manual

On July 31, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted repeal of N.J.A.C. 10:58 concerning the Independent Clinic Services Manual as proposed in the Notice published July 10, 1980 at 12 N.J.R. 413(b).

An order adopting this rule was filed August 7, 1980 as R.1980 d.351.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Emergency Adoption Personal Needs Allowances Residential Health Care Facilities and Boarding Houses

On August 6, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of section 3 of P.L. 1973, c. 256 (C. 44:7-87) as amended and supplemented by sec-

tion 34 of P.L. 1979, c. 496 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules to be cited as N.J.A.C. 10:123-3 concerning personal needs allowances in residential health care facilities and boarding houses.

Full text of the adopted rule follows.

SUBCHAPTER 3. PERSONAL NEEDS ALLOWANCE

10:123-3.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings.

"Boarding house" means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single-room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel, or established guest house wherein a minimum of 85 percent of the units of dwelling space are offered for limited tenure only, any foster home as defined in section 1 of P.L. 1962, c. 137 (C. 30:4C-26.1), and community residence for the developmentally disabled as defined in section 2 of P.L. 1977, c. 448 (C. 30:11B2), any dormitory owned or operated on behalf of any nonprofit institution or primary, secondary, or higher education for the use of its students, any building arranged for single-room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the Department of Higher Education, and any facility or living arrangement operated by, or under contract with any State department or agency upon the written authorization of the Commissioner of the Department of Community Affairs.

"Limited tenure" means residence at a rooming or boarding house on a temporary basis for a period lasting no more than 90 days, when a resident either maintains a primary residence at a location other than the rooming or boarding house or intends to establish a primary residence at such a location and does so within 90 days after taking up original residence at the rooming or boarding house.

"Operator" means any individual who is responsible for the daily operation of any residential health care facility or boarding house.

"Owner" means any person who owns, purports to own, or exercises control of any residential health care facility or boarding house.

"Personal Needs Allowance" means a monthly amount of money intended to meet those personal and incidental expenses or needs of Supplemental Security Income recipients in residential health care facilities or boarding houses which are not included among those services provided by the facility in accord with the respective licensure standards.

"Residential health care facility" means a facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association which furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the proprietor, and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision

of and assistance in activities of daily living and assistance in obtaining health services to any one or more of such persons, excluding, however, any community residence for the developmentally disabled as defined in section 2 of P.L. 1977, c. 488 (C. 30:11B-2), any facility or living arrangement operated by or under contract with any State department or agency, upon the written authorization of the Commissioner of the Department of Health, and any privately operated establishment licensed under Chapter 11 of Title 30 of the Revised Statutes.

"Single-room occupancy" means an arrangement of dwelling space which does not provide a private, secure dwelling space arranged for independent living, which contains both the sanitary and cooking facilities required in dwelling spaces pursuant to the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1 et seq.) and which is not used for limited tenure occupancy in a hotel, motel, or established guest house, regardless of the number of individuals occupying any room or rooms.

"Units of dwelling space" means any room, rooms, suite, or portion thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied, for sleeping or dwelling purposes by one or more persons.

10:123-3.2 Amount

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

An order adopting this rule was filed August 7, 1980 to become effective on August 27, 1980 as R.1980 d.358 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

CORRECTIONS

PAROLE BOARD

Proposed Amend State Parole Board Rules

The State Parole Board, pursuant to the authority of N.J.S.A. 30:4-123.48(d), proposes to amend N.J.A.C. 10A:71-3, -7.15 and -7.18 concerning the consideration of juvenile parole cases, parole revocation matters and the Board's institutional infraction schedule which provides for the alteration of parole eligibility dates.

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

Interested persons may present statements or arguments in writing relevant to the above proposal on or before September 24, 1980 to:

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

The State Parole Board may thereafter adopt these rules and regulations substantially as proposed without further notice.

Christopher Dietz, Chairman
New Jersey State Parole Board
Department of Corrections

(a)

CORRECTIONS

STATE PAROLE BOARD

Parole Board Rules

On August 1, 1980, the State Parole Board, pursuant to authority of N.J.S.A. 30:4-123.49(d) and the applicable provisions of the Administrative Procedure Act, repealed the entire current text of N.J.A.C. 10A:70-1.1 et seq. (except 10A:70-1.11 and 10A:70-8.1 et seq.) and adopted amendments to N.J.A.C. 10A:70-1.11 and new rules and regulations of the Parole Board, supplementing N.J.A.C. 10A:71 concerning various matters as proposed in the Notice published July 10, 1980 at 12 N.J.R. 420(b), but with subsequent, substantive changes not detrimental to the public in the opinion of the Board.

An order adopting this rule was filed and became effective on August 7, 1980 as R.1980 d.359.

Howard H. Kestin
Director
Office of Administrative Law

(b)

INSURANCE

THE COMMISSIONER

Minimum Standards for Health Insurance

On July 31, 1980, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-3.1, 17:1C-6(e), 17B:22-1 and 17B:26-1 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 11:4-16.8(b), 11:4-17.6 and 11:4-17.7 concerning minimum standards for health insurance as proposed in the notice published July 10, 1980 at 12 N.J.R. 420(c).

An order adopting this rule was filed and became effective on August 5, 1980 as R.1980 d.343.

Howard H. Kestin
Director
Office of Administrative Law

(c)

INSURANCE

THE COMMISSIONER

List of Municipalities

Adopting Fire Insurance Ordinances

On July 29, 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 adopted ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the additions to the prior list follows.

The Township of Franklin 08873 June 20, 1980
(Somerset County)
The Borough of Tinton Falls 07724 June 20, 1980
(Monmouth County)

The Township of Readington 08889 June 23, 1980
(Hunterdon County)
The Borough of Princeton 08540 July 16, 1980
(Mercer County)
The Township of Maple Shade 08052 July 18, 1980
(Burlington County)

This list was filed on July 29, 1980 as R.1980 d.336. Such list is not subject to codification but will appear in Title 11 for informational purposes.

Howard H. Kestin
Director
Office of Administrative Law

(d)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Proposed Amend Child Labor

John J. Horn, Commissioner of Labor and Industry, pursuant to the authority of N.J.S.A. 34:2-21.2, 34:2-21.3, 34:2-21.15, 34:2-21.17, 34:2-21.19 and 34:2-21.64, proposes to amend N.J.A.C. 12:58 concerning child labor by deleting the current text and adopting new text therefor.

The proposed rules represent an updating of the rules concerning occupations prohibited to persons under 18 years of age in accordance with the provisions of N.J.A.C. 34:2-21 et seq. and N.J.S.A. 34:2-21.57 et seq.

Full text of the proposed new text follows.

FOREWORD

This chapter of Title 12 of the New Jersey Administrative Code replaces N.J.A.C. 12:58 effective November 20, 1958.

It has again become necessary to define and clarify certain provisions of the Child Labor Laws, N.J.S.A. 34:2-21.1 et seq. and N.J.S.A. 34:2-21.57 et seq.

Also, it is evident certain specific requirements had to be written to implement the intent and purpose of the Act as the result of experience and enforcement effort.

This Chapter 58, Child Labor of Title 12, N.J.A.C. is based upon research conducted by the staff of the Division of Workplace Standards.

This chapter was promulgated in accordance with section 4 of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

All standards and publications referenced in this chapter are available in accordance with Appendix A.

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APPENDIX A. AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

SUBCHAPTER 1. GENERAL PROVISIONS

12:58-1.1 Title and citation

This regulation shall be known and may be cited as Chapter 58, Child Labor of Title 12, N.J.A.C.

12:58-1.2 Purpose

The purpose of this chapter is to define and clarify certain sections of the child labor statutes.

12:58-1.3 Scope

This chapter shall apply to the employment of minors subject to the child labor statutes, except as provided in section 1.4 of this chapter.

12:58-1.4 Apprentice and student learner in cooperative vocational education program

(a) This chapter shall not apply to apprentices and student learners that are in a cooperative vocational education program.

(b) "Apprentice" means a person:

1. Employed in a craft recognized as an apprenticeable trade;

2. Whose work in particularly hazardous occupations is incidental to the training;

3. Whose work is intermittent and of short duration and under the direct and close supervision of a craftsman; and

4. Registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor as employed in accordance with the standards established by that Bureau or is registered by a State agency as employed in accordance with the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of Labor to conform substantially with such Federal and State standards.

(c) "Cooperative vocational education program" means a program of vocational education for persons who, through written cooperative arrangements between the school and the employer, receives instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences are planned and supervised by the school and employer so that each contributes to the education and employability of the student.

(d) "Student learner" means a person:

1. Enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school;

2. Between the ages of 16 years and 18 years of age; and

3. Employed under a written agreement which provides that:

i. Work in a particularly hazardous occupation is incidental to his training;

ii. Work is intermittent and of short duration, and under the direct and close supervision of a qualified and experienced person;

iii. Safety instruction is given by the school and correlated by the employer with on-the-job training; and

iv. A schedule of organized and progressive work processes to be performed on the job is prepared.

12:58-1.5 Effective date

This chapter shall take effect _____.

12:58-1.6 (Reserved)

Chapter 58, Child Labor Regulations of Title 12, N.J.A.C. effective November 20, 1958 is hereby repealed.

12:58-1.7 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

SUBCHAPTER 2. DEFINITIONS

12:58-2.1 Definitions

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

"Agricultural machinery." See section 4.3 of this chapter.

"Apprentice." See section 1.4(b) of this chapter.

"Band saw." See section 4.11(f) of this chapter.

"Boning operation." See section 4.12(g) of this chapter.

"Building." See section 4.2(d) of this chapter.

"Carcinogenic substance." See section 4.8(b) of this chapter.

"Child labor statutes" means N.J.S.A. 34:2-21.1 et seq. and N.J.S.A. 34:2-21.57 et seq.

"Circular saw." See section 4.11(e) of this chapter.

"Combustible liquid" means any liquid with a flash point from 100° to 200°F as measured by tests or any liquid mixture with 99 percent or more combustible components.

"Compactor." See section 4.10(b) of this chapter.

"Conveyor." See section 3.3(b) of this chapter.

"Construction work." See section 4.2(b) and (c) of this chapter.

"Cooperative vocational education program." See section 1.4(c) of this chapter.

"Corrosive material" means any liquid or solid that causes destruction of human skin tissue or a liquid that has a severe corrosion rate on steel or aluminum.

"Curing cellar." See section 4.12(e) of this chapter.

"Disorderly house." See section 4.5(b) of this chapter.

"Explosive" means any chemical compound, mixture, or device the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas or heat unless such compound, mixture or device is otherwise specifically classified.

"Flammable liquid" means any liquid with a flash point less than 100°F as measured by tests with the following exceptions:

1. A flammable liquid with a vapor pressure greater than 40 pounds per square inch absolute at 100°F.

2. A liquid mixture containing one percent or less flammable components.

3. A water-alcohol solution containing 24 percent or less alcohol.

"Guillotine shear." See section 4.11(g) of this chapter.

