

# NEW JERSEY REGISTER



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## INDEX OF RULES IN THIS ISSUE

PROPOSED RULES	Cite	HUMAN SERVICES	
<b>BANKING</b>		Proposal on out-of-State hospital care	654(b)
Proposed parity for State savings and loan associations	634(a)	Proposed hearing aid services revisions	656(a)
<b>COMMUNITY AFFAIRS</b>		Proposed mental health partial care	662(a)
Proposal on building trade experience credit	635(a)	Proposed family planning services revisions	663(a)
<b>EDUCATION</b>		<b>LAW AND PUBLIC SAFETY</b>	
Proposed changes in area vocational school designation	635(b)	Proposed electrical contractors test changes	664(a)
<b>ENVIRONMENTAL PROTECTION</b>		Public hearing on minimum eye examination	709(d)
Proposed rules on water diversion and allocation permits	639(a)	Proposed uniform rule petitions to professional boards	664(b)
Proposed 1982 sea clam harvesting	643(a)	Proposed retail refund disclosure rules	665(a)
Proposed crab harvesting rules	645(a)	Proposed Kasher food representation rules	666(a)
Proposed clam relay program changes	645(b)	Proposed consumer notification on home appointments	679(a)
<b>HEALTH</b>		<b>ENERGY</b>	
Proposed mobile unit rate guidelines	647(a)	Proposed repeal of heating/cooling restrictions	680(a)
Proposed revisions to cardiac diagnostic facility rules	649(a)	Proposed designation of used oil collection sites	681(a)
Proposed revisions to cardiac surgical center rules	651(a)	<b>TREASURY—GENERAL</b>	
Proposed new fees for clinical laboratory licensure	653(a)	Proposed police and firemen's retirement revisions	682(a)
Proposed additions to interchangeable drug list	654(a)	Proposal on police and firemen's disability	684(a)

(Continued on inside back cover)

# PROPOSED RULES

(a)

## BANKING

### DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

#### State Chartered Savings and Loan Associations Parity with Federally Chartered Savings and Loan Associations

#### Proposed New Rule: N.J.A.C. 3:26-4.1

Authorized By: Angelo R. Bianchi, Commissioner of  
the Department of Banking  
Authority: N.J.S.A. 17:12B-48(21)

The agency proposal follows:

#### Summary

In order to maintain a competitive balance between State-chartered savings and loan associations and Federally chartered savings and loan associations, the Legislature in N.J.S.A. 17:12B-48(21) has given the Commissioner of Banking the authority to adopt a regulation which will permit State savings and loan associations to exercise any power, right, benefit or privilege permitted to Federal savings and loan associations, provided such power, right, benefit or privilege is not contrary to law. The proposed regulation will accomplish this goal while maintaining the prerogative of the Commissioner to monitor changes in the powers, rights, benefits or privileges granted such Federal savings and loan associations.

#### Social Impact

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

#### Economic Impact

The current period of time has experienced constant changes in banking procedures and volatile movements

in the interest rates. Many institutions have been adversely affected. Adoption of this regulation will provide State savings and loan associations with additional alternate outlets for funds. It will further provide them with the opportunity to offer additional services which will aid them in serving the public and at the same time provide them with the ability to generate increased revenues to meet increased cost factors.

Full text of the proposed new rule follows.

#### CHAPTER 26

#### GENERAL PROVISIONS

#### SUBCHAPTER 4. STATE SAVINGS AND LOAN ASSOCIATION PARITY

#### 3:26-4.1 State Savings and Loan Association parity with Federal savings and loan associations

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

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

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## 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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November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William B. Lewis, Deputy Commissioner  
Department of Banking  
Division of Savings and Loan Associations  
CN 040  
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-238.

(a)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING

Uniform Construction Code  
Building Trade Experience

Proposed Amendment: N.J.A.C. 5:23-5.5

Authorized By: Joseph A. LeFante, Commissioner of  
the Department of Community Affairs  
Authority: N.J.S.A. 52:27D-124

The agency proposal follows:

#### Summary

The new rule makes it clear that only skilled trade experience involving the construction or alteration of buildings will be taken into account in the review of license applications.

#### Social Impact

Misunderstandings as to the type of work experience that is relevant to a license application will be avoided. The public will be better protected because it will be less likely that, at some time in the future, a person without proper experience will be licensed.

#### Economic Impact

The only apparent economic impact is upon those individuals who might have trade experience not involving buildings and who might seek to construe the regulations as making that experience creditable towards a license.

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

5:23-5.5 Requirements for a license

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

(c) The department shall determine by examination of the application, review of any supporting documents, including any evidence of alternative experience, training and/or education submitted pursuant to N.J.A.C. 5:23-5.8 and N.J.A.C. 5:23-5.9, whether an applicant is qualified for a license of the type and specialty for which the application has been made. If the application is satisfactory, the commissioner shall issue a license to the applicant upon payment of the required fee. This license will show that the person has met the established requirements and is entitled to be employed in this State in accordance with the provisions of these regulations. The commissioner may deny or refuse to issue a license to an applicant upon proof that there has been any act or omission which would constitute grounds for revocation under this subchapter. No credit shall be given by the department

for any skilled trade experience not involving the construction or alteration of buildings.

(d) (No change.)

Interested persons may submit, in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-232.

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

Area Vocational and Private Schools  
Local Area Vocational School Districts

Proposed Amendments: N.J.A.C. 6:46  
Authorized By: New Jersey State Board of Education  
Authority: N.J.S.A. 18A:4-10, 18A:4-15, 18A:7A-1 and  
18A:54-6

The agency proposal follows:

#### Summary

The purposes of the amendments are to update and clarify the general requirements for designation as a local area vocational school district. These changes are required by an Attorney General's opinion which advised the Department of Education to promulgate appropriate rules to establish requirements and criteria for the designation of a local area vocational school district eligible for categorical aid in a manner reasonably related to and consistent with the purposes of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.).

#### Social Impact

Increased benefits for New Jersey pupils in schools designated as local area vocational schools include: (1) pupils would be given greater career options; (2) additional educational strategies could be utilized within a broad occupational area; (3) essential personnel and services would be provided; and (4) the needs of the handicapped and limited-English proficient persons would be addressed more effectively. Employers would directly benefit from improved vocational education programs by being able to secure more suitable employees.

#### Economic Impact

The proposed amendments will provide appropriate allocation of categorical aid for approved local vocational education authorized under N.J.S.A. 18A:7A-1 et seq. These rules were recast to give clear guidance to local school districts concerning criteria for designation by the State Board of Education of a local area vocational school district, in order that certain schools might qualify for such categorical aid.

School districts presently receiving aid because of area vocational school status will have to requalify for such aid in the future under the amended rules. The changes

proposed would permit a more clearly defined and equitable disbursement of categorical aid. The provision of suitably trained employees for business and industry will have a positive impact on New Jersey's economy.

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

6:46-1.1 Definitions [and requirements]

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

["Area vocational technical education school" means any public school or public institution which falls in any one of the following categories:

1. A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or
2. The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or
3. A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or
4. The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not leading to a baccalaureate degree.
5. An "area vocational education school" shall be available to all residents of the State or an area of the State designated and approved by the State Board.]

"Agriculture/agribusiness/natural resources education" means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment in the following seven major fields: production agriculture, agricultural supplies and services, agricultural mechanics, agricultural products and processing, ornamental horticulture, agricultural resources, and forestry.

"Approved local vocational education" means vocational education for categorical aid purposes pursuant to N.J.S.A. 18A:7A-1 et seq. which is provided at schools which comply with the requirements set forth in N.J.A.C. 6:46-1.4.

"Approved categorical vocational programs" means those vocational programs offered at schools which comply with the requirements set forth in N.J.A.C. 6:46-1.4.

"Approved secondary school vocational education program/course" means a program/course which is conducted for a minimum of 600 minutes per week of actual hands-on vocational skill development, plus appropriate related instruction.

"Business education" means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment and advancement in a business career, and the basic business skills and knowledges needed by all individuals in order to function effectively in our society.

"Cooperative vocational education" means a method of instruction in which pupils work toward occupational goals and graduation credit through a combination of regularly scheduled part-time paid employment and job-related

classroom instruction, both supervised by the same certificated teacher-coordinator.

"County career education coordinating council" means the council in each county which has been appointed by the commissioner to facilitate and encourage the coordinated growth and development of quality and responsive career development and vocational-technical programs and services on a county-wide basis.

"Director of vocational education" means that individual appointed by a district board of education who is responsible for the administration and supervision of approved local vocational education.

"Health occupations education" means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment in those career areas which provide services to individuals in need of health care.

"Home economics and consumer education" means programs of instruction designed to provide pupils with the skills and knowledges needed for the occupation of homemaking and the vocational skills and knowledges needed for entry-level employment in occupations utilizing home economics concepts and skills.

"Job placement coordinator" means an individual who assists pupils in relating their personal qualities, educational experiences and career goals to employment requirements, and assists employers in hiring suitable employees.

"Local advisory council" means the council composed of representatives of the general public, business, industry, and labor who are knowledgeable in a proposed broad occupational area and who will advise the local board of education on current job needs and the relevance of programs to be offered by the local board of education.

"Local area vocational school district" means a school district which has been so designated by the State Board of Education and which has at least one school which offers approved local vocational education.

"Marketing and distributive education" means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment in the fields of marketing, sales, distribution, merchandising and management.

"Pre-qualification assessment" means the initial step in the process which a district must undertake in seeking designation by the State Board of Education as a local area vocational school district to be eligible for categorical aid under the provisions of N.J.S.A. 18A:7A-1 et seq.

"Technical education" means programs of instruction encompassing basic theoretical and applied science, related processes, procedures, techniques and work experiences necessary to prepare specialized workers at the technician level.

"Vocational industrial education," also referred to as "trade and industrial education," means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment in a trade, technical or industrial occupation.

"Vocational student organizations" means those organizations, recognized by the Federal agency for education, for persons enrolled in or associated with vocational education instructional areas, the activities of which are an integral part of the curriculum offerings of a vocational education instructional area.

6:46-1.2 [Area vocational technical school projects]  
Significance of local area vocational school district designation

[(a) Applications for area vocational school facility

projects undertaken by the State Department of Education shall be received and reviewed by the Assistant Commissioner, Division of Vocational Education, who will make the recommendation for approval or disapproval of the applications of the State Board, or suggestions for revisions for resubmission.

(b) Any local educational agency which has State Department of Education approval for establishing and operating an area vocational school may apply to the Assistant Commissioner, Division of Vocational Education, for financial assistance through Federal and/or State funds for the construction of a new area vocational school facility; for the expansion, remodeling, or alteration of an existing area vocational school; or for site grading and improvement, architect fees, and/or initial equipment directly related to such projects.]

To qualify for State categorical aid for approved local vocational education under N.J.S.A. 18A:7A-1 et seq., a school district must have State Board of Education designation as a local area vocational school district.

**6:46-1.3 [Priority determination] Application procedure for designation of local area vocational school district**

[(a) The relative priority of projects shall be determined by the availability of Federal, State and local funds and by the following considerations:

1. Relative number of persons to be benefited;
2. Geographic area to be served;
3. Relative need for the facilities to be constructed or improved;
4. Need for persons trained in occupations in relation to total needs and employment opportunities in the area or region, and relative financial resources available.]

(a) The process for seeking designation by the State Board of Education as a local area vocational school district shall be as follows:

1. A local board of education shall submit a completed pre-qualification assessment for each school seeking to provide approved local vocational education to the county superintendent of schools. The county superintendent of schools will review the pre-qualification assessment in consultation with advisory bodies such as the county career education coordinating councils to assess needs and program cost and effectiveness. The county superintendent will return the pre-qualification assessment together with his/her recommendations to the submitting local board of education.