"Hazardous substance." See section 4.9(b) of this chapter.

"Helper." See section 4.11(d) of this chapter.

"Hide cellar." See section 4.12(f) of this chapter.

"Highly inflammable substance." See section 4.6(c) of this chapter.

"Indecent or immoral theatrical exhibition." See section 4.14(b) of this chapter.

"Ionizing radiation." See section 4.7(f) of this chapter.

"Junk or scrap metal yard." See section 4.4(b) of this chapter.

"Killing floor." See section 4.12(d) of this chapter.

"N.J.A.C." means the New Jersey Administrative Code.

"N.J.S.A." means the New Jersey Statutes Annotated.

"Operator." See section 4.11(c) of this chapter.

"Pesticide." See section 4.15(c) of this chapter.

"Power driven machinery." See section 3.2(b) and (c) of this chapter.

"Pyroforic liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130°F. These liquids are classified as flammable liquids.

"Radioactive substance." See section 4.7(b) of this chapter.

"Related equipment (conveyors)." See section 3.3(c) of this chapter.

"Rendering plant." See section 4.12(c) of this chapter.

"Slaughtering and meat packing establishment." See section 4.12(b) of this chapter.

"Self-luminous compound." See section 4.7(d) of this chapter.

"Shall" means a mandatory requirement.

"Structure." See section 4.2(e) of this chapter.

"Student learner." See section 1.4(d) of this chapter.

"Toxic substance." See section 4.9(b) of this chapter.

"Workroom." See section 4.7(e) of this chapter.

SUBCHAPTER 3. OCCUPATIONS PROHIBITED TO MINORS UNDER 16 YEARS OF AGE

12:58-3.1 Scope

(a) This subchapter shall apply to occupations prohibited to minors under 16 years of age, except as provided in subsection (b) of this section.

(b) This subchapter shall not apply to apprentices and student learners engaged in cooperative vocational education programs.

12:58-3.2 Power driven machinery

(a) Minors under 16 years of age shall not be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

(b) "Power driven machinery" shall include:

1. Power tools, including but not limited to power lawn mowers, power woodworking and metal working tools.

(c) "Power driven machinery" shall not include:

1. Standard office type machines;

2. Standard domestic type machines or appliances when used in domestic or business establishments;

3. Agricultural machines when used on farms, such as standard type poultry feeders, egg washers, egg coolers, and milking machines; and

4. An attended or unattended standard type passenger elevator.

12:58-3.3 Conveyors and related equipment

(a) Minors under 16 years of age shall not be employed, permitted or suffered to work on or about conveyors and related equipment.

(b) "Conveyor" shall mean a horizontal, inclined, or vertical device for moving or transporting bulk materials, packages or objects, in the path predetermined by the design of the device, and having points of loading and discharge.

(c) "Related equipment" shall mean devices in and around conveyors that represent a physical hazard, such as equipment interfaces, nip and shear points, transfer, loading and discharge points, hoppers, and chutes.

SUBCHAPTER 4. OCCUPATIONS PROHIBITED TO MINORS UNDER 18 YEARS OF AGE

12:58-4.1 Scope

(a) This subchapter shall apply to occupations prohibited to minors under 18 years of age, except as provided in subsection (b) of this section.

(b) This subchapter shall not apply to apprentices and student learners engaged in cooperative vocational education programs.

12:58-4.2 Construction work

(a) Minors under 18 years of age shall not be employed in construction work.

(b) "Construction work" shall mean the erection, alteration, repair, renovation, demolition or removal of any building or structure; the excavation, filling and grading of sites; and any function performed within 30 feet of the above operations.

(c) "Construction work" shall not mean the repair or painting of fences, buildings and structures not exceeding twelve feet in height.

(d) "Building" means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for various uses.

(e) "Structure" shall mean an assembly of materials forming an object for occupancy or use including among others stadiums, stagings, observation towers, storage tanks, trestles, wharves, boats and ships.

12:58-4.3 Agricultural machinery

Minors under 18 years of age shall not work in, on, or directly in connection with the following agricultural machinery: cornpickers, power driven hay balers or power field choppers.

12:58-4.4 Junk or scrap metal yard

(a) Minors under 18 years of age shall not be employed in, about, or in connection with a junk or scrap metal yard.

(b) "Junk or scrap metal yard" shall mean any place where old iron, metal, paper, cordage and other refuse may be collected and deposited or both and sold or may be treated so as to be again used in some form or discarded or where automobiles or machines are demolished for the purpose of salvaging of metal or parts.

12:58-4.5 Disorderly house

(a) Minors under 18 years of age shall not be employed in, about or in connection with a disorderly house.

(b) "Disorderly house" means a house of prostitution, a brothel or a gambling place."

12:58-4.6 Highly inflammable substances

(a) Minors under 18 years of age shall not be employed, permitted or suffered to work in, about, or in connection with highly inflammable substances.

(b) Any employment certificate authorizing the employment of a minor under 18 years of age in any gasoline service station or garage shall be stamped with the following warning: "The certificate does not in any way affect any prohibition contained in the Child Labor Law concerning power-driven or hazardous machinery or hazardous occupations."

(c) "Highly inflammable substance" shall mean a flammable liquid or a pyroforic liquid as defined in subchapter 2 of this chapter, except a "highly inflammable substance" shall not mean gasoline at a service station where gasoline tanks of gasoline motor driven vehicles are filled by use of a hose that is a part of powered pumping equipment.

12:58-4.7 Radioactive substances and ionizing radiation

(a) Minors under 18 years of age shall not be employed, permitted or suffered to work in any workroom where exposed to radioactive substances or to ionizing radiation.

(b) Work where exposed to radioactive substances shall mean work which involves exposure to the following:

1. Radium is stored or used in the manufacture of self-luminous compounds.
2. Self-luminous compounds are made, processed, or packaged.
3. Self-luminous compounds are stored, used or worked upon.
4. Incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged.
5. Other radioactive substances which are present in the air in average concentrations exceeding 10 percent of the maximum permissible concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection as set forth in the 40 hour week column of table one of the National Bureau of Standards Handbook No. 69 entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," issued June 5, 1959.

(c) Work where exposed to ionizing radiation shall mean work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

(d) "Self-luminous compound" shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element.

(e) "Workroom" shall include the entire area bounded by walls of solid material and extending from floor to ceiling.

(f) "Ionizing radiation" shall mean alpha and beta particles, electrons, protons, neutrons, gamma and x-ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and x-ray.

12:58-4.8 Carcinogenic substances

(a) Minors under 18 years of age shall not be employed, permitted or suffered to work where they may be exposed to carcinogenic substances.

(b) "Carcinogenic substance" shall mean and include any material classified as carcinogenic by 29 CFR Part

1910-Subpart Z and as listed below:

Asbestos	Ethyleneimine
Coal tar pitch volatiles	beta-Propiolactone
4-Nitrobiphenyl	2-Acetylaminofluorene
alpha-Naphthylamine	4-Dimethylaminoazobenzene
Methyl chloromethyl ether	N-Nitrosodimethylamine
3,3'-Dichlorobenzidine	Vinyl chloride
(and its salts)	Inorganic arsenic
bis-Chloromethyl ether	Benzene
beta-Naphthylamine	Coke oven emissions
Benzidine	1,2-dibromo -
4-Aminodiphenyl	3-chloropropane
	Acrylonitrile

12:58-4.9 Toxic and hazardous substances

(a) Minors under 18 years of age shall not be employed, permitted or suffered to work in workrooms where they may be exposed to toxic and hazardous substances.

(b) "Toxic and hazardous substance" shall mean any material exceeding a threshold limit value listed in the tables of Section 1910. 1000 of Subpart Z or 29 CFR Part 1910.

12:58-4.10 Compactors

(a) Minors under 18 years of age shall not be employed, permitted or suffered to work on or about compactors.

(b) "Compactor" shall mean a power operated device designed to join or pack closely together, consolidate or condense material. The term "Compactor" shall not include compacting type garbage trucks and residential type compactors.

12:58-4.11 Circular saws, band saws, and guillotine shears

(a) Minors under 18 years of age shall not be employed, permitted or suffered to work as an operator or helper with circular saws, band saws and guillotine shears.

(b) Minors under 18 years of age shall not set-up, adjust, repair, oil, or clean circular saws, band saws and guillotine shears.

(c) "Operator" shall mean a person who operates a machine by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(d) "Helper" shall mean a person who assists in the operation of a machine by helping place materials into or remove them from the machine.

(e) "Circular saw" shall mean a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.

(f) "Band saw" shall mean a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

(g) "Guillotine shear" shall mean a machine equipped with a movable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

12:58-4.12 Slaughtering, meat packing, processing, or rendering

(a) Minors under 18 years of age shall not be employed, permitted or suffered to work in or about slaughtering and meat packing establishments, rendering plants, or wholesale, retail or service establishments as described in paragraphs 1 through 7 of this subsection.

1. All occupations on the killing floor, in curing cellars, and in hide cellars, except the work of messengers, run-

ners, hand-truckers, and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.

2. The recovery of lard and oils, except packaging and shipping of such products and the operation of lard-roll machines;

3. All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products;

4. The operation or feeding of the following power-driven meat-processing machines, including setting up, adjusting, repairing, oiling, or cleaning such machines; meat patty forming machines, meat and bone cutting saws, knives (except bacon-slicing machines), head-splitters, and guillotine cutters, snout-pullers and jaw-pullers, skinning machines, horizontal rotary washing machines, casing-cleaning machines such as crushing, stripping, and finishing machines, grinding, mixing, chopping, and hashing machines, and presses (except belly-rolling machines);

5. All boning operations;

6. The pushing or dropping of any suspended carcass, half carcass, or quarter carcass; and

7. The hand-lifting or hand-carrying of any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.

(b) "Slaughtering and meat packing establishment" shall mean a place in or about which cattle, calves, hogs, sheep, lambs, goats, or horses are killed, butchered, or processed. The term shall also include establishments which manufacture or process meat products or sausage casings from such animals.

(c) "Rendering plant" shall mean an establishment engaged in the conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

(d) "Killing floor" shall include that workroom or workplace where cattle, calves, hogs, sheep, lambs, goats, or horses are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.

(e) "Curing cellar" shall include that workroom or workplace which is primarily devoted to the preservation and flavoring of meat by curing materials. It does not include that workroom or workplace where meats are smoked.

(f) "Hide cellar" shall include that workroom or workplace where hides are graded, trimmed, salted, and otherwise cured.

(g) "Boning operation" shall mean the removal of bones from meat cuts. It shall not include work that involves cutting, scraping, or trimming meat from cuts containing bones.

12:58-4.13 Corrosive material

(a) Minors under 18 years of age shall not be employed, permitted or suffered to work in or about corrosive materials.

(b) "Corrosive material" shall mean any substance classified as a corrosive material as defined in subchapter 2 of this chapter. Corrosive materials shall mean, among others, acids and alkalines.

12:58-4.14 Indecent or immoral exposure

(a) Minors under 18 years of age shall not:

1. Be employed, permitted or suffered to work in indecent or immoral theatrical exhibitions;

2. Work in establishments where the acts of indecent or immoral theatrical exhibitions are performed or shown on screens;

3. Perform in any movie having as part of that movie any indecent or immoral exposure;

4. Perform in the nude or as a go-go dancer;

5. Pose in the nude; or

6. Work in adult book stores or massage parlors.

(b) "Indecent or immoral theatrical exhibition" means that defined in N.J.S.A. 34:2-21.63a.

12:58-4.15 Pesticide

(a) Minors under 18 years of age shall not be employed as applicators of pesticides in the field, nor shall such minors be permitted in the field when such pesticides are being applied.

(b) Compliance shall be as provided in N.J.S.A. 13:1F-1 et seq., Pesticide Control Act of 1971 and the regulations written thereunder.

(c) "Pesticide" means and includes any substance or mixture of substances labeled, designed, intended for or capable of use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses on or in living man or other animals. The term "pesticide" also includes any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant or plant regulator.

APPENDIX A

AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Workplace Standards between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

State of New Jersey
Department of Labor and Industry
Division of Workplace Standards
Labor and Industry Building, Room 1112
Trenton, New Jersey

Copies of the referenced standards and publications may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning and are the organizations issuing the standards and publications listed.

CFR Code of Federal Regulations
Copies available from:
Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20420

NBS National Bureau of Standards
Copies available from:
Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20420

N.J.S.A. New Jersey Statutes Annotated
Copies available from:
Office of Wage and Hour Compliance
New Jersey Department of Labor and Industry
CN 389
Trenton, N.J. 08625

No. and Edition	Title
29 CFR Part 1910	General Industry Standards of Occupational Safety and Health Administration of the U.S. Department of Labor

NBS Handbook
No. 69-1959

Maximum Permissible Body
Burdens and Maximum
Permissible Concentrations of
Radionuclides in Air and in
Water for Occupational
Exposure

N.J.S.A. 13:1F-1 et seq. Pesticide Control Act of 1971

Interested persons may present statements or arguments
in writing concerning this rule on or before September
24, 1980 to:

William J. Clark, Assistant Commissioner
Division of Workplace Standards
Department of Labor and Industry
CN 398
Trenton, N.J. 08625

The Department of Labor and Industry may there-
after adopt rules concerning this subject without further
notice.

John J. Horn
Commissioner
Department of Labor and Industry

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

Contribution Rates of Governmental Entities

On August 7, 1980, John J. Horn, Commissioner of Labor
and Industry, pursuant to authority of N.J.S.A. 43:21-7.3(e)
and in accordance with the applicable provisions of the
Administrative Procedure Act, adopted amendments to
N.J.A.C. 12:15-1.5 concerning contribution rates of govern-
mental entities.

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

12:15-1.5(a) In accordance with the provisions of N.J.S.A.
43:21-7.3(e), the contribution rate for all governmental en-
tities and instrumentalities electing to pay contributions
under the Unemployment Compensation Law is hereby
established as being [one percent (1%)] **two percent (2%)**,
for the entire calendar year.

(b) This contribution rate shall be effective on taxable
wages paid in the calendar year of [1980] 1981.

An order adopting this rule was filed August 7, 1980 to
become effective on January 1, 1981 as R.1980 d.354 (Ex-
empt, Procedural Rule).

Howard H. Kestin
Director
Office of Administrative Law

(b)

LABOR AND INDUSTRY

THE COMMISSIONER

Amend Maximum Weekly Benefit Rates

On August 6, 1980, John J. Horn, Commissioner of Labor
and Industry, pursuant to authority of N.J.S.A. 43:21-3 and
in accordance with the applicable provisions of the Ad-

ministrative Procedure Act, adopted amendments to N.J.
A.C. 12:15-1.3 concerning maximum weekly benefit rates.

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

12:15-1.3(a) In accordance with the provisions of the Un-
employment Compensation Law, the maximum weekly
benefit rate for benefits under the Unemployment Com-
pensation Law and the maximum weekly benefit amount
for State Plan benefits under the Temporary Disability
Benefits Law is hereby promulgated as being [\$123.00]
\$133.00 per week.

(b) These maximum benefits shall be effective for the
calendar year [1980] 1981 on benefit years and periods of
disability commencing on or after January 1, [1980] 1981.

An order adopting this rule was filed August 7, 1980 to
become effective on January 1, 1981 as R.1980 d.355 (Ex-
empt, Procedure Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

LABOR AND INDUSTRY

THE COMMISSIONER

Amend Taxable Wage Base Under Unemployment Compensation Law

On August 6, 1980, John J. Horn, Commissioner of Labor
and Industry, pursuant to authority of N.J.S.A. 43:21-
7(b)(3), and in accordance with the applicable provisions
of the Administrative Procedure Act, adopted amend-
ments to N.J.A.C. 12:15-1.4 concerning the taxable wage
base under the Unemployment Compensation Law.

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

12:15-1.4 In accordance with the provisions of N.J.S.A.
43:21-7(b)(3), the "wages" of any individual with respect
to any one employer for the purpose of contributions under
the Unemployment Compensation Law shall include the
first [\$6,900] **\$7,500** paid during the calendar year [1980]
1981.

An order adopting this rule was filed August 6, 1980 to
become effective on January 1, 1981 as R.1980 d.356 (Ex-
empt, Procedural Rule).

Howard H. Kestin
Director
Office of Administrative Law

(d)

LABOR AND INDUSTRY

THE COMMISSIONER

Amend Benefit Rates

On August 6, 1980, John J. Horn, Commissioner of Labor
and Industry, pursuant to authority of N.J.S.A. 34:15-12(a)
and in accordance with the applicable provisions of the

Administrative Procedure Act, adopted amendments to N.J.A.C. 12:235-1.5 concerning benefit rates for 1981.

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

12:235-1.5 In accordance with the provisions of N.J.S.A. 34:15-12(a), the maximum workers' compensation benefit rate for temporary total disability, permanent total disability, and dependency is hereby promulgated as being [~~\$164.00~~] **\$199.00** per week.

This maximum compensation shall be effective as to injuries occurring in the calendar year [1980] **1981**.

An order adopting this rule was filed August 6, 1980 to become effective on January 1, 1981 as R.1980 d.357 (Exempt, Exempt Agency).

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amend Driver Improvement School Fees

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30.4, proposes to amend N.J.A.C. 13:19-10.3 concerning driver improvement school fees.

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

13:19-10.3(f) The fee for attendance at a Division of Motor Vehicles probationary driver program shall be [~~\$10.00~~] **\$20.00**.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, N.J. 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

Joan H. Wiskowski
Director, Division of Motor Vehicles
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Proposed Amend License to Practice Dental Hygiene

Samuel E. Furman, D.D.S., President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to author-

ity of N.J.S.A. 45:6-1 et seq., proposes to amend N.J.A.C. 13:30-2.5 and adopt new rules to be cited as N.J.A.C. 13:30-2.10 through 2.17 concerning licensing to practice dental hygiene.

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

13:30-2.5 Professional education

[(a) A candidate must have been graduated in a course from a school of dental hygiene or department of a college or university approved by the Board.

(b) A list of schools approved by the Board is available upon request.]

(a) A candidate for licensure shall have graduated from an educational program in dental hygiene approved by the Board. An approved educational program in dental hygiene shall provide college-level courses leading to an associate or higher degree and have sufficient fiscal, facility, faculty and curriculum resources to support its educational objective. A list of the approved educational programs shall be maintained on file in the principal office of the Board, which shall include but not be limited to: dental schools, four-year colleges, and community colleges which offer credit towards a baccalaureate degree.

(b) The Board may approve dental hygiene programs which have been accredited by the American Dental Association's Commission on Dental Accreditation.¹

(c) The Board may approve a dental hygiene program which has been established by a non-profit institution of post-secondary education which has been accredited by a regional accrediting agency recognized by the Council on Post-Secondary Accreditation.

(d) An institution which has not yet been accredited by a regional accrediting agency may be considered an approved educational program in dental hygiene if it:

1. Has made application for accreditation;
2. Has attained "candidate for accreditation" status; and
3. Has made a reasonable effort to become accredited within the time period specified by that agency.

(e) Continuation of approval is contingent upon the continued accreditation of the institution.

13:30-2.10 Duties of licensed dentist hygienist

(a) A licensed dental hygienist may perform the following duties under the supervision of a licensed dentist:

1. Perform a complete prophylaxis including, removal of all hard and soft deposits from all surfaces of human teeth to the epithelial attachments; polish natural and restored teeth, root planning, and curettage as part of the prophylaxis;
2. Provide prophylactic and preventive measures such as the application of fluorides and other recognized topical agents for the prevention of oral disease or discomfort;
3. Examine soft and hard tissue of the head, neck and oral cavity; note deformities, defects and abnormalities therein;
4. Perform all those duties delegable to the dental assistant and the registered dental assistant as defined in N.J.A.C. 13:30-2.13(a) and (b).

(b) A licensed dental hygienist who has met the requirements of N.J.A.C. 13:30-2.14 may perform the following duties under the supervision of a licensed dentist:

1. Prepare teeth for bonding and apply pit and fissure sealants;
2. Polish amalgam restorations;
3. Remove arch wires and ligature wires;
4. Remove excess cement from crowns and orthodontic bands (by hand or mechanical instruments);
5. Fabricate athletic mouth guard appliances.

13:30-2.11 Qualifications of registered dental assistants

(a) A dental assistant desiring to become registered within the meaning of N.J.S.A. 45:6-49(2)(b) shall first secure registration from the Board.

(b) The candidate shall have the following qualifications:

1. Satisfactorily completed and graduated from an approved educational program in dental assisting; or
2. Successfully completed high school (or its equivalent) and have obtained at least two years work experience as a dental assistant, during the five year period prior to making application for registration.

(c) The Board may grant registration to a dental assistant who submits:

1. Application to the Board on the form furnished by the Board upon request;
2. Proof of competency of performance as defined in N.J.A.C. 13:30-2.14 in expanded functions;
3. Proof of the successful completion of the Certification Examination administered by the Certifying Board of the American Dental Association within ten years of making application for registration; and
4. (a) Proof of the successful completion of an approved education program in dental assisting within ten years of making application for registration or see subsection (b) of this section.

(b) A list of all employers for whom registrant has been employed during the two years of work as a dental assistant. A signed affidavit from those employers who can verify the registrant's employment shall accompany the application.