2. A local board of education shall submit the recommendation of the county superintendent of schools to the Commissioner of Education who will issue an official application form from the State Department of Education.

3. A local board of education shall submit a completed official application form to the State Department of Education.

**6:46-1.4 [Construction guidelines] Criteria for eligibility for designation as a local area vocational school district**

[(a) The following guidelines shall apply to all construction projects:

1. The facility will be functional and will meet the needs of persons and communities to be served.
2. The cost of the project is reasonable.
3. Sufficient local funds are available to meet the Federal and State share of costs.
4. Sufficient State and local funds will be available for effective operation.

5. Assurance is provided that the completed construction project will have undisturbed possession and use for its stated purpose until such time as the facilities constructed

are considered no longer usable for the stated purposes of construction.

6. Assurance is provided that representatives of the United States Office of Education and such other persons as the United States Commissioner of Education may designate will have access at all reasonable times to the project wherever it is in preparation or progress, and the contractor will provide proper facilities for such access and inspection.

7. Assurance is provided that laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the Act will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, (Act of March 3, 1961, P.L. 798, 71st Congress, 46 Stat. 1494 as amended, 40 U.S.C. 276a-276a-5) and 29 CFR Part 1 (See 29 F.R. 95), shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (P.L. 87-581.76 Stat. 357, 40 U.S.C. 327-332), that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (See 29 F.R. 97), and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5(a) and (c) (See 29 F.R. 100, 101).

8. Capital costs are to be charged to the fiscal year as determined by the State Department of Education. Funds encumbered as a result of State Department of Education approval of construction projects shall be conditionally obligated subject to construction contracts being executed within two years from date of State Department of Education approval and, subject further to compliance by the applicant with all Federal, State, and local laws, rules, and regulations applicable thereto. The above procedure is in conformity with State Fiscal Policy.

9. Capital items shall include architectural and engineering costs, construction, remodeling, alterations, site improvement and initial equipment for area vocational schools.

10. The costs of construction of facilities or portions of facilities are to be prorated, where necessary, on the basis of the percentage of use for purposes approved under the State Plan, in terms of time or space or number of students.

11. Construction costs for an area vocational technical school approved under the State Plan for Federal Aid under the Vocational Education Amendments of 1968, shall not be duplicated or combined in any portion with Federal aid under any other Federal statute.

12. Assurance is given that funds will be audited on the basis of approved procedures as set forth in the State Plan.

13. All plans for construction must be submitted to and approved by the Bureau of School Planning Services of the State Department of Education and comply with the State "Guide for Schoolhouse Planning and Construction."

14. The Division of Vocational Education reviews all vocational education construction project applications, educational specifications and plans from schematic through finals, to insure compliance to Federal-State reimbursement funding and vocational education adequacy. Current guidelines for construction of area vocational technical schools will be used.

15. All contractors bidding on such work must be pre-qualified by the New Jersey State Department of Education in compliance with N.J.S.A. 18A:18-9 or as amended.]

(a) To qualify for designation as a local area vocational school district, at least one school within the district or more than one school facility, if recommended by the Commissioner of Education and approved by the State

Board of Education, on the basis of demonstrated need, program cost and effectiveness, shall comply with all of the following requirements:

1. Offer a minimum of two approved secondary vocational education programs/courses in at least three of the following five broad occupational areas: agriculture/agribusiness/natural resources education, health occupations education, home economics and consumer education, marketing and distributive education, and technical education.

2. Offer a minimum of five approved secondary vocational education programs/courses in vocational industrial education.

3. Offer business education.

4. Provide, as part of the programs/courses required in (a)1, 2 and 3 above, cooperative vocational education in every broad occupational area offered in (a)1, 2 and 3 above.

5. Provide a full-time director of vocational education.

6. Provide a full-time job placement coordinator.

7. Provide for the establishment of a vocational student organization for every broad occupational area offered in (a)1, 2 and 3 above.

8. Provide appropriate opportunities for the enrollment of handicapped, disadvantaged, and limited English proficient pupils in addition to regularly enrolled students.

9. Establish a local advisory council for each of the proposed broad occupational areas.

(b) The entire process for designation must be completed for each school referred to in (a) above notwithstanding the fact that the district may have been designated previously.

6:46-1.5 [Criteria for eligibility for funds] Duration of designation as a local area vocational school district

[(a) In order to qualify for Federal and State funds under N.J.S.A. 18A:58-36 et seq., a board of education must have State Board of Education approval for establishing and operating an area vocational education school.

(b) To qualify for an allocation of funds under N.J.S.A. 18A:58-36 the board of education approved to operate an area vocational education school, shall do the following:

1. Make formal application for participation in allocation and disbursement of State and Federal construction funds to the Commissioner of Education.

2. Schematic drawings and descriptive information must be submitted as required by the State Department of Education. Financial assistance for architectural and engineering fees for the preparation of plans and specifications may be requested from the State Department of Education, and be granted from such funds as may be available for this purpose.

3. After approval of schematic drawings by the State Department of Education, Bureau of School Building Services and the Division of Vocational Education and before the preliminary phase of plans and specifications, there must be evidence of financial commitment by the local authority responsible for providing capital funds, at least to the extent of cost estimates based on the approved schematic drawings.

4. Within available appropriation of State and Federal funds, commitments for granting said funds shall be

made to the Board of Education for constructing and/or equipping the approved area vocational education school facilities project.

5. After bids have been authorized, received, and contract costs known, or awarded, revised cost information must be submitted to the State Department of Education, Division of Vocational Education.]

The designation by the State Board of Education of a local area vocational school district shall expire five years from the date of the State Board resolution granting designation. A local board of education may reapply for such designation.

6:46-1.6 [Payment procedure] (Reserved)

[(a) In accordance with the policy of this Board, reimbursement for approved expenditures made by the local district may be paid during the current fiscal year or paid over a period of years. The period of reimbursements depends upon the availability of State and/or Federal funds. The present plan adopted by the State Board, in principle, on June 28, 1966, provides for reimbursements over a six-year period.

(b) Payment(s) from the approved allotment will be made only upon official request and certification by the local school district, subject to the following conditions: The State Board resolution adopted June 28, 1966, requires legal substantiation of all payments and commitments. The Board of Education is therefore required to submit to the Department of Education necessary documents to support claims for payment.

(c) Funds may be advanced, upon request of the local board of education, only for architect/engineer costs and preliminary site improvement preparatory to construction.

(d) All rules and regulations of the Federal and State agencies that apply to the use of combined Federal and State funds for approved construction costs for "Area Vocational Education School Facilities" will be in force and school districts shall be subject to audit checks, site inspections and other requirements that are a part of the existing rules and regulations.]

6:46-1.7 [Effective date of participation in distribution of funds] (Reserved)

[Eligibility for increased financial support for area vocational education school facilities provided for in N.J. S.A. 18A:58-36 shall begin with contractual agreements and/or payments made on or after July 1, 1967.]

Interested persons may submit in writing, data, views or arguments relevant to the proposed amendments on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed 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 thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-237.

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### Schedules and Procedures for Establishing Privileges to Divert Water and for Obtaining Water Supply Allocation Permits

Proposed New Rules: N.J.A.C. 7:19

Public Hearings: October 21, 26, 29, 1981

Authorized By: Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection

Authority: N.J.S.A. 13:1D-9k and P.L. 1981, c. 262  
DEP Docket No.: 048-81-09

The agency proposal follows:

#### Summary

The proposed rule was made necessary by the recent passage of the Water Supply Management Act, P.L. 1981, c.262. One of the major purposes of this act is to provide for the establishment of a more effective water allocation permit system. Another of the major purposes of the act is to bring all diversions of 100,000 gallons or more of water per day within the permit system. In order to ensure that the legislatively mandated deadlines are met, that the new water supply management program is initiated properly and promptly, and to fill the gap caused by the abolition of the Water Policy and Supply Council, the Department of Environmental Protection has proposed this rule.

These rules establish the schedule and procedures persons claiming a privilege to divert water and persons applying for a Water Supply Allocation Permit shall follow. All people claiming a privilege to divert 100,000 gallons of water or more a day and not holding a valid Water Policy and Supply Council Permit must apply to the Division of Water Resources and assert their claim to the privilege within 180 days after the effective date of this act. Any person not presently diverting water who in the future wishes to divert 100,000 gallons of water or more a day for non-agricultural purposes must apply for a permit prior to diverting any water. The rule also sets forth a schedule for renewal of permits for holders of valid Water Policy and Supply Council Permits.

The rule also provides procedures to be followed by applicants and the Division of Water Resources for processing applications. These procedures include the application, review, hearing, decision making, and appeal requirements. The aim of the Department is to provide a streamlined procedure which will establish a record of all significant actions in the process and at the same time provide the applicant, the public and Division ample opportunity to receive and review all pertinent material concerning any application for water supply. These same procedures will be used for reviewing requests for approval of contracts for water supply between municipalities.

#### Social Impact

The proposed rule will have only a minor social impact, as this proposed rule represents the Department's efforts to streamline the water supply allocation system. More importantly, though, it demonstrates the Department's determination to follow the Legislature's mandate to protect the State's water supplies and provide the citi-

zens of New Jersey with ample and effectively managed water supplies now and in the future.

#### Economic Impact

The proposed rule will have only a minor economic impact, which will be favorable. It will consist of the expediting of the business of water allocation, for both publicly owned and privately owned purveyors and self-suppliers.

Full text of the proposed new rule follows.

### CHAPTER 19 SCHEDULES AND PROCEDURES FOR ESTABLISHING PRIVILEGES TO DIVERT WATER AND FOR OBTAINING WATER SUPPLY ALLOCATION PERMITS

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 7:19-1.1 Scope and authority

This chapter shall constitute the Department's interim rules governing the establishment of privileges to divert water and issuance of permits pursuant to the Water Supply Management Act, P.L. 1981 c.262. This chapter establishes the schedule persons diverting more than 100,000 gallons of water per day shall follow to establish their privilege to divert water and to obtain a Water Supply Allocation Permit and prescribes the application, review, notification and hearing procedures for establishing privileges to divert water and to obtain Water Supply Allocation Permits.

##### 7:19-1.2 Construction

(a) This chapter shall be liberally construed to permit the department to discharge its statutory functions under the Water Supply Management Act, P.L. 1981, c.262.

(b) The Commissioner may amend, repeal or rescind this chapter from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

##### 7:19-1.3 Definitions

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

"Act" means the Water Supply Management Act, P.L. 1981, c.262.

"Applicant" means any person filing or required to file an application to establish a privilege to divert water or for a Water Supply Allocation Permit pursuant to these rules or the act.

"Commissioner" means the Commissioner of the Department of Environmental Protection or his designated representative.

"Department" means the New Jersey Department of Environmental Protection.

"Decision maker" means the person designated by the Department to make decisions on applications for permits and claims of privileges to divert water.

"Divert" or "diversion" means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

"Division" means the Division of Water Resources in the Department of Environmental Protection.

"Permit" means a Water Supply Allocation Permit.

"Person" means any individual, corporation, company, partnership, firm, association, owner or operator of a water supply facility, political subdivision of the State and any state, or interstate agency or Federal agency.

"Public Water Supply" means a water supply provid-

ing piped water to the public for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.

"Water" means any surface water or ground water in the State.

"Water Policy and Supply Council" means the former Water Policy and Supply Council in the Department of Environmental Protection.

"Water Supply Allocation Permit" means the document issued by the Department to a person granting that person the rights, so long as the person complies with the conditions of the document, to divert 100,000 or more gallons of water per day for any purpose other than agricultural or horticultural purposes.

#### 7:19-1.4 Applicability

This chapter applies to all persons presently holding a Water Policy and Supply Council permit or diverting or claiming the right to divert more than 100,000 gallons of water per day and to all persons who in the future wish to divert more than 100,000 gallons of water per day.