13:30-2.12 Professional education

(a) A candidate for registration shall have graduated from an educational program in dental assisting approved by the Board. An approved educational program in dental assisting must have sufficient fiscal, facility, faculty and curriculum resources to support its educational objective. A list of the approved educational programs shall be maintained on file in the principal office of the Board, which shall include but not be limited to: dental schools, four year colleges and universities, two year colleges, technical institutions, vocational schools, private schools and federal service training centers.

(b) The Board may approve dental assisting programs which have been accredited by the American Dental Association's Commission on Dental Accreditation or a program established in an institution of post-secondary education which has been accredited by a regional accrediting agency.

(c) An institution which has not yet been accredited by a regional accrediting agency may be considered an approved educational program in dental assisting if an application for accreditation has been made and there is reasonable likelihood that accreditation will be granted.

(d) Continuation of approval is contingent upon the continued accreditation of the institution.

13:30-2.13 Duties of registered dental assistant

(a) A registered dental assistant may perform the following duties under the direct supervision of a licensed dentist:

1. Place and remove rubber dams;
2. Place and remove matrices and wedges;
3. Place temporary sedative restorations;
4. Remove excess cement from crowns (used as prosthesis) utilizing hand instruments only;
5. Assist in the administration of nitrous oxide when used as an analgesic only;
6. Remove sutures;
7. Cement temporary crowns after preparation of tooth and crowns by a dentist;

8. Take impression for diagnostic models;

9. Place amalgam and gold foil in a tooth for condensation by the dentist;

10. Place and remove retraction cords;

11. Perform bite registration procedures to determine occlusal relationships only;

12. Place and remove periodontal dressings and other surgical dressings; and

13. Perform all those duties delegable to the dental assistant as defined in N.J.A.C. 13:30-2.13(b).

(b) A dental assistant who has not obtained a registration from the Board may perform only the following duties under the direct supervision of a licensed dentist:

1. Make radiographic exposures as permitted by the Department of Environmental Protection;

2. Provide oral health education such as but not limited to dietary analysis and clinical instruction in order to promote dental health;

3. Apply topical anesthetic agents;

4. Take and record vital signs;

5. Retract patient's cheek, tongue or other tissue parts during a dental operation;

6. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouth washes and water;

7. Isolate the operative field, not to include rubber dam;

8. Trial size (pre-select) orthodontic bands, wires, stainless steel crowns, and temporary crowns on a diagnostic model;

9. Analyze saliva and prepare smears;

10. Take dental photographs;

11. Select shades for prosthetic appliances.

(c) A dental assistant may provide a written work authorization for emergency repair of a dental prosthesis provided that the prosthesis does not require any intra-oral procedure and will be thereafter inserted by a licensed dentist.

13:30-2.14 Qualifications for performance of expanded functions

(a) A dental hygienist who desires to perform expanded functions as defined in N.J.A.C. 13:30-2.10(b) and all registered dental assistants shall furnish the Board with proof of one of the following:

1. Certificate of graduation from an approved educational program in dental hygiene or dental assisting in which expanded functions or duties are taught. Instruction in expanded functions shall be a prerequisite to Board approval of Dental Auxiliary Educational Programs in the State beginning with the 1982-1983 academic year;

2. Certificate of successful completion of an examination for clinical competency in expanded functions in dental hygiene or dental assisting to be administered by the Board or its delegated authority, or;

3. Certificate of successful completion of an approved program in expanded functions in dental hygiene or dental assisting as defined in N.J.A.C. 13:30-2.15.

13:30-2.15 Programs in Expanded Functions

(a) An approved continuing education program in expanded functions shall meet the following minimal standards:

1. The level of instruction must satisfy essentially the same academic standards as that required at the post-secondary level; and

2. The agent responsible for providing the course or topic of instruction must demonstrate that:

i. The course or topic satisfies the standards of proficiency set forth in N.J.S.A. 45:6-50(g);

ii. An opportunity to enroll in the course or topic is available to all licensees and registrants.

(b) The Board may recognize the following as approved programs in Expanded Functions:

1. An institution approved by the American Dental Association's Commission on Dental Accreditation;
2. Institutions of higher education which have met the standards of the Dental Hygienists Association or a regional agency recognized by the Council on Post-Secondary Accreditation;
3. In-service training programs conducted at the graduate level by agencies of the federal, state or local government, and
4. Internship and residency programs conducted in hospitals which are approved by the Council on Hospital Dental Services of the American Dental Association.

13:30-2.16 Continuing education requirements

(a) All licensed dental hygienists and registered dental assistants in the State of New Jersey shall attend or participate in 20 hours of continuing education every four years.

(b) The following shall be considered acceptable forms of continuing education:

1. Scientific courses which impart information to the auxiliary on the delivery of dental care, including but not limited to preventive services, radiography, dental photography, nutrition, patient counselling and community health.
2. Courses which directly relate to or concern the practice of dentistry, including but not limited to: organization and office management, office design, communication skills, behavioral science, memory training, speed reading, dental-legal matters, methods of health care delivery, socio-political problems and personal health.

(c) Unacceptable forms of continuing education are: money management, personal finances, personal business, basic courses in education or culture, general physical fitness, seminars conducted by political or public figures.

(d) An acceptable form of continuing education shall directly enhance the licensee or registrant's knowledge, skill or competence in dental service to the community.

(e) The Board may recognize the courses of study and amount of hours credited in continuing education programs approved by:

1. The Academy of General Dentistry;
2. The New Jersey Dental Hygienists' Association;
3. The Certifying Board of the American Dental Assistants' Association;
4. Accredited colleges or universities.

13:30-2.17 Proof of compliance

(a) The agent responsible for providing the course or topic of instruction shall furnish a written certification card to each licensee or registrant who has successfully completed a course in continuing education. The card shall contain the provider's name, course registration number, course name, dates attended and credit hours earned; all to be filed out by the provider and the licensee/registrant's printed name, signature and license/registration number to be filed out by the licensee/registrant.

(b) The provider shall retain a list of the licensee and registrant who successfully completed the course for a period of five years.

(c) The licensee/registrant shall submit to the Board for its approval a list of the continuing education courses taken, dates of completion, and credit hours earned on the biennial renewal form.

(d) A licensee/registrant who fails to retain certification cards shall be the burden of demonstrating to the Board successful completion of the course.

(e) A licensee/registrant who furnishes the Board with false or misleading information may be subject to disciplinary action.

(f) The Board may inspect the licensee/registrant's records as may be necessary to insure that the continuing education requirements have been met.

¹Formerly known as the American Dental Association's Commission on Dental and Dental Auxiliary Education Programs.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

Samuel E. Furman, D.D.S., President
New Jersey State Board of Dentistry
150 East State Street
Trenton, N.J. 08608
Telephone: (609) 292-5416

Additionally, statements or arguments concerning the above proposed amendments may be presented at a public hearing to be held on October 1, 1980 at 10:00 A.M. at Rutgers, The State University, Graduate School of Library Science, College Avenue and Huntington Street, New Brunswick, New Jersey. Persons interested in presenting statements or arguments at the public hearing must contact the New Jersey State Board of Dentistry at the above telephone number to assure inclusion on the agenda.

The New Jersey State Board of Dentistry may thereafter adopt the above amendment substantially as proposed without further notice.

Samuel E. Furman, D.D.S., President
New Jersey State Board of Dentistry
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Proposed Amend Fee Schedules

Ann B. Crumidy, President of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians, in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 52:17B-41.1 et seq. proposes to amend N.J.A.C. 13:33-1.41 concerning fee schedules.

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

13:33-1.41 Fee schedules

(a) The following fees shall be charged by the Board, effective January 1, 1975:

1. Examination:
 - i. Ophthalmic [dispenser] dispensing \$40.00
 - ii. Ophthalmic [technician] technicianry \$25.00
 - iii. Qualifying Technical \$25.00
2. Reexamination:
 - i. Ophthalmic [dispenser] dispensing \$25.00

- ii. Ophthalmic [technician] technicianry \$15.00
- iii. Qualifying Technical \$15.00

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

Jan Flanagan, Executive Secretary
 New Jersey State Board of Ophthalmic
 Dispensers and Ophthalmic Technicians
 1100 Raymond Boulevard
 Newark, New Jersey 07102
 Tel. (201) 648-2848

The New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians may thereafter adopt the above amendment substantially as proposed without further notice.

Ann Crumidy, President
 New Jersey State Board of Ophthalmic
 Dispensers and Ophthalmic Technicians
 Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

**BOARD OF OPHTHALMIC DISPENSERS
 AND OPHTHALMIC TECHNICIANS**

Proposed Qualifying Technical Examination

Ann B. Crumidy, President of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians, in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 52:17B-41.1 et seq., proposes to adopt a new regulation to be cited as N.J.A.C. 13:33-1.43 concerning a qualifying technical examination.

Full text of the proposed new rule follows.

13:33-1.43 Qualifying technical examination

(a) An apprentice ophthalmic dispenser shall serve at least one-half of the first year of apprenticeship in technical optical procedures under supervision and shall satisfactorily complete six credits of Board-approved course work in ophthalmic science. Upon completion of the first year of apprenticeship, an apprentice ophthalmic dispenser shall sit for a qualifying technical examination.

(b) A matriculated student in a Board-approved program leading to an associate degree in ophthalmic science may sit for the qualifying technical examination at the end of the first year of such program.

(c) The qualifying technical examination shall consist of a written test and practical tests in neutralizing and fabrication and shall be offered twice annually.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

Jan Flanagan, Executive Secretary
 New Jersey State Board of Ophthalmic Dispensers
 and Ophthalmic Technicians
 1100 Raymond Boulevard
 Newark, New Jersey 07102
 Tel. (201) 648-2848

The New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians upon its own motion or at

the request of any interested party, may thereafter adopt the above amendment substantially as proposed without further notice.

Ann Crumidy, President
 New Jersey State Board of Ophthalmic
 Dispensers and Ophthalmic Technicians
 Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

**Proposed Amend
 Certified Nurse/Midwife**

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:9-1 and 45:10-1 et seq., withdraws in its entirety the proposed rule of registering certified nurse/midwife that was published April 6, 1978 at 10 N.J.R. 166(c) and on February 7, 1980 at 12 N.J.R. 88 and proposes to adopt new rules concerning the registering and regulating of the practice of certified nurse/midwife.

Full text of the proposed new rules follows.

SUBCHAPTER 9. NURSE/MIDWIFE

13:35-9.1 Definitions

(a) A midwife licensed by the Board of Medical Examiners pursuant to the provisions of N.J.S.A. 45:10-1 et seq. alone, shall be considered a lay midwife and shall perform only the functions expressly set forth in the statute, that is, attend a woman in childbirth without the use of any medications or surgical procedures.

(b) A Certified Nurse/Midwife shall register as such with the Board to discharge those responsibilities hereinafter set forth. A Certified Nurse/Midwife shall mean a registered professional nurse licensed in New Jersey who, by virtue of added knowledge and skill gained through an organized program of study and clinical experience, manages the care of essentially normal newborns at the time of delivery and essentially normal women during the antepartum, intrapartum, and post-partum periods, including family planning as expressly limited and set forth below. The Certified Nurse/Midwife shall not work alone in an individual or independent practice but shall function within a health care system which provides for consultation, collaborative management and referral with a physician licensed to practice medicine and surgery in the State of New Jersey (hereinafter referred to as "the physician"). A Certified Nurse/Midwife holding that title shall, during the effective period of such registration only, use the title "Certified Nurse/Midwife" and the abbreviation "C.N.M."

13:35-9.2 Qualifications

(a) A Certified Nurse/Midwife shall demonstrate the following qualifications in order to be registered by the Board:

1. Proof of at least 18 years of age;
2. Diploma of a legally chartered school of Nurse/Midwifery approved by the American College of Nurse/Midwives;
3. Certification by the American College of Nurse/Midwives;

4. Current registration as a professional nurse in the State of New Jersey;

5. A minimum of two years of obstetrical clinical experience in a licensed health care facility or comparable experience satisfactory to the Board.

(b) The requirements of subsection (a) of this section notwithstanding, a midwife certified by the American College of Nurse/Midwives and licensed as a midwife in the State of New Jersey and licensed as a registered professional nurse in the State of New Jersey on the effective date of this rule shall be eligible to register as a Certified Nurse/Midwife.

13:35-9.3 Minimum standards of practice

(a) The C.N.M. shall establish written agreement(s) with one or more licensed physicians in the State of New Jersey who practice obstetrics and who have hospital privileges. The agreement shall include a written protocol setting forth:

1. Criteria for ineligibility for patient care solely by the C.N.M.;

2. Standing orders for approved laboratory tests;

3. Standing orders for approved medications which may be dispensed by the C.N.M. which shall include identification, quantity, dosage and indications for use. The above may include Controlled Dangerous Substances to be used only in a licensed health care facility;

4. Periodic conference for review of patient records as needed;

5. Availability of the physician (or designated qualified substitute physician who practices obstetrics and is responsible for back-up care) for consultation and emergency assistance or medical management when needed.

(b) The C.N.M. shall file with the Board a notice listing the name and address of the affiliated physician and the effective date of the agreement within 30 days of the effective date of this rule or at the time of application for registration with the Board. In the event of a change of physician(s), the C.N.M. shall promptly notify the Board.

(c) Patients shall be ineligible for care by a C.N.M. or by a lay midwife under certain circumstances. The criteria for ineligibility shall include, but are not limited to, the following:

1. Demographic indices:

i. Chronological age under 16 in primigravida at the time of last menstrual period.

ii. Chronological age of 35 or over in primigravida at the time of last menstrual period.

iii. Chronological age of 40 and over in multigravida at the time of last menstrual period.

2. Documented problems in maternal medical history:

i. Cardiovascular: acute and/or chronic hypertension defined as diastolic over 90 on two separate occasions; congenital and/or acquired heart disease; history of thrombophlebitis within one year of pregnancy or two episodes; history of pulmonary emboli.

ii. Urinary System: impaired renal function, chronic or acute renal disease or severe urinary tract infection refractory to treatment.

iii. Psycho-neurological epilepsy or any other seizure disorder; alcoholism, drug addiction and/or methadone maintenance; previous psychotic episode; use of any psychotropic drug for medical disorders.

iv. Endocrine: diabetes mellitus and/or gestational diabetes; other endocrine abnormalities.

v. Respiratory: asthmatics under therapy; moderately severe chronic bronchitis; chronic emphysema; past history of chronic T.B.; other significant pulmonary diseases.

vi. Other systems: bleeding disorders and/or hemolytic

disease including leukemia or Hodgkins Disease; orthopedic problems precluding a normal spontaneous delivery including Kyphoscoliosis; previous malignancy other than skin.

3. Documented problems in maternal obstetrical history:

i. Estimated date of confinement less than 12 months from date of previous delivery;

ii. Previous retained placenta;

iii. Previous RH sensitization;

iv. Parity of six or more;

v. The use of fertility drugs such as Pergonal and/or Clomid;

vi. Previous C-section or other surgery involving the uterine wall;

vii. Previous placenta abruptio and/or significant bleeding in this pregnancy;

viii. Previous significant postpartum hemorrhage;

ix. Two or more poor outcomes of pregnancy.

4. Documented problems in previous infants:

i. Two or more infants larger than ten pounds (4500 gms).

ii. One infant with lethal or life threatening congenital anomalies.

5. Findings on physical examination of pregnant patient:

i. Significant obesity defined as 20% above standard for height and weight according to standard chart;

ii. Poor nutritional status;

iii. Clinical evidence of significant uterine myomata, malformation of the genital urinary tract, abdominal or adnexal mass;

iv. Cardiac diastolic murmurs; systolic murmur grade III, and/or combined with cardiac enlargement;

v. Hydramnios or oligohydramnios;

vi. Any other significant deviations from the normal.

6. Findings as a result of laboratory radiologic studies:

i. Hematocrit less than 31;

ii. Pap Smear-Class III (or cytology equivalent) or greater, dependent on medical evaluation;

iii. Evidence of active tuberculosis;

iv. SS hemoglobin or any hemoglobinopathies.

(d) At such time as any abnormal condition appears the C.N.M. shall promptly refer the patient to the physician.

13:35-9.4 Antepartal management

(a) The C.N.M. shall take the patient's history; perform a physical examination; order laboratory tests; recommend non-prescription medication as necessary; dispense medications in accordance with the standing orders of the physician (pre-signed prescriptions are not permissible); maintain written patient records of findings and evaluation.

(b) Conditions requiring antepartal referral to the physician shall include but are not limited to the following:

1. Multiple gestation confirmed by sonogram;

2. Evidence of fetal chromosome or other congenital disorder confirmed by amniocentesis;

3. Evidence of intrauterine growth retardation;

4. Development of thrombophlebitis;

5. Symptoms of gestational diabetes affirmed by abnormal glucose tolerance curve;

6. Abnormal weight gain (at term) less than 12 pounds or greater than 50 pounds;

7. Non-vertex presentation at onset of labor;

8. Laboratory evidence of sensitization in RH negative women;

9. Post-datism defined as 42 weeks or 294 days' gestation;

10. Any recent history or visible evidence of genital herpes;

11. No prenatal care before 24th week of pregnancy;

12. Development of symptoms of pre-eclampsia.

(c) Notwithstanding the provisions of section 4(b) of this subchapter the C.N.M. may participate in collaborative

management of patients in the categories described therein with the physician.

13:35-9.5 Intrapartum management

(a) Both the lay midwife and the C.N.M. may manage the labor and delivery of the normal patient at any location including the patient's home, provided that he or she has ascertained the availability of a physician on call.

(b) At any location the lay midwife may not use any prescription drug medications and may not perform surgical procedures but shall contact the physician for assumption of patient care for anything other than a normal spontaneous delivery.

(c) The C.N.M. may administer medications according to the protocol, may perform an episiotomy and repair it and may use local or pudendal block anesthesia provided that labor and delivery take place in a licensed health care facility which may include a birthing center located within the vicinity of a hospital or within a reasonable distance thereof, which:

1. Has an obstetrician-gynecologist licensed in the State of New Jersey who is designated as responsible for back-up care and, pursuant to an established protocol, is available on call; and

2. Is subject to filed rules of the Department of Health providing for appropriate plant, staffing, equipment requirements, regular inspection, transportation services, and back-up services agreement with a licensed hospital.

(d) For a home delivery, the C.N.M. may use a local anesthetic only, may perform an episiotomy and repair it.

(e) The C.N.M. shall refer all second, third and/or fourth degree lacerations for repair by the licensed physician.

(f) The lay midwife and C.N.M. may evaluate and manage the third (placental) and fourth (post-partum) stages of labor. However, they shall immediately report any sign of hemorrhage or retention of placenta to a licensed physician, and except in an emergency, neither the lay midwife nor the C.N.M. shall deliver a retained placenta manually.

(g) The C.N.M. shall perform immediate screening of the newborn initiate immediate procedures to resuscitate the newborn as necessary; report to a licensed physician all deviations from the normal which occur; record and report the birth.

(h) Labor and delivery shall not be managed by the C.N.M. or by the lay midwife in any abnormal circumstances including, but not limited to the following:

1. Premature labor at less than 37th week of gestation;

2. Assessment of infant at less than 5 lbs. 8 ozs. (2500 gms) or more than 8 lbs. 12 ozs. (4000 gms) except in collaborative management with physician;

3. Premature rupture of membranes more than 12 hours before onset of regular contractions;

4. Evidence of fetal distress indicated by significant meconium staining or abnormal heart tones such as severe irregularity, a rate below 100 or above 200 beats per minute not corrected by position change;

5. Development of hypertension defined as a rise of 30 points of systolic and/or 15 points of diastolic blood pressure and/or elevated blood pressure of 150/90 or the development of signs of pre-eclampsia;

6. Failure to progress in labor using the Friedman curve manifested as follows:

i. First stage—lack of steady progress in dilation and/or descent after 12 hours in the primipara and 6 hours in the multipara;

ii. Second stage—more than two hours, after which consultation with physician must occur;

iii. Third stage—greater than one hour;

7. Soft tissue problems such as severe vulvar varicosities or marked edema of cervix;

8. Prolapse of cord;

9. Intrapartum and/or postpartum blood loss greater than 500 cc estimated;

10. Evidence of active infection;

11. Development of other severe medical/surgical problems;

12. Any condition requiring more than 12 hours postpartum observation.

13:35-9.6 Postpartum and other care

(a) Conditions requiring infant transfer to a licensed hospital shall include, but not be limited to, the following:

1. Apgar score less than 7 at 5 minutes;

2. Signs of pre- or post-maturity;

3. Low weight defined as less than 4 lbs. 10 ozs. (2200 gms), or less than 5 lbs. 8 ozs. (2499 gms) after consultation with pediatrician;

4. Respiratory problems such as severe grunting, retraction or rate above 60 at age of 4 hours;

5. Jaundice defined as bilirubin of greater than 10 mg/100 ml. in the first 36 hours of life;

6. Extreme color variation;

7. Persistent hypothermia defined as less than 97° F., taken rectally after two hours of life;

8. Exaggerated tremors;

9. Major congenital anomaly;

10. Any condition requiring more than 12 hours observation post-delivery.

(b) The C.N.M. may provide postpartum care, family planning, counseling and health screening.

(c) Within a physician's office or a licensed health care facility having a licensed physician on the premises during the procedure, the C.N.M. may insert and remove intrauterine devices (I.U.D.s).

(d) Within a physician's office or a licensed health care facility employing a full-time licensed physician on the premises during all hours that the location is open to patients, the C.N.M. may dispense medication as required, only in conjunction with family planning programs, in accordance with written protocol.