#### 7:19-1.5 Schedule for applying for Water Supply Allocation Permits and establishing privileges to divert water

(a) Any person holding a valid Water Policy and Supply Council permit which will terminate within five years after the effective date of this chapter shall apply for a new permit 90 days prior to the termination date of the person's present Water Policy and Supply Council permit by following the procedures set forth in N.J.A.C. 7:19-2.

(b) Any person holding a valid Water Policy and Supply Council permit with no termination date or a termination date five or more years after the effective date of this chapter may apply for a permit within 180 days after the effective date of these rules by following the procedures set forth in N.J.A.C. 7:19-2. Alternatively, the permittee may abstain from making such an application, and in that case, shall be deemed to have applied for a five year extension of the permit under the same conditions as the existing permit.

(c) Any person presently diverting or claiming the right to divert more than 100,000 gallons of water per day and who does not hold a valid Water Policy and Supply Council permit shall apply for a permit. Agricultural or horticultural users shall apply to establish the privilege to divert water within 180 days after the effective date of this chapter by following the application procedures set forth in N.J.A.C. 7:19-2.

(d) Any person other than those referred to in (a), (b) and (c) above who intends to divert more than 100,000 gallons of water per day shall apply for a permit by following the application procedures set forth in N.J.A.C. 7:19-2.

#### 7:19-1.6 Consequences of failure to apply for a Water Supply Allocation Permit or apply to establish its privilege to divert water

(a) Any person presently diverting or claiming the right to divert more than 100,000 gallons of water per day and who does not hold a valid Water Policy and Supply Council permit shall lose the right to divert water if he fails to apply for a permit or apply to establish its privilege to divert water within 180 days after the effective date of this chapter and shall be subject to the penalty provisions in the act.

(b) Any other person who fails to comply with this chapter or the act shall be subject to the penalty provisions in the act.

#### 7:19-1.7 Program information

Unless otherwise specified, any questions concerning the

requirements of this chapter shall be directed to the Office of Water Allocation, Water Supply and Watershed Management Administration, Division of Water Resources, New Jersey Department of Environmental Protection, CN 029, Trenton, New Jersey 08625.

#### 7:19-1.8 Severability

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

### SUBCHAPTER 2. PERMIT PROCEDURE

#### 7:19-2.1 Scope

This subchapter prescribes the procedures which shall be followed by applicants and the Department when applying for and processing applications for Water Supply Allocation Permits and applications to establish a privilege to divert water.

#### 7:19-2.2 General application procedures

(a) An applicant for a permit or to establish a privilege to divert water shall contact the Division in accordance with N.J.A.C. 7:19-1.7 to obtain application forms and other instructions needed to file a complete application.

(b) The applicant shall follow all the instructions to complete the application forms and obtain and prepare all other documents required by the instructions, and submit the completed application and other documents to the Division.

(c) The applicant for the diversion of groundwater shall show the classification of land use for all land within half a mile of the proposed diversion point.

(d) In general an applicant for a permit shall have to prove at a minimum:

1. That the plans proposed are justified by public necessity, and provide for the proper and safe construction of all works connected therewith;

2. That diversion of the quantity of water requested shall not unduly interfere with other existing supplies;

3. That diversion normally shall not exceed the natural replenishment of the water resources or threaten to exhaust such waters or to render them unfit for use from any cause;

4. That the plans are just and equitable to the other water users affected thereby;

5. In the case of surface water only, whether the reduction of the dry season flow of any stream will be caused to an amount likely to produce unsanitary conditions or otherwise unduly injure public or private interests;

6. In the case of ground water only, that the proposed diversion does not lie within a cone of depression where the aquifer to be utilized is overstressed or threatened by saline intrusion, and that the location relative to hazardous waste disposal sites or other major sources of pollution is not such as to be likely to result in groundwater contamination;

7. That there are adequate sewerage facilities for disposal of sewage from areas to be served; and,

8. That the water supply plans are economically feasible.

(e) If any of the conditions in (d) above are not met, a showing shall be required as to why some more suitable alternative source of water should not be used, in the public interest.

(f) Applicants establishing the privilege to divert more than 100,000 gallons of water per day for agricultural or horticultural use pursuant to prior legislative or administrative action and not holding a valid permit issued by the Water Policy and Supply Council, need only prove (f)1, 2, and 3 below. All other applicants establishing the privilege to divert more than 100,000 gallons of water per day pur-

suant to prior legislative or administrative action and not holding a valid permit issued by the Water Policy and Supply Council shall, in addition to (d) above, prove (f)1, 2, and 3 below.

1. The source and basis of the claim and how the applicant came to possess the claim;

2. The amount of water presently being diverted and subject to contract; and,

3. The amount reasonably required for a demonstrated future need.

(g) Additionally the applicant should submit any other information which would substantiate the need for the proposed allocation and the appropriateness of the designated choice of water for the allocation.

(h) All plans and specifications submitted with the application shall be signed by, and prepared by or under the supervision of a professional engineer, duly licensed under the laws of New Jersey.

(i) All applications shall be signed by the applicant if an individual, or a duly authorized representative of the applicant if the applicant is an entity other than an individual. If the applicant is not an individual a certified copy of the document authorizing the representative to sign for the applicant shall be attached to the application.

#### 7:19-2.3 Additional application requirements for county or municipal public water supplies

(a) An applicant created pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq., shall submit with its application a certified copy of:

1. A resolution duly adopted by a county creating the authority; or,

2. An ordinance duly adopted by a municipality creating the authority; or,

3. Parallel ordinances duly adopted by two or more municipalities creating the authority.

#### 7:19-2.4 Additional application requirements for privately owned public water supplies

(a) A privately owned public water supply shall submit with its application:

1. A certified copy of its Certificate of Incorporation as a water company in the State of New Jersey or a Certificate of Good Standing issued by the Secretary of the State of New Jersey listing the charter documents on file and certifying as to the company's present good standing; and

2. A certified copy of the municipal resolution granting consent and franchise or proof of a legislative grant of franchise. For large purveyors where this requirement would be burdensome special arrangements may be made.

#### 7:19-2.5 Preliminary application review

(a) The Division shall make a preliminary review of the material to determine if:

1. The applicant has submitted with the application, documents addressing all the proofs required by N.J.A.C. 7:19-2.2, and if they have been completely and properly prepared.

2. All plans and specifications have been prepared according to acceptable engineering practice.

(b) If the application is insufficient, incomplete or prepared improperly the applicant shall be so advised and instructed within 20 working days as to what steps must be taken to make the application acceptable.

#### 7:19-2.6 Opportunity to review application by interested parties

Once the Division determines an application is acceptable the application may be reviewed by any interested parties at the Division and copies obtained from the Di-

vision upon payment of the fee for duplication prescribed by law.

#### 7:19-2.7 Review and notice of hearing requirements

(a) As soon as the Division determines the application is complete it shall:

1. In the case of renewal applications not involving either an increase or decrease in the amount of water diverted, the Division shall review the material submitted and either issue a new permit containing appropriate conditions, or follow the procedures described in (a)2 below.

2. In all other cases the Division shall:

i. Set a date for a public hearing on the application;

ii. Have a notice of the hearing published in a newspaper circulating in the territory affected by the application at least 30 days prior to the scheduled hearing; and

iii. Notify in writing the applicant, the governing bodies of municipalities and counties in the territory affected by the application and officials of existing public water systems within a five mile radius of the proposed diversion.

3. The notice shall contain:

i. A description of the application;

ii. A date for the public hearing;

iii. A statement that written comments, arguments or objections to the application may be submitted until the end of the scheduled hearing date;

iv. A statement that the hearing shall be cancelled if no interested parties, including the applicant and the Department, requests, at least 10 days prior to the hearing date, that the hearing be held;

4. If a hearing is held, it shall be before a hearing officer specified by the Division.

(b) Between the time the notice is published and the scheduled date for the hearing the Division shall review the application and develop staff recommendations concerning the disposition of the application and any conditions that should be included in the permit if issued. These recommendations shall be:

1. Presented at the hearing to be commented upon or objected to; or,

2. If there is no hearing the recommendations shall be submitted to the decision maker for his review along with other information prior to his making a final determination whether to issue or not issue the permit and the conditions to be contained therein.

#### 7:19-2.8 Expenses of hearing

The cost of advertisement and other expenses of the hearing, including stenographic record, will be certified to the applicant who shall pay the bill within 30 days thereafter. Payment in full of the bill shall be a condition of final permit approval.

#### 7:19-2.9 The public hearing

(a) If a timely request for the hearing to be held is filed, or if reasons to deny the permit appear or the Department determines a hearing should be held in the public interest, a public hearing shall be held on the date specified in the notice or on the subsequent day or days to which it has been adjourned.

(b) The hearing officer shall have reasonable discretion in the conduct of the hearing and shall give:

1. The applicant opportunity to submit his proofs.

2. Other persons opportunity to comment in favor of or opposition to the application.

3. The applicant opportunity to respond to the commentors including written comments received by the Division.

(c) The hearing officer may give the applicant reasonable time after the hearing to correct deficiencies in its application and respond to comments received at the hearing.

#### 7:19-2.10 The public hearing report

The hearing officer shall review the application, comments received and the transcript and prepare and submit written findings and recommendations to the decision maker for a final decision on the application for a permit. These findings and recommendations shall be made available and an opportunity for comment offered to the applicant and other principal interested parties.

#### 7:19-2.11 Decision making

(a) Where no hearing has been held the decision maker shall review the recommendations of the Division's staff and comments received before deciding whether to issue the permit and the conditions to be attached to it.

(b) Where a hearing has been held the decision maker shall review the hearing report before deciding whether to issue the permit and the conditions to be attached to it.

(c) In addition the decision maker may review any other documents submitted during the review process and use his professional judgment when making his decision.

#### 7:19-2.12 Notification of decision

The applicant shall be notified of the Department's decision by either the issuance of a permit, or by a letter of denial of the application from the decision maker. In addition all persons testifying at the public hearing shall be notified by letter of the decision.

#### 7:19-2.13 Record of decision

(a) There shall be maintained by the Division for each application reviewed a record consisting of copies of:

1. The application documents;
2. Staff recommendations;
3. The hearing report and transcript;
4. Comments received;
5. The permit or letter of denial.

(b) This record may be reviewed by interested parties at the Division and copies of it may be obtained from the Division upon payment of the fee for duplication prescribed by law.

#### 7:19-2.14 Appeal procedure

(a) The applicant or any person testifying at the hearing on the application who dissents from the decision of the Department shall have a right to a hearing thereon, if requested in writing within 20 days of receipt of the denial letter.

(b) For 30 days following receipt of the request for a hearing the Division shall attempt to settle the dispute by conducting such proceedings, meetings and conferences as deemed appropriate.

(c) If such efforts at settlement fail the Department shall file the request for a hearing with the Office of Administrative Law.

(d) The hearing shall be held before an administrative law judge and in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(e) The decision by the Commissioner, based on the hearing record and the recommendations of the administrative law judge shall be the final administrative decision on the approval/or denial of the application.

#### 7:19-2.15 Contracts for water supply between municipalities

(a) Contracts for water supply between municipalities shall be submitted to the Division for approval accompanied by:

1. A map showing the territory to be supplied and the connections with the system that will furnish the water.
2. Certified copies of resolutions passed by the governing body of each municipality authorizing the agreement.
3. A statement giving the current demand on both systems and the safe yield of the source.

(b) The procedure for handling cases involving approval of contracts shall be the same as that for granting a permit for a diversion.

(c) The findings of the hearing officer shall include a determination whether the proposed contract arrangement will provide for:

1. An emergency water supply only,
2. An interruptible or seasonal water supply,
3. A firm water supply, constituting part of the safe yield available to the receiving system during severe droughts and chargeable to the supplying system as part of the system demand for which it is obligated to provide safe yield.