(e) A C.N.M. may dispense family planning medication in a physician's office of a licensed health care facility having less than full-time physician presence, but only upon prior approval by the Board of the program. Board review shall include the following factors: numbers of physicians and C.N.M.s employed, written protocol and degree of supervision, location and number of patient visits/day/C.N.M., with the goal of providing the greatest access to services consistent with the public health, safety and welfare, and law in effect at the time.

Interested persons may present statements or arguments in writing relevant to the proposed new rule on or before September 24, 1980 to:

The State Board of Medical Examiners
28 East State Street
Room 914
Trenton, New Jersey 08608
Telephone: (609) 292-4843

The State Board of Medical Examiners may thereafter adopt the above rules as proposed without further notice.

Edwin H. Albano
President
State Board of Medical Examiners

(a)

LAW AND PUBLIC SAFETY

OFFICE OF WEIGHTS AND MEASURES

Proposed Amend Firewood and Cordwood

Mr. William J. Wolfe, Sr., Superintendent of Weights and Measures, State Office of Weights and Measures, Division of Consumer Affairs, Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 51:1-54 and 51:1-61 and in accordance with the Administrative Procedures Act proposes to amend N.J.A.C. 13:47C-1.1 defining cordwood, firewood, and N.J.A.C. 13:47C-1.2 methods of sale for firewood and cordwood.

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

13:47C-1.1 Words and phrases defined

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

...

["Cord" means the standard cord of four feet by four feet by eight feet, containing 128 cubic feet.

"Cordwood" or "firewood" means and includes wood cut to any lengths of four feet or less, but not less than eight inches.]

"Cordwood," "firewood," "fireplace" and "stove wood." Any kindling, logs, boards, timbers or other wood, split or not split, advertised, offered for sale, or sold as fuel.

"Cord" means the amount of wood which is contained in a space of 128 cubic feet, when the wood is ranked and well stowed. For the purpose of this regulation, "ranked and well stowed" shall be construed to mean when pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

...

"Whole logs" means any single piece of wood, greater in length than eight (8) feet, unsplit and in the natural state. The trimming or looping of limbs from such logs is permitted and shall not be deemed to change the natural state of such logs.

...

13:47C-3.1 Cordwood and firewood

[a. Cordwood or firewood shall be sold by the standard four feet by four feet by eight feet cord of 128 cubic feet or any fractional subdivision thereof; provided, however, that the contents in cubic feet of such fractional subdivision shall be in proportion to the cubical contents of the standard cord.

b. All cordwood and fireplace wood sold, offered, or exposed for sale in the State of New Jersey shall conform with and be sold, offered or exposed for sale on the basis of the following:

1. The cubical contents of the wood shall be determined on the basis of the wood closely stacked;

2. The seller shall furnish the buyer a receipt or ticket of delivery stating the volume delivered in terms of cords or fractions of a cord. The receipt or ticket shall also contain the name and address of the seller and the name and address of the purchaser, together with the date of delivery.]

(a) For the purpose of this chapter, this section shall apply to the sale of all wood, natural and processed, for use as fuel, at retail.

(b) Representation: A "representation" means any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

(c) Identity: A representation may include a declaration of identity that indicates the species group (Example: 50% hickory, 50% miscellaneous softwood). Such a representation shall indicate, within ten percent accuracy, the percentages of each group.

(d) Quantity: Wood, of any type, for use as fuel shall be advertised, offered for sale and sold only by measures, using the term "cord" and fractional parts of a cord; except that:

1. Wood, natural or processed, offered for sale in packaged form shall display the quantity in terms of cubic feet, to include fractions of cubic feet.

2. Whole logs shall be sold by net weight.

3. Cordwood, firewood, fireplace or stove wood may be sold or offered for sale in package form by net weight plus count when each such individual package contains less than four (4) cubic feet (1/32 cord).

(e) Prohibition of terms. The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel.

(f) Delivery ticket or sale invoice. A serialized delivery ticket or invoice shall accompany all shipments of non-packaged cordwood, firewood, fireplace, stovewood or whole logs when in transit between seller and buyer. All such delivery tickets and sales invoices shall be subject to inspection by any weights and measures officer while in transit.

1. The delivery ticket or sales invoice shall contain at least the following information:

i. The legal name and address of the vendor;

ii. The name and address of the purchaser;

iii. The date delivered;

iv. The quantity delivered and the quantity upon which the price is based, if this differs from the delivery quantity;

v. The price of the amount delivered;

vi. The identity of the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.

2. Any person issuing or directing the issuance of, or possessing a delivery ticket or sales invoice showing a different species, quantity or quality other than the species, quantity or quality of the cordwood, firewood, fireplace, stove wood or whole logs being delivered shall be subject to a penalty for a violation of this chapter.

3. A copy of all delivery tickets and sale invoices shall be retained by the seller or vendor for a period of at least six months and shall be subject to inspection, at the seller or vendor's place of business, during normal business hours, by any weights and measures officer.

(g) Reweighing or remeasuring. All cordwood, firewood, fireplace, stove wood, whole logs, as defined by this chapter will be subject to inspection, when in transit, at the time of delivery or at any reasonable time following delivery, by any weights and measures officer pursuant to N.J.S.A. 51:1-88.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

James R. Bird, Deputy State Supt.
187 West Hanover Street
Trenton, N.J. 08625

The Office of Weights and Measures may thereafter adopt rules concerning this subject without further notice.

William J. Wolfe, Sr., State Supt.
Office of Weights and Measures
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

OFFICE OF WEIGHTS AND MEASURES

Proposed Precious Metals Sales

Mr. William J. Wolfe, Sr., Superintendent of Weights and Measures, State Office of Weights and Measures, Division of Consumer Affairs, Department of Law and Public Safety, pursuant to the authority of P.L. 1980 Chapter 53 and in accordance with the provisions of the Administrative Procedure Act proposes to adopt a new rule regulating the purchase or appraisal of small lots of certain precious metals by merchants from the public.

Full text of the rule follows.

SUBCHAPTER 5. SALES OF PRECIOUS METALS

13:47C-5.1 Definitions:

"Precious metal" is gold, silver, platinum and their alloys as defined in N.J.S.A. 51:5-1 et seq and N.J.S.A. 51:6-1 et seq.

"Merchant" is one who purchases small lots of precious metals from the public and sells the aggregate to refiners or brokers, and/or makes appraisals of small lots of precious metal.

"Small lots" is made up of used jewelry and the like, excluding coins and bullion.

13:47C-5.2 Weighing devices

(a) All devices used to weigh precious metals by merchants must be "tested and sealed" in accordance with N.J.S.A. 51:1-83, 51:1-93 and N.J.A.C. 13:47B-1.5. And, all weighings must be conducted in full view of the seller in accordance with N.J.A.C. 13:47B-1.6.

(b) The merchant must notify the county/municipal superintendent of Weights and Measures whenever a weighing device is moved from one location to another in accordance with N.J.S.A. 51:1-93 and N.J.S.A. 51:1-124.

13:47C-5.3 Price posting

The merchant shall post a conspicuous sign in proximity to the place where weighings are made quoting the prices offered for various units and fineness of precious metals.

13:47C-5.4 Advertising

The merchant shall include his legal name and address in all advertisements.

13:47C-5.5 Receipt

The merchant shall issue a serialized receipt for each purchase or statement of appraisal of precious metal containing the following:

1. Legal name and address of the purchaser or appraiser.
2. Name and address of the seller.

3. Date of the transaction.

4. Net weight in terms pounds Troy, ounces Troy, penny-weight (Troy) or kilograms/grams.

5. Fineness in terms "karat" for gold and "sterling or coin" for silver in accordance with N.J.S.A. 51:5-1 et seq. and 51:6-1 et seq.

6. Merchant shall retain copies of each receipt or statement of appraisal for not less than six months.

13:47-5.6 Violations

Violations of this subchapter shall be enforced in accordance with the provisions of N.J.S.A. 51:5-7 and 51:6-7 as amended.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

James R. Bird, Deputy State Superintendent
187 W. Hanover St.
Trenton, N.J. 08625

The Office of Weights and Measures may thereafter adopt rules concerning this subject without further notice.

William J. Wolfe, Sr.
Superintendent, Weights and Measures
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

Provision of Radiological Services

On July 16, 1980, Edwin H. Albano, President of the New Jersey Board of Medical Examiners, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 13:35-6.18 concerning radiological services as proposed in the Notice published June 5, 1980 at 12 N.J.R. 347(b).

An order adopting this rule was filed and became effective on August 5, 1980 as R.1980 d.344.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Inspection of New Passenger Vehicles and New Motorcycles

On July 3, 1980, R. W. McMinn, Acting Director, Division of Motor Vehicles, pursuant to authority of N.J.S.A. 39:8-2, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:20-28 concerning inspection of new passenger vehicles and new motorcycles as proposed in the Notice published May 8, 1980 at 12 N.J.R. 280(c), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on August 5, 1980 as R.1980 d.345.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Amend Notice of Discontinuance and Bill Disputes

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12, 48:2-19(a) and 48:2-23 proposes to amend N.J.A.C. 14:3-7.12 and 14:3-7.13 concerning notice of discontinuance and bill disputes respectively.

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

14:3-7.12(a)3. Electric and gas utilities shall, on a semi-annual basis, solicit information from their residential customers in order to determine the presence of any life-sustaining equipment on the customer's premises.

14:3-7.12(d) On all notices of discontinuance to residential electric and gas customers there shall be included, in addition to subsection (c) of this section:

1. A statement that the customer may contact the Board of Public Utilities to request assistance in the resolution of a disputed charge and, further, that a customer may also request a formal hearing concerning such disputed charge.

2. A statement that if, within five days, a request is made to the Board of Public Utilities for an investigation of the disputed charge, the customer's service shall not be discontinued because of non-payment of bills provided all undisputed charges are paid.

3. A statement that a customer may have counsel, or a third party of his choosing present when appearing before a utility to contest a disputed charge.

14:3-7.13(c) Whenever a residential customer advises the utility prior to the date of a proposed discontinuance for non-payment that he wishes to discuss a deferred payment agreement because he is presently unable to pay a total outstanding bill, the utility shall make a good faith effort to provide the customer with an opportunity to enter into a reasonable deferred payment agreement. In negotiating such a deferred payment agreement a residential electric and gas customer may not be requested to pay, as a down payment, more than 25% of the total outstanding bill due at the time the agreement is made or executed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

Edward D. Beslow, Esq.
Regulatory Officer
Board of Public Utilities
1100 Raymond Boulevard
Newark, N.J. 07102

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

Gerald A. Calabrese
Secretary, Board of Public Utilities
Department of Energy

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Repeal Traffic Operations Program to Increase Capacity and Safety

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 52:14B-1 et seq., proposes to repeal N.J.A.C. 16:19 concerning the Traffic Operations Program to Increase Capacity and Safety since such rules were considered to be no longer necessary in compliance with paragraph 2, Executive Order No. 66, April 14, 1978.