(d) The findings of the hearing officer shall also include conclusions as to whether the charges and conditions of the contract are fair and equitable to all concerned.

(e) The hearing officer shall make his recommendation to the decision maker for approval, disapproval or approval with conditions.

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Three public hearings concerning this rule will be held as follows:

1. On October 21, 1981 at 7:00 P.M. at:  
Haddonfield Borough Municipal Bldg.  
Auditorium  
242 Kings Highway East  
Haddonfield, New Jersey 08033
2. On October 26, 1981 at 10:00 A.M. to 2:00 P.M. at:  
Labor Education Center  
Rutgers University  
Ryders Lane and Clifton Avenue  
New Brunswick, New Jersey 08903
3. On October 29, 1981 at 7:30 P.M. at:  
Wayne Township Municipal Building  
Council Chambers  
475 Valley Road  
Wayne, New Jersey 07470

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Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator  
Water Supply and Watershed  
Management Administration  
Division of Water Resources  
1474 Prospect Street  
CN 024  
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-252.

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND WILDLIFE

#### Shellfisheries

#### Harvest of Sea Clams

#### Proposed Amendment: N.J.A.C. 7:25-12.1

Public Hearing: October 22, 1981

Authorized by: Jerry Fitzgerald English,  
Commissioner of the Department of  
Environmental Protection

Authority: N.J.S.A. 50:2-6.1, N.J.S.A. 50:2-6.2 and  
N.J.S.A. 50:2-6.3.

DEP Docket No. 047-81-09

The agency proposal follows:

#### Summary

The amendment opens the New Jersey Sea Clam season one month earlier than had been the practice in the past five years, and raises the weekly per vessel harvest quota from 750 bushels to 1,024 bushels of clams. It also provides a mechanism for raising or lowering that quota depending on the catch record in mid season, and a method of closing the season if the year's harvest total is taken before May 31, 1982.

The amended rule clarifies licensing procedures and modifies reporting requirements to reflect the change in responsibility for enforcement of the sea clam rule. Licenses may not be leased, as had been done in the 1980-1981 season. Owners of two or more licensed vessels may no longer combine quotas from all their vessels to take them all on one vessel. Licenses must be renewed annually, and the policy of allowing replacement or upgrading of vessels will be continued.

#### Social Impact

This adoption will favorably affect New Jersey licensed sea clammers and sea clam processing plants by providing continuity of harvest throughout the longer season, November 1 through May 31. It will help to preserve an industry which provides employment for boat owners and operators, deck hands and mates as well as shucking house operators and their workers. It will benefit the businesses that service their needs but will have little or no effect on the general public.

#### Economic Impact

The majority of New Jersey licensed sea clammers also hold Federal sea clam fishing permits. The shutdown of the Federal Fishery, if meets its annual quota in the first three quarters of the year would have a serious impact on New Jersey's sea clammers who would be forced to enter other fisheries for which they are ill equipped if New Jersey waters are not open to them. There will be no additional expense to the State in the implementation of these changes.

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

7:25-12.1 Preservation of the sea clam resource in  
New Jersey

(a) This subchapter is intended to limit the harvest of sea clams from New Jersey waters in an effort to protect, conserve, manage and improve the sea clam resource and

industry pursuant to the legislative mandate. This is accomplished by a limitation on a number of available licenses, by limiting the weekly harvest, by limiting the total season harvest, specifying fishing times and areas, and other control methods[.] as may be necessary.

(b) Nothing in this subchapter shall exempt or exclude any person from compliance with the shellfish regulations adopted by this Department pursuant to Chapter 24, Title 58 New Jersey Statutes [Annotated] or any other regulation of any department of State government or any Federal agency necessary to protect the public health.

(c) General provisions are as follows:

1. - 2. (No change.)
3. This subchapter, when adopted and when effective, shall supersede the provisions of the [1979-1980] 1980-1981 sea clam regulations.
4. - 5. (No change.)
6. This subchapter may be enforced by The New Jersey State Police Marine Law Enforcement Bureau [any] and all enforcement personnel designated by the Commissioner.
7. (No change.)

(d) Harvest limitations are as follows:

1. Weekly limitations: Vessels licensed to take sea clams in the waters of this State shall [not harvest more than 750 bushels per week from said waters for the period beginning December 1, 1980 through April 30, 1981 or until the season is otherwise terminated.] harvest only from November 1 through May 31 of the following year. A vessel shall not harvest from New Jersey State waters more than 1,024 bushels during any week from November 1 through February 15 the following year. On or about February 15 the Commissioner will determine the total State catch. If less than 175,000 bushels have been harvested, then the Commissioner will, by public notice, increase the weekly vessel quota to 1,408 bushels for the remainder of the season or until the quota is caught. If it is determined that on or about February 8 that more than 325,000 bushels have been harvested, then the Commissioner will, by public notice, reduce the weekly vessel quota to 704 bushels. If the Commissioner determines that the total State catch is between 175,000 and 325,000 bushels, then the weekly vessel quota will remain at 1,024 bushels.

2. The owner of two or more New Jersey licensed sea clam vessels may [opt to] not harvest his entire weekly quota using only one of said vessels. [if he notifies the Atlantic City station, New Jersey Marine Police in the same manner as subsection (e)(4) of this section. The owner or captain must carry all licenses aboard the vessel he will use for harvest.] The vessel weekly quota is 1,024 bushels or as modified above.

3. When at any time during the period [December 1, 1980] November 1, 1981 through [April 30, 1981] May 31, 1982 the Department has determined that 500,000 bushels have been harvested from the waters of this State, the Department shall close the State's waters to any further harvesting upon two days public notice. Said notice may be accomplished by publications in newspapers circulating in Monmouth, Ocean, Salem, Cumberland, Burlington, Atlantic and Cape May Counties, and by certified mail to each licensee.

4. Season: Except for bait purposes as hereafter provided, the season for taking sea clams (*Spisula solidissima*) on the waters of the State shall extend from [December 1, 1980] November 1, 1981 through and including [April 30, 1981] May 31, 1982 unless the season is earlier terminated if the season limit is reached.

5. Prohibited Fishing Areas: Including any areas which may be condemned for the harvest of shellfish without

a special permit, the areas in which sea clams may not be taken are limited to those waters enclosed within the following description:

i. From the [house] shore on the bay side of Little Beach, longitude 74° 19.70'W, latitude 39° 28.29'N;

ii. - v. (No change.)

vi. And [the sanctuary area off Herefore Inlet described as:

(1) longitude 74° 47.5'W, latitude 39° 00.2'N, Loran A 3H5-3562, 3H5-3185.5, Loran C 9930-W-16370.9, 9930-Y-52087.5, 9930-Z-70168, 119°T, d. 3 mi. to:

(2) longitude 74° 43.9'W, latitude 38° 58.7'N, Loran A 3H4-3563.5, 3H5-3174, Loran C 9930-W-16368.9, 9930-Y-52079.5, 9930-Z-70187, 029°T, d. 2.25 mi. to:

(3) longitude 74° 42.7'W, latitude 39° 00.7'N, Loran A 3H4-3589, 3H5-3176, Loran C 9930-W-16368.9, 9930-Y-52054, 9930-Z-70177, 299°T, d. 3 mi. to:

(4) longitude 74° 46.1'W, latitude 39° 02.3'N, Loran A 3H4-3588, Loran C 9930-W-16371, 9930-Y-52062, 9930-Z-70158, 209°T, d. 2.25 mi. to start.]

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

(1) Loran C;

(2) Point A 70112.2 - 51892.4;

(3) Point B 70119.2 - 51914.6;

(4) Cupola, Ocean City 70103.1 - 51892.8;

(5) Fishing Club Pier 70110 - 51916.6.

(e) General control methods are as follows:

1. (No change.)

2. No New Jersey licensed vessel shall transfer sea clams to [a nonlicensed] any other vessel. [A nonlicensed vessel shall not receive sea clams from a licensed vessel.] All sea clams harvested in New Jersey waters shall be landed in New Jersey. No vessel shall fish in or land clams from both New Jersey and Federal waters from the same fishing trip.

3. (No change.)

4. A [L]icensed vessel [s.] shall [each day,] notify the [New Jersey Marine Police (Atlantic City Station)] Nacote Creek Shellfish Office of the Division of Fish, Game and Wildlife of their intended fishing location each day it fishes in State waters. The notification [may] shall be by phone [or marine Ship to Shore Radio, Channel 16 to the Atlantic City Station of the New Jersey Marine Police. The Marine Police shall note such notification in their official log.] by calling 609-441-3284. The telephone call shall be made by the captain of the vessel or his designee prior to when the vessel fishes in State waters.

5. (No change.)

6. Time: Except for bait purposes as hereinafter provided, sea clams shall be harvested from the waters of this State on Monday through Saturday between sunrise and 4 P.M. prevailing time.

(f) Licensing rules are as follows:

1. (No change.)

2. Issuance: In the calendar year 1982 [A]n applicant may be issued a license if he had a license in one of the two preceding years. In any year thereafter, licenses must be renewed annually.

3. Transfer of ownership: A person transferring ownership of his licensed vessel may:

i. Be issued a new license within [two years of December 31 of the year for which his former vessel was licensed;] the calendar year for a replacement vessel; or

ii. File a notarized Statement of Intent with the Department indicating that he will waive all the rights and conditions of that license, not apply for a replacement license; or], and transfer the right to a license with the vessel to its new owner who

lii. Wait the two year period at which time his option to relicense shall expire. The Department shall issue a license to the new owner of the transferred licensed vessel if the former owner has filed said Statement of Intent. The filing of a Statement of Intent shall not extend the two year option period. The new owner] shall meet all statutory criteria for licensing.

4. Transfer of license: A right to a 1981 license may be transferred from one vessel to another provided that all statutory criteria for licensing are satisfied. A new 1981 license will be issued to the vessel with the acquired right after presentation of the transferrer's license and payment of the license fee. After January 1, 1982 a sea clam license cannot be transferred except as stated in N.J.A.C. 7:25-12.1(f)3i.

5. (No change.)

6. Specific conditions for license renewal: License renewal is specifically conditioned on the continuing conformance of the licensee with all the requirements of this regulation. No license shall be issued for a vessel[s] that [have] has not filed the required reports or paid the required landing fee.

(g) Miscellaneous provisions are as follows:

1. (No change.)

i. - iii. (No change.)

iv. Bait and commercial harvest: A vessel licensed to take sea clams in the waters of this State shall not harvest for bait and for human consumption on the same day.

2. Rebuttable presumptions: The presence of a dredge overboard at any other time or in any of the prohibited ocean areas or both shall be rebuttable evidence of a violation of the provisions of this regulation. Any malfunction of gear causing the dredge to be left overboard in prohibited areas or at prohibited times, or both, shall be reported immediately to the [New Jersey Marine Police, Atlantic City Station, who shall log such report.] Nacote Creek Shellfish Office of the Division of Fish, Game and Wildlife.

3. Dredge [size] limit: No vessel shall use in the waters of this State more than a single dredge at any time in any boat.

4. (No change.)

5. Tagging: Each cage or container of sea clams, whether in the shell or shucked, landed in New Jersey shall be tagged with the name of the harvesting vessel and the date the clams were harvested. Such cage or container shall remain so tagged until empty when the tag shall be removed.]

(h) Rules on reports are as follows:

1. All licensed vessels that land any sea clams including bait clams in this State shall provide to the Director, Division of Fish, Game and Wildlife:

i. Weekly sea clam catch reports (forms to be supplied by the Division) which specify the vessel name, sea clamming license number and home port; and for each date, the time at sea, the latitude and longitude or loran bear-

ings of all locations fished; and the catch location fished, the depth, the time fished, the number of tows per hour, and the catch in bushels; and for each landing, the port, the date the clams were sold, whether they were bait or edible clams. All reports are to have the name and signature of the captain attesting to the validity of the report. The reports shall be mailed to the Division of Fish, Game and Wildlife, [P.O. Box 1809, Trenton, New Jersey 08625] Nacote Creek Shellfish Office, Star Route, Absecon, New Jersey 08201, together with check or money order in proper amount, made payable to the "Treasurer, State of New Jersey" no more than five working days after the weeks end.

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

A public hearing concerning this rule will be held on October 22, 1981 at 6:30 P.M. at:

Lecture Hall  
Stockton State College  
Pomona, New Jersey

Interested persons may submit in writing data, views or arguments relevant to the proposed amendments on or before November 9, 1981. These submissions, and any inquiries concerning submissions and responses, should be addressed to:

Gale Critchlow, Bureau Chief  
Division of Fish, Game and Wildlife  
CN 400  
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-251.

**(a)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH, GAME AND WILDLIFE**

#### **Shellfisheries Harvest of Crabs**

**Proposed New Rules: N.J.A.C. 7:25-14.9  
and 14.10**

**Proposed Amendment: N.J.A.C. 7:25-14.8**

Authorized By: Jerry Fitzgerald English, Commissioner,  
Department of Environmental Protection

Authority: N.J.S.A. 23:2B-6  
DEP Docket No.: 046-81-09

The agency proposal follows:

#### **Summary**

The proposed amendments establish minimum size of crabs to be harvested, prohibit the taking of female crabs with eggs attached and impose a penalty of \$20.00 for each illegal crab taken or in possession.

#### **Social Impact**

The social impact of these amendments would be minimal since a size rule for the harvesting of crabs was previously in effect, which requirements continued to be implemented, by and large, by crabbers notwithstanding the lack of existing regulations, on this subject.

#### **Economic Impact**

The economic impact of these amendments will be

minimal. The \$20.00 per crab penalty had been in effect for the past 20 years until the amendment of Title 23 in 1980.

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

7:25-14.8 Penalties

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

(c) Any person violating the provisions of N.J.A.C. 7:25-14.9 or N.J.A.C. 7:25-14.10 shall be liable to a penalty of \$20.00 for each crab taken or had in possession.

7:25-14.9 Female crabs with eggs attached

No person shall take from any of the waters of this State, or have in his possession any female crustacean, commonly known as crab, with eggs or spawn attached thereto, or from which the egg pouch or bunion has been removed.

7:25-14.10 Size of crabs taken

No person shall take from any of the tidal waters of this State or have in his possession any peeler or shredder crab measuring less than three inches across the back from tip to tip of spike of soft crab measuring less than three and one half inches across the back from tip to tip of spike, or hard crab measuring less than three inches across the back from tip of spike.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow, Chief  
Bureau of Shellfisheries  
Division of Fish, Game and Wildlife  
CN 400  
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-235.

**(b)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH, GAME AND WILDLIFE**

#### **Shellfisheries Hard Clam Relay**

**Proposed Amendment: N.J.A.C. 7:25-15.1**

Public Hearing: October 20, 1981

Authorized By: Jerry Fitzgerald English, Commissioner,  
Department of Environmental Protection

Authority: N.J.S.A. 50:1-5  
DEP Docket No.: 045-81-09

The agency proposal follows:

#### **Summary**

The proposed amendment revises the enforcement of relay procedures giving responsibility for enforcement to Department of Environmental Protection personnel. The proposal would allow but not require the department to extend the length of the relay, formerly limited to six months of the year.

### Social Impact

The proposed amendment will have minimal effect on the operations of commercial clammers engaged in the hard clam relay.

### Economic Impact

The amendment to allow the relay to operate year around if such operation is proved feasible by the department's plan to experiment with cold weather relay, would if such operation proves feasible, expand the working time and increase the income afforded to participants in the relay.

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

## SUBCHAPTER 15. CLAM RELAY PROGRAM

### 7:25-15.1 Relay of hard clams

(a) [These rules are] **This subchapter is intended to implement the hard clam relaying program administered by the Department of Environmental Protection. [These rules] This subchapter must be read together with the shellfish growing water classification regulations and definitions which appear at N.J.A.C. 7:12-1 et seq., [and] which rules and definitions are subject to amendment at any time. [See] N.J.S.A. 58:24-[1]2 [which] requires [the immediate condemnation of] the Department to condemn immediately shellfish beds [deemed dangerous to health] subject to pollution.**

(b) The general intent of these rules is to control the relaying of hard clams (*Mercenaria mercenaria*) from specified Special Restricted or Condemned Waters within the Atlantic Coast Section (see N.J.S.A. 50:1-18) to specially designated leased shellfish [relay] cleansing grounds also situated in the Atlantic Coast Section. [Such] **Both the designated Special Restricted or Condemned Waters will be charted by the Department and such charts will be issued to the participants and will be available to the public on demand. [Application for the shellfish relay program will be open to all applicants. If limitations must be imposed on the number of participants as the result of practical considerations, selection will be made on the basis of the time the application is received.] Anyone who meets the requirements of this section may participate in this program. If it becomes necessary to limit the number of people who participate, then those who have applied first will be given first chance to participate.**

(c) Any person who wishes to participate in this program must comply with [these] the following rules and conditions in order to remain eligible for participation.

1. Possess a current, valid, [shellfish harvesting] commercial clamming license issued by the Division of Fish, Game and Wildlife (see N.J.S.A. 50:2-1 et seq.).

2. Hold one of the following special permits issued by the Division of Water Resources (N.J.S.A. 58:24-3 and N.J.A.C. 7:12-2.1 et seq.) to harvest and/or buy and/or sell [oysters,] hard clams [or mussels] from Condemned Waters; a fee of \$25.00 is required for each permit issued (Chapter 156, Public Law of 1971).

i. Permit 5a: **SPECIAL PERMIT TO HARVEST, BUY, SELL AND RELAY [OYSTERS,] HARD CLAMS [OR MUSSELS] FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM.**

ii. Permit 5B: **SPECIAL PERMIT TO HARVEST [OYSTERS,] HARD CLAMS [OR MUSSELS] FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS FOR SALE PURPOSES ONLY IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM.**

3. The above permits will show on their face the specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit will be charts of the harvest sites showing specific sections within the estuaries that may be harvested on any particular day, as determined by the [applicable area Station Commander, New Jersey Marine Police.] designated enforcement unit. Violations of these conditions may subject the violator to prosecution, under N.J.S.A. 58:24-10 and may cause the violator's permit to be revoked and may cause the violator's boat and equipment to be seized and forfeited. Pursuant to the Administrative Procedure Act, such individual may apply to the Division of Water Resources for an administrative hearing regarding the decision to suspend such permit.

(d) Any person applying for permit 5a must have acquired a special relay lease from the Department for three one-half acre plots of shellfish cleansing grounds on which the relayed shellfish are to be deposited by the means hereinafter set forth. No person shall hold more than one relay lease.

1. Applications for leases must be made in person at the Nacote Creek Shellfish Office of the Department. The lease shall be subject to the following conditions.

i-iii. (No change.)

iv. [One foot by one foot (1' x 1') s] Signs having a white background with legible black lettering, giving the participants first initial [and], last name and special relay [leased lot] permit number, shall be placed and maintained (amidships) on both sides of the participant's harvest boat while participating in any phase of the program.

v. This special relay lot shall be used for relay planting from the specified harvest areas only. No special relay lease will be renewed if the lessee did not actively participate in the previous year's program unless such inactivity was due to unusual hardship; or if the Department does not administrate or operate a hard clam relay program in the current year. Upon termination of the program by the Department special relay lessees shall be exclusive rights to clams planted on their lease grounds before the termination date, for a period of 18 months from that date.

[(1) This lease shall not be renewed if the lessee was not actively engaged in the relay program during the previous year's program, unless such inactivity was due to legitimate health reasons. The purpose of this special provision is to insure that only active participants are issued leases under this special relaying program.]

[vi.] See (k)2.

[vii] vi. A lessee vacating a relay lot [for any reason] shall have [six months following during which to remove clams planted on it. During this removal period no clams shall be planted upon the lot; clams may only be removed.] exclusive rights to clams planted before the date of vacation for a period of six months from that date.

(e) Clams taken from the specified Special Restricted or Condemned Harvest areas shall be bagged by the participant and such bags shall be identified with the lot number of the permitted lease holder on whose lot the clams are to be planted. [Said number shall be at least 10 inches tall and painted on the side of each bag.] Unmarked bags will not be accepted for transportation to the lots, but will be seized and their contents returned to condemned waters by the [New Jersey Marine Police.] designated enforcement unit. The participants harvest boat shall be marked on both sides amidships with three inch black

letters on a white background giving the participant's first initial, last name and special relay permit number while he is engaged in any phase of the program.

1. Clams taken from the specified Special Restricted or Condemned Harvest area will be placed in bags and [At the close of the day's harvest bags shall be] placed on a State designated vessel or in sealed trucks to be provided by industry participants (said vessel or trucks to be designated and approved by the [applicable area Station Commander, New Jersey Marine Police] designated enforcement unit) for transportation to the relay lots, or in the case of clams carried by truck, to a designated landing.

i. (No change.)

[ii. A fee of \$25.00 for the season is required of all permit holders who load their clams on the State's vessel.]

ii. [iii.] Bagged clams delivered to the designated landing in sealed trucks shall be relayed to the leased plots of the participants by a State designated vessel or vessels (to be approved by the [applicable area Station Commander, New Jersey Marine Police] designated enforcement unit) under the supervision of the Department of Environmental Protection. Industry participants shall be responsible for providing the necessary labor for off-loading the clams from the trucks to the planting vessel or vessels and off-loading the planting vessel or vessels onto the proper relay lots.

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

(h) The Department shall establish a schedule of dates when the Special Restricted or Condemned Waters shall be opened to participants in this program for the harvest of clams.

1. The truck or trucks in (e)1ii above shall be private closed trucks or trailers supplied and loaded by participants, locked, sealed, and unlocked by supervising personnel of the Department of Environmental Protection and driven non-stop in convoy to the designated landing by permitted participants.

2. It is the intention of the Department to operate this program on a [weekly] regular basis, [every Monday through Friday] from sunrise to [1350] 1330 hours for a period [no longer than 6 months of any year] to be determined by the Department with the advice of the Shellfish Council. Dates for the program shall be dependent upon the degree of participation in the program and upon water temperatures over the leased relay lots that will assure adequate purging of contaminants from the shellfish. Program rules are subject to change on the basis of findings that show that continuation may jeopardize the well-being of the shellfish resources and/or the health, safety or welfare of the public at large.

(i) (No change.)

(j) The participants shall be responsible for the appointment of one of their number to the position of relay coordinator for each cleansing area (remuneration for this position, if any, shall be assumed by the participants). The relay coordinators will act as liaison with the [applicable area Station Commander, New Jersey Marine Police] designated enforcement unit and the Shellfish Control Bureau Unit of the Division of Water Resources and the [Bureau of Shellfisheries] Shellfish Section of the Division of Fish, Game and Wildlife, for scheduling areas for harvest.

(k) Penalty:

1. Any participant violating [these regulations] this section or the terms of the special relay permit issued by the Division of Water Resources may be subject to prosecution, including fine, imprisonment and forfeiture of vessel, vehicle and all equipment.

[(d)1vi.] 2. Any lessee who is convicted of an offense

which results in the revocation of a Shellfish Harvesting License or Special Permit mentioned in (c)1 and 2 above [paragraphs (c)1 and 2 of this section] (see also N.J.A.C. 7:12-2) shall have his lease voided by the Department; provided, however, that upon notice to the Division of Fish, Game and Wildlife within a 10 day period the lessee shall be given the opportunity to show why the lease should not be voided. If notice is given within the 10 day period no action may be taken on the lease until the next regularly scheduled meeting of the Atlantic Coast Shellfisheries Council. The Atlantic Coast Shellfisheries Council shall have the authority to suspend permanently the voiding of the lease for good cause shown. Nothing in this section shall allow the voiding of a lease because of a violation of N.J.S.A. 50:2-1 or 50:2-5.