Full text of the existing rule may be found in the New Jersey Administrative Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Amend Restricted Parking

Louis J. Gambaccini, Commissioner of Transportation, pursuant to the authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.2 concerning restricted parking on U.S. Routes 1 and 9.

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

16:28A-1.2(c) The certain parts of State Highway Route U.S. 1 and 9 described herein below shall be and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. In Borough of Palisades Park, along Route U.S. 1 and 9 (Broad Avenue) southbound on the westerly side thereof at:

i. East Columbia Avenue (far side) beginning at the southerly curb line of East Columbia Avenue and extending 100 feet southerly therefrom.

(b)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

Mr. Charles L. Meyers
Administrative Practice Officer
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposal Turns Along Various State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to the authority of N.J.S.A. 39:4-183.6, proposes to adopt new rules to be cited as N.J.A.C. 16:31-1.7(a)5, 1.15, 1.4(a)1v and 1.4(a)1vi, vii, viii, concerning turn restrictions on various State highways.

Full text of the proposed new rules follows.

16:31-1.4(a)1. No left turn
i. - iv. (No change in text.)

v. North on Route 35 at 8th Avenue to west into driveway of Marine Basin, Borough of Belmar.

vi. North on Route 35 at 9th Avenue to west into driveway of Marine Basin, Borough of Belmar.

vii. North on Route 35, 50 feet north of 7th Avenue to west into driveway of Marine Basin, Borough of Belmar.

viii. South on Route 35 to east on 7th Avenue, Borough of Belmar.

[v.] ix. (No change in text.)

16:31-1.7(a)1. No right turns south on Route 23 to west onto Main Street, Borough of Hamburg.

Renumber: 1-4 as 2-5.

16:31-1.15 Route 94

(a) Turning movements of traffic on the certain parts of State Highway Route 94 described below are regulated as follows:

1. No right turns south on Route 94 (Ames Blvd.) to west onto Wallkill Avenue (Cor. Rt. 632), Borough of Hamburg.

Interested persons may, in writing, present statements or arguments to the proposed action on or before September 24, 1980 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

TRANSPORTATION

THE COMMISSIONER

Urban Revitalization, Special Demonstration And Emergency Projects

On July 17, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 16:22 concerning urban revitalization, special demonstration and emergency projects as proposed in the Notice published May 8, 1980 at 12 N.J.R. 286(a).

An order adopting this rule was filed and became effective on July 18, 1980 as R.1980 d.333.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TRANSPORTATION

THE COMMISSIONER

Emergency Amend Lane Usage On Part of Route 35

On August 4, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency amendment to N.J.A.C. 16:30-3.1(c) concerning the use of the northbound shoulder by buses on Route 35.

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

16:30-3.1(c) The northbound shoulder (right-hand lane or curb lane) of Route 35 may be used by buses and is reserved therefor on Sundays from 3:00 P.M. to [8:00] 10:00 P.M. from Faber Lane in the Township of Brick, north to Herbert Street in the Borough of Mantoloking, County of Ocean.

1. (No change in text.)

An order adopting these amendments was filed and became effective on August 4, 1980 as R.1980 d.342 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(d)

TRANSPORTATION

THE COMMISSIONER

Speed Zones on Parts of Routes U.S. 206, N.J. 29 and 49

On August 6, 1980, Louis J. Gambaccini, Commissioner

of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-1.72, 1.77 and 1.81 concerning speed zones on parts of Routes U.S. 206, N.J. 29 and 49 as proposed in the Notice published July 10, 1980 at 12 N.J.R. 435(a).

An order adopting this rule was filed and became effective on August 6, 1980 as R.1980 d.346.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TRANSPORTATION

THE COMMISSIONER

Restricted Parking on Parts of U.S. 30, U.S. 130, and N.J. 41 and 168

On August 6, 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 amendments to N.J.A.C. 16:28A-1.21, 1.46 and 1.51 and a new rule, to be cited as N.J.A.C. 16:28A-1.61, concerning restricted parking on parts of U.S. 30, U.S. 130, and N.J. 41 and 168 as proposed in the Notice proposed July 10, 1980 at 12 N.J.R. 434(e).

An order adopting this rule was filed and became effective on August 1, 1980 as R.1980 d.347.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

BOARD OF TRUSTEES PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Proposed Amend Concerning Public Employees' Retirement System

John P. Olender, Secretary, Board of Trustees of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 proposes to amend N.J.A.C. 17:2-2.1 and 17:2-2.3 concerning the Public Employees' Retirement System.

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

17:2-2.1[(c) The employee must also be paid in each of the calendar quarters.]

17:2-2.3 Ineligible persons

(a) The following classes of persons are ineligible for membership in the system:

1. - 3. (No change in text.)

4. Any employee who [is not paid] does not earn wages in each of the four calendar quarters, other than elected officials[.], would be considered temporary in a non-Civil Service community or seasonal.

Interested persons may present statements or arguments in writing relevant to the proposal on or before September 24, 1980 to:

John P. Olender, Secretary
Board of Trustees of the
Public Employees' Retirement System
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

The Board of Trustees of the Public Employees' Retirement System may thereafter adopt rules concerning this subject without further notice.

John P. Olender, Secretary
Board of Trustees of the
Public Employees' Retirement System
Division of Pensions
Department of the Treasury

(c)

TREASURY

TAXATION

Emergency Adoption Concerning Home Improvement Exemption

On July 25, 1980, Sidney Glaser, Director of the Division of Taxation, pursuant to authority of N.J.S.A. 54:4-3.72 et seq. and 54:14B-4(c) and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule to be cited as N.J.A.C. 18:12-6A.6 concerning home improvement exemptions from local property taxation.

Full text of the proposed new rule follows.

18:12-6A.6 Construction permit; certificate of occupancy

No exemption shall be allowed pursuant to the Act for any improvement for which no construction permit or, if applicable, no certificate of occupancy has been issued by the local construction official.

An order adopting this rule was filed and became effective on July 28, 1980 as R.1980 d.335 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(d)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Proposed Amend Variances

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to amend various sections of Title 19, Chapter 4, New Jersey Administrative Code concerning variances.

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

19:4-4.142 Variances

(a) The Executive Director may authorize such variances from the terms of these regulations as will not be contrary to the public interest in accordance with the

standards set forth in subsection [(e)] (i) herein, upon a determination that owing to special conditions a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship for the applicant.

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

(d) The office of the Chief Engineer shall select a reasonable time and place at which to hold a public [hearing] informational hearing [in accordance with Subchapter 6 of this Chapter.] to consider any application for a variance from the terms of these regulations. Notwithstanding the provisions of [this] the [Section] section, in cases of variances from the area and bulk requirements of these regulations, the office of the [chief] Chief [engineer] Engineer shall give notice, as required by law, but a public hearing on the matter shall not be required; provided, however, that comments in writing, relative to an application may be submitted to the office of the Chief Engineer within [ten] 10 days of the receipt of notice. [The Office of the Chief Engineer may, in its discretion, call a public hearing on any matter it deems of sufficient importance and shall call a public hearing on any matter on which there has been any adverse comment filed relative thereto which requests a public hearing.]

(e) The Executive Director shall review the findings, conclusions, and recommendations, of the Chief Engineer to determine whether it complies with the standards enumerated herein. In the event that the Chief Engineer has recommended a denial of the variance application or recommended approval with conditions on its approval, the Executive Director prior to making any final decision on the application shall forward a copy of the recommendations of the Chief Engineer to the applicant.

(f) A hearing may be held on an application for which the Chief Engineer has recommended disapproval or has recommended approval with conditions on the approval of the variance application. No such hearing shall be held unless the applicant requests a hearing in writing and the request is received by the Executive Director within 15 days of the applicant's receipt of notice of the recommendations of the Chief Engineer. In instances where the Chief Engineer has recommended approval with conditions, the scope of the hearing shall be limited to those conditions which the applicant objects to in the written request for a hearing. In his request for a hearing, the applicant shall state the nature of his objections to the recommendations of the Chief Engineer.

(g) Hearings to consider objections to the recommendations of the Chief Engineer shall be conducted by an administrative law judge under the rules and regulations and procedures of the Office of Administrative Law. The applicant shall have the burden of demonstrating that his application meets the standards and criterias enumerated in the section for the approval of a variance, and shall present his direct evidence first.

(h) The Executive Director shall render a written decision on all variance applications within 45 days of the close of the public informational hearing unless a hearing before an administrative law judge is requested as provided by subsection (d) herein. In the event that the applicant has requested a hearing as provided by subsection (f) herein, the Executive Director shall render a final decision on the variance application within 4 weeks of the receipt of the report and decision of the hearing officer. In cases where a hearing is not required, the Executive Director shall render a written decision in not less than two nor more than ten weeks from the date of receipt of notice.

[(e)] (i) (No change in text.)

[(f)] (j) In determining whether the evidence supports the conclusions required by subsection [(e)] (i), the Executive Director shall consider the extent to which the evidence demonstrates that:

1. - 4. (No change in text.)

[(h)] (Repealed)

[(i)] (k) (No change in text.)

[(g)] (l) In the granting of a variance, such conditions, safeguards and restrictions may be imposed upon the premises benefited by the variance as may be necessary to comply with the standards set out in subsection [(e)] (i) to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Failure to comply with any of the conditions or restrictions placed on a variance shall constitute a violation of these regulations.

(m) The decision of the Executive Director shall become final unless the applicant or other party adversely affected by the decision application appeals to the Commission as provided by N.J.A.C. 19:4-6.25.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

Gary S. Rosensweig
Director of Administration
Hackensack Meadowlands Development Commission
200 Murray Hill Parkway
East Rutherford, N.J. 07073

The Hackensack Meadowlands Development Commission may thereafter adopt the above amendments substantially as proposed without further notice.

Gary S. Rosensweig
Director of Administration
Hackensack Meadowlands
Development Commission

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Proposed Interim Public Financing Of Gubernatorial Primary Elections

The New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6, proposes to adopt new rules to be cited as N.J.A.C. 19:25-19 concerning interim rules on public financing of Gubernatorial primary elections.

Full text of the proposed rule follows.

SUBCHAPTER 19. PUBLIC FINANCING OF THE GUBERNATORIAL PRIMARY ELECTION (INTERIM)

19:25-19.1 Scope

This subchapter is enacted pursuant to Chapter 74 of the Laws of 1980 and the authority of the Commission to promulgate regulations contained in Chapter 83 of the Laws of 1973 as amended and supplemented (N.J.S.A. 19:44A-6b). The proposed interim regulations are intended to provide candidates with rules relating to some of the more important transition questions. The proposed regulations are intended to be supplemented by more comprehensive regulations relating to the public financing of

the primary election for the office of Governor, as soon as those regulations can be prepared and properly promulgated.