A public hearing concerning this rule will be held on October 20, 1981 at 6:00 P.M. at:

Court Room 2, Ocean County Court House  
Washington and Hooper Avenues  
Toms River, N.J.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 19, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow, Chief  
Bureau of Shellfisheries  
Division of Fish, Game and Wildlife  
CN 400  
Trenton, N.J. 08625

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

This proposal is known as PRN 1981-236.

(a)

## HEALTH

### HEALTH PLANNING AND RESOURCES DEVELOPMENT

#### Mobile Intensive Care Unit (MICU) Rate Review Guidelines

#### Proposed New Rule: N.J.A.C. 8:31B-6.1—6.5 Proposed Amendment: N.J.A.C. 8:31A-10.1

Authorized By: Joanne E. Finley, Commissioner of the  
Department of Health  
Authority: N.J.S.A. 26:2H-5

The agency proposal follows:

#### Summary

The proposed Mobile Intensive Care Unit (MICU) rule will cover the period January 1 through December 31, 1981. The intent of this rule is to provide reasonable reimbursement for a service which extends highly sophisticated equipment and life saving techniques and procedures beyond the basic hospital structure.

#### Social Impact

Pilot programs in mobile intensive care from 1974 to 1979 operated in limited geographical areas around the state. However, they provided important services to over 8,000 New Jerseyans. Of those served, 226 had immediate life threatening problems and were saved prior to hospitalization; 1,427 patients had conditions (e.g., heart prob-

lems, strokes, trauma, burns, drug overdoses, diabetic emergencies) that would have seriously worsened and might have resulted in death without MIC services; the other patients received precautionary care. From these findings, it was projected that if mobile intensive care services were provided Statewide, they could save 1,056 New Jerseyans yearly and significantly benefit an additional 7,440 patients annually. Another 39,312 persons each year could receive precautionary advanced life support treatment.

Hospital-based mobile intensive care programs cooperate with the existing basic life support ambulance system. Both types of emergency services join together in a team effort to provide needed emergency health care to New Jersey's communities. About 15 percent of all calls for emergency medical assistance require the skills provided by an MIC vehicle and its attending paramedics. Each mobile intensive care vehicle is a true "emergency room and intensive care unit on wheels," extending the hospital's advanced life support capability to the critically ill or injured patient.

#### **Economic Impact**

Approval of this rule will enable hospitals providing this service to increase their reimbursement by between \$4,500,000 to \$5,000,000 as an aggregate. Formerly, expenses for these services were partially provided through state grants.

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

### **CHAPTER 31B**

#### **HOSPITAL RATE SETTING**

...

#### **SUBCHAPTER 6. MOBILE INTENSIVE CARE UNITS (MICU)**

##### **8:31B-6.1 Purpose**

(a) The 1981 regulation concerning the Mobile Intensive Care Units (MICU) rate review process shall apply to all hospitals which have received designation by the Commissioner of Health.

(b) This regulation will apply to hospitals under N.J.A.C. 8:31A and N.J.A.C. 8:31B for 1981.

##### **8:31B-6.2 Objective**

(a) To determine the reasonableness of costs required to provide advanced life support functions through the use of the MICU system.

(b) With this objective in mind, there are two principles from which this methodology is derived:

1. The intensity of operations should be consistent across all MICU programs to ensure effective and efficient delivery of life support services.
2. The program costs and level of operation should be based on prudent management decisions.

##### **8:31B-6.3 Reporting requirements**

(a) For 1981, hospitals will report budgeted costs that accurately relate to their levels of operation. Thereafter, hospitals will report actual costs consistent with the reporting requirements under the Uniform Cost Reporting Regulation.

(b) In addition to the reporting requirements under the existing system, hospitals will report their most recent 12-month experience for the following:

1. Total number of runs made by the MICU;
2. Total number of runs aborted;
3. Total number of patients treated at the scene, but not transported;

4. Total number of patients treated in the emergency department, but subsequently released without inpatient admission;

5. Total number of admissions related to the MICU:

- i. Total number admitted to the ICU;
- ii. Total number admitted to the ACU;
- iii. Total number admitted to the CCU;
- iv. Total number admitted to all other areas;
- v. Total number of DOAs.

##### **8:31B-6.4 Definitions**

"MICU" means a vehicle which extends the hospital's intensive care capacity of advanced life support services to the streets. It is staffed by paramedics who are specifically trained to deal with life threatening emergencies.

"Run" means the simultaneous dispatching of a MICU and ambulance to a life threatening emergency where advanced life support services are administered through the use of telemetry communications with the base hospital.

"Aborted run" means any dispatching of a MICU that does not result in the administering of life support services.

"Unit of service": For 1981, the unit of service will be the number of mobile units and thereafter the number of admissions or runs will be used until empirical data can be gathered to demonstrate another unit of service is more appropriate.

##### **8:31B-6.5 Computational techniques**

(a) For the purpose of analyzing Mobile Intensive Care Unit programs, (MICU) cost requests will be segregated into four categories.

1. Eligible non-physician costs:

i. These costs are associated with direct non-physician patient care. They are generally not comprised of costs which are indirect or overhead. They are not comprised of costs which are already being reimbursed. Examples of eligible non-physician costs are:

- (1) MICU coordinator;
- (2) Training coordinator;
- (3) Shift differentials;
- (4) Dispatchers;
- (5) Secretary;
- (6) Shift supervisor;
- (7) MICU associate/assistant coordinator;
- (8) Staff paramedics;
- (9) MICU nurses;
- (10) Drivers;
- (11) Fringes (lower or actual fringe percentage or submitted budgets).

(b) Since 1981 will be the first year for rate evaluation of MICUs the units of service will be the number of mobile units. In order to eliminate the effect of geographic compensation differentials among hospitals in various areas, compensation costs will be equalized for purposes of establishing comparable unit costs. A non-physician unit cost will be derived by dividing the non-physician costs by the units of service. A median and challenge limit will then be developed. Those expenditures which cause the unit cost to exceed the challenge limit will be considered presumptively unreasonable and will be disallowed unless the hospital can demonstrate uniqueness and justify the cost effectiveness of its expenditures.

1. Eligible physician costs: Costs needed to reimburse physicians for the additional time required to establish and oversee the proper clinical functions of the MICU program will be considered eligible costs. Allocations of Emergency Room physician's time spent in communication with the MICU during a run will not be considered eligible. These costs should continue to be reimbursed through the Emergency Room cost center. Physician

costs will not be equalized for purposes of establishing a unit cost. The physician unit cost will be derived by dividing the eligible physician costs by the number of MICUs. A median and challenge limit will then be developed. Dollars which cause the unit cost to exceed the challenge limit will be considered presumptively unreasonable and will be disallowed unless the hospital can justify the cost effectiveness of its expenditure.

2. Pass throughs: These costs represent eligible expenditures which, because of their dissimilarity, are not appropriately included in the unit cost calculation. They include such items as Depreciation, Interest and Training costs. Depreciation and interest costs will be reconciled to year end actual costs. Training costs will not undergo year end reconciliation.

3. Ineligible costs:

i. Allocated MICU costs which are already being reimbursed by the existing ratesetting system will not be approved a second time as MICU costs. Other ineligible costs include overhead costs and pharmacists and EMR physician costs.

ii. Should the Department determine in the initial year of operation that costs are improperly allocated between hospitals that participate in a multiple MICU hospital program, the costs and units of service may be combined. Any challenged costs would then be allocated among the participating hospitals.

8:31A-10.1 [(Reserved)] MICU regulations

MICU regulations found in N.J.A.C. 8:31B-6 apply for 1981 rates.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Hub, Director  
Health Economics Services  
New Jersey Department of Health  
John Fitch Plaza  
CN 360  
Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-256.

(a)

## HEALTH

### THE COMMISSIONER

#### Certificate of Need: Cardiac Facilities Cardiac Diagnostic Facilities

#### Proposed Amendments: N.J.A.C. 8:33E-1.1, 1.2, 1.7, 1.9, 1.13 and Appendix A

Authorized By: Joanne E. Finley, Commissioner,  
Department of Health, With Approval of  
Health Care Administration Board  
Authority: N.J.S.A. 26:2H-5 and 26:2H-8

The agency proposal follows:

#### Summary

The current rules require periodic updating based upon the review and recommendations of the commissioner's

cardiac advisory committee (CCAC). Proposed changes in these rules are based on the recommendations of this technical advisory committee.

The commissioner's cardiac advisory committee has recommended the retention of Department of Health policy, standards, and criteria, as reflected in the existing rules, with the following proposed changes:

1. Addition of a clarification of the definition of a "shared" cardiac diagnostic facility, referenced in N.J.A.C. 8:33E-1.2(b), requiring that specific time be scheduled for laboratory use by other hospital departments on a weekly basis. The degree of use is to be documented and reported to the Department of Health on a quarterly basis.

2. Addition of a paragraph, hereby referenced as N.J.A.C. 8:33E-1.2(d), encouraging each cardiac diagnostic laboratory to establish minimum caseloads per physician. The commissioner's cardiac advisory committee has recommended that a minimum of 50 cases per year is adequate to retain professional skill. It is suggested that physicians not meeting this level should work under the supervision of a physician who has met this minimum caseload figure. This addition would discourage the granting of laboratory privileges in an effort to meet State utilization requirements without regard to the maintenance of professional skills.

3. Deletion of the semi-annual statistical data report, referenced in N.J.A.C. 8:33E-1.9, and replacement with a new standardized data form required to be filed with the department on a quarterly basis.

In addition, the proposed amendments update the introduction offered in the existing rules by including 1980 facility performance data.

#### Social Impact

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

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

An analysis of existing invasive cardiac diagnostic programs operating throughout the State suggests that a large number of these programs are currently underutilized. The majority of the facilities operated at below optimal utilization levels during 1979 and 1980.

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

The rules are important for quality and cost reasons. Not only do they minimize risk to patients, but the unrestricted addition of invasive cardiac diagnostic programs

would likely drive utilization levels down still further, adding enormously and unnecessarily to the costs of providing these services and in a manner which may threaten the solvency of some facilities and services.

#### Economic Impact

Currently there are 14 invasive cardiac diagnostic facilities in New Jersey. Costs associated with the purchase of this equipment have amounted to approximately \$8,400,000 (at current prices). Recurring operational costs amount to approximately \$7,000,000 each year (exclusive of professional fees). One cardiac diagnostic facility is currently seeking approval to replace its existing equipment, with several other facilities anticipating equipment replacement in the near future.

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

In the absence of these rules, the department estimates (based upon hospital plans submitted to it) that two new programs would be added to this underutilized existing State inventory. These new programs would be expected to generate a minimum of \$1,200,000 in capital costs (excluding renovations) and add approximately \$1,000,000 (at current prices) in annual operating costs.

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

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

#### 8:33E-1.1 Introduction

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

(c) The existing inventory of cardiac services located within the State includes [11] 14 "free standing" diagnostic facilities which perform cardiac catheterizations but do not offer cardiac surgery and an additional [11] 10 facilities which perform both diagnostic and surgical functions. The [22] total of 24 sites offering invasive cardiac diagnostic services are distributed throughout the State and serve each of the five health systems agencies.

(d) (No change.)

(e) The diagnostic cardiac facility must be regionally based in an effort to achieve improved quality at manageable costs. Data indicate that the larger the volume of diagnostic procedures, the lower the risk factor. Of the [15] 24 existing [facilities] cardiac diagnostic programs in the State for [whom] which the department has comparable data, [one-third are operating at a volume of fewer than 200 catheterization patients annually] 11 currently are operating below minimum State utilization requirements.

Any additional facilities in the State will in all probability lead to a lowering of the volume at each of the existing facilities.

(f) (No change.)

(g) The standards and criteria defined herein shall apply to the efficient delivery of quality diagnostic services within the setting of the "free standing" cardiac catheterization laboratory. In addition to meeting these minimal requirements, the diagnostic facility is expected to operate a well established noninvasive cardiac diagnostic laboratory. Additional policy has been proposed for the more comprehensive cardiac center and is identified within the proposed regulation entitled "Proposed Standards and General

Criteria for the Planning and [Certification of Need for a] Application for Designation of Regional Cardiac Center[']s."

#### 8:33E-1.2 Utilization

(a) (No change.)

(b) Volume of patients diagnosed is not the only determinant or indicator of quality. However, some minimum volume is required to maintain the skills of the diagnostic team and to minimize costs per patient. The minimum acceptable number of adult cardiac catheterization patients per laboratory which is shared with other specialized radiographic procedures is 200 per year while the minimum number for a fully dedicated adult cardiac catheterization laboratory is 400 per year in order to maintain the efficiency and the skills of the catheterization team. Of this number, 150 must be coronary arteriographic patients.

1. In order to be considered a "shared" laboratory, specific time each week must be scheduled for laboratory use by other departments within the hospital. Adequate "shared" use will be determined by the Commissioner's Cardiac Advisory Committee (CAC) based on the number of non-cardiac special procedures reported to the department each year.

(c) While 200 is offered as the minimal acceptable adult patient load in a shared laboratory and 400 in a dedicated one by the State, they are not optimal levels. The optimal utilization level for a laboratory dedicated to cardiac catheterization/coronary angiographic examinations is 500 adult patients per year, including 400 coronary arteriographic patients, in order to maximize quality of care and minimize unit cost per examination. All diagnostic facilities will be evaluated in light of this optimal level [within three years of passage of this regulation] by the commissioner's cardiac advisory committee.

(d) Each cardiac diagnostic facility should establish a minimum number of procedures for each physician with laboratory privileges in order to maintain a consistent level of proficiency within the laboratory. The cardiac advisory committee recommends that each physician should perform a minimum of 50 cases each year or be under the supervision of a physician who has performed this minimum number of cases.

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

#### 8:33E-1.7 Long-range planning

The applicant must show evidence that the proposed application for designation is consistent with the hospital's approved long-range plan, submitted to the Department under the requirements of N.J.A.C. 8:31-16.1, and with the health systems plan and annual implementation plan of the health systems area in which the applicant is located [once these plans are developed].

#### 8:33E-1.9 Statistical data required

The facility will maintain [the basic statistical data required by Appendix A to this subchapter on a monthly basis and report it to the Department semi-annually.] and provide basic statistical data on the operation of the program and report that data to the Department of Health on a quarterly basis and on a standardized form prepared by the department. Copies of the full text of the required quarterly reporting forms may be obtained upon written request to the New Jersey State Department of Health, Health Data Services, Room 501, P.O. Box 1540, Trenton, New Jersey 08625.

#### 8:33E-1.13 Regulation review

This subchapter [regulation] will be reviewed and evaluated within [two] three years by the commissioner's cardiac advisory committee.

Delete entire text of Appendix A concerning Basic Statistical Data Required for Each Diagnostic Facility.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-253.

(a)

## HEALTH

### THE COMMISSIONER

#### Certificate of Need: Cardiac Facilities Cardiac Surgical Centers

#### Proposed Amendments: N.J.A.C. 8:33E-2.2, 2.5, 2.6, 2.7, 2.8, 2.10, 2.13, 2.14, 2.15 and Appendix B

Authorized By: Joanne E. Finley, Commissioner of the  
Department of Health, with Approval of Health Care  
Administration Board  
Authority: N.J.S.A. 26:2H-5 and 26:2H-8

The agency proposal follows:

#### Summary

The current rules require periodic updating based upon the review and recommendations of the commissioner's cardiac advisory committee (CCAC). Proposed changes in these rules are based on the recommendations of this technical advisory committee.

The commissioner's cardiac advisory committee has recommended the retention of Department of Health policy, standards, and criteria, as reflected in the existing rules, with the following changes:

1. Addition of a paragraph, hereby referenced as N.J.A.C. 8:33E-2.2(a)3, requesting that each cardiac surgical center establish minimum caseloads for its cardiac surgeons and team members. The commissioner's cardiac advisory committee has recommended that a minimum of 35 cases per year is adequate to maintain the professional skills of a cardiac surgeon and team. Cardiac surgeons and teams not meeting this minimum caseload should work under the direct supervision of a physician who has achieved this minimum volume.

2. Identification of the population base of one million, referenced in N.J.A.C. 8:33E-2.7 of the existing rules, as referring to a minimum population base for an adult cardiac surgical center and adding a requirement that a pediatric cardiac surgical center must serve a minimum population base of three millions. In each case, the population base specified may be adjusted for accessibility.

3. A change in the minimum personnel required in a center's cardiac diagnostic facility from two physicians, as

specified in N.J.A.C. 8:33E-2.3(c)1i, to one physician, as proposed. The change will result in consistency with the personnel requirements for "free standing" cardiac diagnostic facilities, identified in N.J.A.C. 8:33E-1.3. Invasive cardiac diagnostic laboratories have been found to function effectively with a single full-time physician.

4. Deletion of the semi-annual statistical data report, referenced in N.J.A.C. 8:33E-2.10, and replacement with a new standardized data form required to be filed with the department on a quarterly basis.

In addition, the proposed amendments delete outdated appendices contained in the existing rules.

#### Social Impact

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

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

An analysis of existing cardiac surgical programs operating throughout the State suggests that many of these programs are currently underutilized. Only three of the 10 cardiac surgical centers in New Jersey met the minimum utilization level of 200 open heart cases per year during both 1979 and 1980. Five centers, however, were able to meet this minimum criterion during 1980 alone.

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

The rules, however, are important for quality and cost reasons. Not only do they minimize risks to patients, but, in their absence, the unrestricted addition of cardiac surgical programs would likely drive utilization levels down still further, adding enormously and unnecessarily to the costs of providing these services in a manner which may threaten the solvency of some facilities and services.

#### Economic Impact

Currently there are 10 cardiac surgical centers in operation in New Jersey. Costs associated with the delivery of this service are difficult to ascertain, since a considerable amount of a hospital's support facilities and services are utilized in the care of open heart patients. An estimate of the operational costs for these 10 cardiac surgical centers amounts to approximately \$9,000,000 each year (exclusive of professional fees). The cost of equipping these centers has amounted to approximately \$7,500,000.

The proposed rules will have no effect on existing programs—that is, they will continue to be approved for replacement of equipment where they comply with current

rules identified therein. The proposed rules do not reflect substantive changes in adopted standards and criteria identified in current rules.

In the absence of these rules, the department estimates (based upon hospital plans submitted to it) that three new programs would be added to this underutilized existing State inventory. These new programs would be expected to generate a minimum of \$750,000 in capital costs (excluding renovations) and add approximately \$1,200,000 (at current prices) in annual operating costs.

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

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

#### 8:33E-2.2 Utilization

(a) Cardiovascular surgical unit rules are:

1.-2. (No change.)

3. Each cardiac surgical center should establish a minimum caseload per physician and team in order to ensure a consistent level of proficiency within the surgical program. The commissioner's cardiac advisory has recommended that a minimum of 35 cases per year is adequate to maintain the professional skills of a cardiac surgeon and team. It is recommended that cardiac surgeons and teams not performing this minimum caseload should work under the direct supervision of a physician who has achieved this minimum volume.

(b) (No change.)

#### 8:33E-2.3 Personnel

(a) Cardiovascular surgical unit rules are:

1. (No change.)

i.-iv. (No change.)

v. Two pump technicians will be available, one of whom will be certified and one qualified.

2. (No change.)

(b) (No change.)

(c) Rules concerning diagnostic facilities are:

1. Each diagnostic facility shall be minimally staffed by the following full-time personnel:

i. [Two physicians] **One physician;**

ii.-iii. (No change.)

2.-3. (No change.)

(d) (No change.)

#### 8:33E-2.5 Commissioner's cardiac advisory committee (CCAC)

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

#### 8:33E-2.6 Referral

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

(c) Each center will have written transfer agreements to receive appropriate patients from the "free standing" cardiac diagnostic facilities in its service area or health services [agency] area, whichever is larger.

#### 8:33E-2.7 Population base

An applicant for designation as a regional cardiac surgical center must document need in its service area. At a minimum, the regional service area for an adult surgical program must include a population of one million adjusted for accessibility. For a regional pediatric cardiac surgical center, a population base of three million, adjusted for accessibility, must be documented. The applicability of these minimum population bases to the specific New Jersey cardiac services environment should be closely scrutin-

ized by the CCAC based on the utilization of cardiac surgical resources reported to the department on a quarterly basis.

#### 8:33E-2.8 Long-range planning

The applicant must show evidence that the proposed certificate of need request is consistent with the hospital's approved long-range plan, submitted to the department under the requirements of N.J.A.C. 8:31-16.1, and with the health systems plan and annual implementation plan of the health systems area in which the applicant is located[, once these plans are developed].

#### 8:33E-2.10 Statistical data required

The center will maintain [the basic statistical data required by Appendix B to this subchapter on a monthly basis and report it to the department semi-annually.] and provide basic statistical data on its operations and report that data to the Department of Health on a quarterly basis and on a standardized form prepared by the department. Copies of the full text of the required quarterly reporting form may be obtained upon written request to the New Jersey State Department of Health, Health Data Services, Room 501, P.O. Box 1540, Trenton, New Jersey 08625.

#### [8:33E-2.13 Applicability of regulation to existing facilities

Hospitals which have cardiac surgical facilities at the time of adoption of this regulation have one year, from that date to meet the criteria and standards outlined herein or be subject to disallowance under the State's rate setting program.]

#### [8:33E-2.14] 8:33E-2.13 New facilities

(a) All certificate of need applications for new adult or pediatric cardiac surgical centers [will be held in abeyance until all existing facilities have been evaluated by the commissioner's cardiac advisory committee or at the latest not beyond two years from the adoption of this subchapter.] must meet the minimum standards and criteria contained herein and be reviewed by the commissioner's cardiac advisory committee and the Statewide health coordinating council.

(b) Certificate of need applications for new cardiac surgical centers will not be approved in health service areas that include cardiac surgical centers that are not in full compliance with the minimum utilization requirements contained herein.

#### [8:33E-2.15] 8:33E-2.14 Review

This subchapter will be reviewed and evaluated within [two] three years by the commissioner's cardiac advisory committee.

Delete entire text of Appendix B concerning Basic Statistical Data Required for Each Diagnostic Facility.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-255.

(a)

**HEALTH**

**CLINICAL LABORATORY IMPROVEMENT PROGRAM**

**Licensure of Clinical Laboratories  
Licensure Fees**

**Proposed Amendment: N.J.A.C. 8:45-1.3**

Authorized By: Joanne E. Finley, Commissioner of the Department of Health  
Authority: N.J.S.A. 45:9-42.30

The agency proposal follows:

**Summary**

The increase in fees for licensure of clinical laboratories will assist in making the Clinical Laboratory Improvement Program self-supporting. This proposed increase is particularly important in light of the recent reduction in the Program's budget. In addition, license fees have remained constant for the past two years and have not kept pace

with inflation. Clinical Laboratory charges on the other hand have not remained static.

**Social Impact**

This increase is needed to help off set the increased cost of travel and proficiency testing related to on-site inspections. On-site inspections are required to improve the delivery of quality medical laboratory service to the citizens of our State, as well as, to insure compliance with State regulations.