19:25-19.2 Non-participation

(a) Any candidate may decline to participate in public funding of his or her candidacy in the primary election for the office of Governor.

(b) Every candidate, whether or not he or she receives public funding, will be subject to the \$800.00 limitation on contributions. No person or organization may contribute more than \$800.00 in the aggregate to the candidacy of any candidate in the primary election. Loans to candidates, including guarantees by individuals or organizations of loans by the candidate or his committee, are subject to the \$800.00 limitation and all such loans or guarantees will be considered part of the aggregated amount of contributions of such individuals.

(c) A candidate who declines to participate in public funding is not subject to the overall campaign expenditure limit contained in the statute.

(d) A candidate who declines to participate in public funding is not subject to the limit on the use of a candidate's own funds.

(e) A candidate who declines to participate in public funding is not subject to the \$50,000 limit on bank loans contained in section 44 of the Act, (N.J.S.A. 19:44A-44) and is not subject to any limits on the amount of bank loans to be guaranteed by the candidate personally. The candidate and prospective contributors are subject to the \$800.00 limit applicable to guarantors other than the candidate on such bank loans.

19:25-19.3 Past contributions

(a) The \$800.00 contribution limit is applicable to contributions received by the candidate prior to or subsequent to the effective date of the Act. The amount of any contribution in excess of \$800.00 received by the candidate prior to the effective date of the Act must be returned to the contributor immediately.

(b) On or before October 15, 1980, each candidate on whose behalf campaign activity has been undertaken by that date shall certify to the Commission in writing that:

1. No contribution in excess of \$800.00 has been received on behalf of his candidacy; or

2. That contributions in excess of \$800.00 have been received, and the amount of each contribution in excess of \$800.00 has been returned to the contributor. The certification shall include:

i. Written evidence, such as photocopy of check, showing that such excess amounts have been returned to the contributor; and

ii. A list of names and addresses of all contributors who contributed more than \$800.00 and the dates and amounts of all such contributions.

(c) A candidate failing to make the foregoing certification with respect to excess contributions will not be eligible to receive matching funds.

(d) All expenditures made or incurred by the candidate either prior to or subsequent to the effective date of the Act will count against the overall expenditure limit, except for certain excluded expenditures such as expenses incurred to comply with the regulations of the Commission.

19:25-19.4 Matching funds

(a) Campaign contributions of not more than \$800.00 in the aggregate from a single contributor will be eligible for matching with public funds in accordance with the Act,

upon submission of the required information to the Commission in accordance with the regulations of the Commission relating to public financing to be promulgated.

(b) An amount not in excess of \$800.00 of any contribution received prior to the effective date of the Act, in cases in which repayment of the excess has been made to the contributor in accordance with the foregoing rules, will be eligible for match with public funds.

19:25-19.5 Bank accounts and deposit of funds

(a) At the time a candidate notifies the Commission of his intent to seek public funding he shall also certify to the Commission that he has opened a campaign bank account with the Commission's approval pursuant to N.J.S.A. 19:44A-32 and deposited all eligible contributions raised prior to that time in said account. Except as otherwise provided in subparagraph (b) of this section, contributions not so deposited will not be eligible for match. Subsequently, each candidate shall deposit additional contributions he wishes to submit for match in such bank account within 10 days after receipt.

(b) Contributions spent prior to October 15, 1980 will be eligible to be matched with public funds if the candidates submit the information required by the Commission regulations for eligibility for matching by October 15, 1980 and, at the same time, in lieu of evidence of deposit of such contributions in a bank account pursuant to N.J.S.A. 19:44A-32, submit evidence, in the form of invoices, paid bills, cancelled checks and similar written form, of the disbursement of such contributions for the candidacy.

19:25-19.6 Principal campaign committee

(a) On or before October 15, 1980, each candidate, whether publicly declared or not, on whose behalf campaign activity has been undertaken prior to that date shall designate to the Commission the name and address of his principal campaign committee for the primary election, the name and address of his campaign treasurer and the name, address and number of his campaign depositories. A candidate may designate as his principal campaign committee a committee which has engaged in campaign activity on his behalf prior to October 15, 1980.

(b) No political committee (other than such principal campaign committee) which engaged in campaign activity prior to October 15, 1980, may contribute to the candidate or expend on behalf of the candidacy more than \$800.00.

(c) A candidate who begins his campaign activity subsequent to October 15, 1980, shall designate his principal campaign committee, treasurer and depository to the Commission at the time he notifies the Commission of his intention to seek to qualify for public funding.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 24, 1980 to:

Greg Nagy
Election Law Enforcement Commissioner
28 West State St.
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
Election Law Enforcement Commission

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Election Activity

On August 6, 1980, Sidney Goldmann, Chairman, Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to various sections of Chapter 25, Title 19, New Jersey Administrative Code concerning election activity as proposed in the Notice published July 10, 1980 at 12 N.J.R. 439(b) but with only inconsequential structural or language changes in the opinion of the Commission.

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

19:25-11.3 Computation of contributions

(a) - (b) (Text as proposed.)

(c) **Except as otherwise provided in subsection (f) of this section, nonprofit corporations, organizations and associations must report as contributions the total amount of contributions for election-related [political] activity as described in section [2(b)] 1.7 of this [sub]chapter, and the name, address and amount of contribution made by any contributor who contributed more than \$100.00 in the aggregate for election-related [political] activity:**

1. (Text as proposed.)

(d) **Except as otherwise provided in subsection (f) of this section, trade associations, business associations, unions and other organizations and associations (other than non-profit) must report as contributions the total amount of contributions, dues and assessments for election-related [political] activity as described in section [26(b)] 1.7 of this [sub]chapter, and the name, address and amount of such contribution made by any contributor whose contribution, dues or assessment for political activity exceeded \$100.00 in the aggregate:**

1. (Text as proposed.)

(e) **Except as otherwise provided in subsection (f) of this section, corporations, partnerships and other business or professional associations must report as contributions the total amount of money initially budgeted or initially allocated for election-related [political] activity and deposited in a [political information organization] political committee or political action committee fund, together with any additional sums later so budgeted or allocated or deposited; plus the allocated value of other expenses reasonably attributable to election-related [political] activity, where payment for such expenses has not been made through a [political information organization] political committee or political action committee fund (for example, payments from payroll account, or rental or office supply payments through normal business accounts); plus all amounts contributed to candidates[,] or committees [or political information organizations] for election-related [political] activity; plus any contribution or money utilized for election-related [political] activity not otherwise described above:**

1. (Text as proposed.)

(f) (Repeal existing text as proposed.)

(f) **Contributions, loans, membership fees or dues to persons or organizations described in subsections (c) or (d) or (e) of this section shall not be deemed to be con-**

tributions to aid or promote the passage or defeat of a public question in any election, unless made for the express purpose of promoting the passage or defeat of such public question, or made to a person or organization whose major purpose is to engage in promoting the passage or defeat of a public question. For purposes of this subsection any person or organization shall be deemed to engage in promoting the passage or defeat of a public question as its major purpose for any calendar year in which expenditures for such activity constitute more than 50 per cent of its total expenditures. Such contributions, loans, membership fees or dues (other than those made for the express purpose of passage or defeat of a public question) shall be reportable in the same proportion as the activities of the organization, association or union are for such purpose; such contributions, loans, membership fees and dues made for the express purpose of promoting the passage or defeat of a public question shall be reported in full. Contributions, fees or dues required to be reported pursuant to this subparagraph shall be reported in the aggregate, along with the name and address of the contributor and the date and amount of contributions, fees or dues contributed by any contributor or member, who contributed in the aggregate more than \$100.00 to promote the passage or defeat of a public question during the calendar year.

An order adopting this rule was filed and became effective on August 6, 1980 as R.1980 d.348.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ELECTION LAW ENFORCEMENT COMMISSION

New Rules Concerning Lobbying Disclosure

On August 6, 1980, Sidney Goldmann, Chairman, Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 19:25-8.1 et seq. concerning lobbying disclosure as proposed in the Notice published July 10, 1980 at 12 N.J.R. 442(a), but with only inconsequential structural or language changes in the opinion of the Commission.

Full text of the changed portions follows.

19:25-8.2 "Lobbying" or "lobbying activities" shall mean efforts to influence a legislator with respect to the content, introduction, passage or defeat of any legislation, including efforts to influence the preparation, drafting, introduction, consideration, modification, adoption, rejection, approval, veto, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter. Lobbying does not include activity with respect to legislation consisting solely of communications by a corporation to its stockholders and their families, or by a labor organization to its members and their families, or by an association to its members and their families.

19:25-8.7 Anonymous contributions

An anonymous contribution to a person or organization which engages in lobbying shall not be deemed to be a

contribution to influence legislation within the meaning of the prohibition on anonymous contributions contained in section 14 or 20 of the Act (N.J.S.A. 19:44A-14, 20) unless the contribution is made for the express purpose of lobbying or is made to a person or organization whose major purpose is to engage in lobbying activity. Any person or organization which engages in lobbying activity and receives anonymous contributions must report the aggregate amount of all anonymous contribution(s) for purposes of its annual report pursuant to N.J.A.C. 19:25-8.6. For purposes of this section, any person or organization shall be deemed to engage in lobbying activity as its major purpose for any calendar year in which expenditures for such activity constitute more than 50 per cent of its total expenditures.

An order adopting this rule was filed and became effective on August 6, 1980 as R.1980 d.349.

Howard H. Kestin
Director
Office of Administrative Law

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Lobbying

On August 6, 1980, Sidney Goldmann, Chairman, Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted

amendments to various sections of Chapter 25, Title 19, New Jersey Administrative Code concerning election activity as proposed in the Notice published July 10, 1980 at 12 N.J.R. 439(b), but with only inconsequential structural or language changes in the opinion of the Commission.

Full text of the changed portions follows (additions to current rules indicated in boldface thus; deletions from current rules indicated in brackets [thus]).

19:25-11.5(a)3. An anonymous contribution to a person or organization which engages in election-related activity shall not be deemed to be a contribution to aid the passage or defeat of a public question within the meaning of the prohibition on anonymous contributions contained in Sections 14 or 20 of the Act (N.J.S.A. 19:44A-14, 20) unless the contribution is made for the express purpose of election-related activity, or is made to a person or organization whose major purpose is to engage in election-related activity. Any person or organization which engages in election-related activity and receives anonymous contributions must report the aggregate amount of all anonymous contribution(s) for purposes of its annual report pursuant to N.J.A.C. 19:25-8.6. For purposes of this section, any person or organization shall be deemed to engage in election-related activity as its major purpose for any calendar year in which expenditures for such activity constitute more than 50 per cent of its total expenditures.

An order adopting this rule was filed and became effective on August 6, 1980 as R.1980 d.350.

Howard H. Kestin
Director
Office of Administrative Law

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