**Economic Impact**

It is anticipated increased revenues to the Department will amount to approximately \$11,500.00. No significant burden will be placed on the licensee since laboratory charges have increased over the past two years. Licensure, as required by P.L. 1975, Chapter 166, specifies a fee schedule per specialty in which a laboratory is licensed. The proposed fee increase of five (\$5.00) dollars per specialty will not have any significant impact on the general public.

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

8:45-1.3 Licensure fees  
(a) (No change.)

**Total Number of Employees of Entire Laboratory\***

Specialty	1-4	5-9	10-19	20-29	30-39	40-49	50-69	70-89	90 or more
Urinalysis	\$30	\$35	\$40	\$45	\$50	\$55	\$60	\$65	\$70
Bacteriology	30	35	40	45	50	55	60	65	70
Mycobacteriology	30	35	40	45	50	55	60	65	70
Parasitology	30	35	40	45	50	55	60	65	70
Mycology	30	35	40	45	50	55	60	65	70
Virology	30	35	40	45	50	55	60	65	70
Serology	30	35	40	45	50	55	60	65	70
Hematology	30	35	40	45	50	55	60	65	70
Immunohematology	30	35	40	45	50	55	60	65	70
Routine Chemistry	30	35	40	45	50	55	60	65	70
Special Chemistry	30	35	40	45	50	55	60	65	70
Toxicology	30	35	40	45	50	55	60	65	70
Cytology	30	35	40	45	50	55	60	65	70
Cytogenetics and/or Tissue Typing	30	35	40	45	50	55	60	65	70
Collection Station (Only)	30	35	40	45	50	55	60	65	70

\*Exclusive of director, trainees in approved medical technologist schools, clerical and maintenance employees. Part-time employees are to be included, prorated to full-time equivalents.

**[Total Number of Employees of Entire Laboratory\***

Specialty	1-4	5-9	10-19	20-29	30-39	40-49	50-69	70-89	90 or more
Urinalysis	\$25	\$30	\$35	\$40	\$45	\$50	\$55	\$60	\$65
Bacteriology	25	30	35	40	45	50	55	60	65
Mycobacteriology	25	30	35	40	45	50	55	60	65
Parasitology	25	30	35	40	45	50	55	60	65
Mycology	25	30	35	40	45	50	55	60	65
Virology	25	30	35	40	45	50	55	60	65
Serology	25	30	35	40	45	50	55	60	65
Hematology	25	30	35	40	45	50	55	60	65
Immunohematology	25	30	35	40	45	50	55	60	65
Clinical Chemistry	25	30	35	40	45	50	55	60	65
Radioimmunoassay	25	30	35	40	45	50	55	60	65
Toxicology (for example, Blood Lead and Drugs of Abuse)	25	30	35	40	45	50	55	60	65

Cytology	25	30	35	40	45	50	55	60	65
Bleeding Station	25	30	35	40	45	50	55	60	65

\*Exclusive of director, trainees in approved medical technologist schools, clerical and maintenance employees. Part-time employees are to be included, prorated to full-time equivalents.]

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

State Department of Health  
 Division of Public Health and Environmental Labs  
 Clinical Laboratory Improvement Program  
 CN 360, Room 405  
 Trenton, N.J. 08625

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

This proposal is known as PRN 1981-254.

**(a)**

**HEALTH**

**DRUG UTILIZATION REVIEW COUNCIL**

**Interchangeable Drug Products**

**Proposed Amendment: N.J.A.C. 8:71**

Public Hearing: November 2, 1981

Authorized By: Robert G. Kowalski, Chairman,  
 Drug Utilization Review Council

Authority: N.J.S.A. 24:6E-6g

The agency proposal follows:

**Summary**

The proposed additions will expand the list of interchangeable (generic) drug products. For example, drugs such as Acetaminophen/Codeine can now be substituted by pharmacists for the brand Tylenol/Codeine.

**Social Impact**

If a patient's physician approves of substituting a different brand name or a non-brand name drug product, the pharmacist may dispense a substituted drug if it reflects a lower cost to the consumer. The substitution can only occur if the drug is placed on the List of Interchangeable Drug Products. Thus, additions to the list expand the choice of the consumer.

**Economic Impact**

There will be an expanded opportunity for consumers to save money on prescriptions through the use of generic medicines in place of name brand medicines. The extent of the savings due to these specific proposed additions cannot be quantitated.

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

Acetaminophen/Codeine 30 mg  
 Aspirin/Codeine tabs 15, 30, 60 mg  
 Bethanechol Cl tabs 50 mg  
 Butalbital/APC tabs  
 Chlorpromazine HCL tabs 25, 50 mg  
 Chlorthalldone tabs 25, 50 mg

Drummer  
 P-D  
 Danbury  
 Premo  
 Cord  
 Barr, Bolar,  
 Cord, Zenith

Chlorthalldone tabs 50 mg Premo  
 Chlorzoxazone 250 mg/Acetaminophen 300 mg tabs Premo  
 Cyproheptadine HCL syrup 2 mg/5 ml NPC  
 Cyproheptadine HCL tabs 4 mg Cord  
 Ergoloid Mesylates S.L. tabs 0.5, 1.0 mg Danbury  
 Erythromycin Estolate Caps 250 mg Zenith  
 Guanethidine Sulfate tabs 10, 25 mg Par  
 Hydroxyzine HCL tabs 10, 25 mg Chelsea  
 Hydroxyzine HCL tabs 10, 25, 50 mg Zenith  
 Ibuprofen tabs 400 mg Boots  
 Nitrofurantoin caps 50, 100 mg Bolar  
 Nitrofurantoin tabs 50, 100 mg Bolar  
 Spironolactone 25 mg/  
 Hydrochlorothiazide 25 mg Barr, Bolar  
 Sulfathiazole, Sulfacetamide,  
 Sulfabenzamide, Urea Vaginal Cream BYK-Gulden  
 Trimethoprim/Sulfamethoxazole susp B-W, Roche  
 Trimethoprim/Sulfamethoxazole tabs  
 80 mg with 400 mg, 160 mg with 800 mg B-W, Roche

A public hearing concerning this rule will be held on November 2, 1981 at 10:00 A.M. at:  
 First Floor Auditorium  
 Health-Agriculture Building  
 John Fitch Plaza  
 Trenton, New Jersey 08625

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:  
 Thomas T. Culkin, Executive Director  
 Drug Utilization Review Council  
 Department of Health  
 CN 360  
 Trenton, New Jersey 08625  
 (609) 984-2157

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

This proposal is known as PRN 1981-247.

**(b)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

Administration Manual/Hospital Manual  
 Prior Authorization: Out-of-State Hospitalization

**Proposed Amendments: N.J.A.C. 10:49-1.9 and 10:52-1.9**

Authorized By: Timothy Carden, Commissioner of the  
 Department of Human Services

Authority: N.J.S.A. 30:4D-7 and 7b

The agency proposal follows:

### Summary

The Division originally proposed an amendment to the prior authorization requirements for out-of-State providers in the June 4, 1981 issue of the New Jersey Register (13 N.J.R. 355(b)). Comments were received, and the proposal is now being republished in accordance with N.J.A.C. 1:30-3.5(a).

This proposed regulation will require prior authorization for all inpatient and outpatient hospital services provided outside New Jersey, except for emergencies and transfers. The exemption granted to providers in contiguous states, i.e., New York, Pennsylvania or Delaware, will be eliminated. In addition, covered services (other than hospitalization) that normally require prior authorization in New Jersey will also require prior authorization if rendered by an out-of-State provider.

### Social Impact

New Jersey Medicaid recipients will still be able to receive the same services. The limitation is really directed towards providers, who must complete the required prior authorization form if the service is to be rendered out-of-State.

### Economic Impact

It is anticipated that utilization of New Jersey providers will result in some cost savings to the Medicaid program, as some services are more expensive when rendered by out-of-State providers. However, exact figures are not available as it is not known if there will be a significant increase in utilization of New Jersey providers. The economic impact on providers would vary greatly, depending on the number of New Jersey Medicaid recipients being treated.

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

#### 10:49-1.9 Policy on out-of-State medical care and services

[(a) Prior authorization from the New Jersey Medicaid Program is required for medical care and services which are to be provided outside New Jersey, except in the following situations:

1. Where the health of the Medicaid-eligible individual would be endangered if the care and services are postponed until the individual returns to New Jersey, or where the individual's health would be endangered if the individual undertook travel to return to New Jersey;

2. When medically necessary covered services are obtained by a New Jersey Medicaid-eligible individual in the states of New York, Pennsylvania or Delaware;

Note: Any covered service that requires prior authorization as a prerequisite for reimbursement to New Jersey providers, also requires prior authorization if it is to be provided in any other state.

Services which require prior authorization are described in the specific Medicaid provider manual.

3. When out-of-State care was provided in an emergency.]

(a) Prior authorization is required for all inpatient and outpatient hospital services provided outside the State of New Jersey except in the following situations:

1. Care provided in an emergency;

2. Transfer from in-State to out-of-State hospital if the delay results in a significant risk to life or health or unduly prolongs a hospitalization of the recipient.

(b) Any covered service that requires prior authorization as a prerequisite for reimbursement to New Jersey providers also requires prior authorization if it is to be provided in any other state.

1. Services which require prior authorization are described in the specific Medicaid Provider Manual.

#### 10:52-1.9 Special provisions related to payment

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

(g) Prior authorization from the New Jersey Medicaid Program is required for inpatient and outpatient services which are to be provided outside of the State of New Jersey, except in the following conditions:

1. Inpatient and outpatient care provided in an emergency;

2. Transfer from in-State to out-of-State hospital if delay incurred to obtain prior authorization would result in placing recipient at significant risk as to life or health or unduly prolongs a hospitalization. In addition, the required medically necessary service for which transfer is intended is not available within a reasonable geographical distance within the State of New Jersey.

(h) Prior authorization or documentation for exception of prior authorization must be submitted to the contractor with each out-of-State hospital claim as follows:

1. Emergencies to out-of-State hospitals will have accompanying the claim a signed affidavit from the attending physician attesting to the emergency and its nature or, if otherwise, in reference to a transfer, a signed affidavit attesting to the absence of a required medically necessary service within a reasonable geographical distance from the hospital within the State and that the need to obtain prior authorization would result in delay that could create a significant risk to life or health or to unduly prolong the hospitalization.

2. Elective admissions to out-of-State hospitals—inpatient and outpatient.

i. Prior authorization is required for a recipient residing out-of-State at the discretion of the State or traveling out-of-State for whom an attempt to return to an in-State hospital would create a significant risk to life or health or create the need for an unreasonable amount of travel. Prior authorization is to be obtained by the recipient or representative agent, from his/her Local Medical Assistance Unit by submission of such a request in writing stating the reason for the request. If the reason is based on a significant threat to life or health, a supporting physician's note must be included:

ii. Prior authorization is required for admission to an out-of-State hospital for an individual residing in-State in other than a hospital. Request is made to the LMAU by the attending physician who must submit a signed affidavit attesting that the equivalent required medically necessary service is not available within a reasonable geographical distance within the State of New Jersey.

Note: Any covered service that requires prior authorization as a prerequisite for reimbursement to New Jersey providers, also requires prior authorization if it is to be provided in any other state.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-239.

(a)

# HUMAN SERVICES

## DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

### Hearing Aid Services Manual

#### Proposed Amendments: N.J.A.C. 10:64

Authorized By: Timothy Carden, Commissioner of the Department of Human Services  
Authority: N.J.S.A. 30:4D-6b(16) and 30:4D-7 and 7b

The agency proposal follows:

#### Summary

The Division of Medical Assistance and Health Services is deleting the current text of the Hearing Aid Services Manual and replacing it with the proposed text printed below.

The proposed changes include standards for testing equipment and testing environments, tightening procedures for obtaining authorization to dispense hearing aids, allowing for reimbursement for reconditioned aids, and clarifying responsibilities for both providers and recipients.

Also included are the reimbursement methodologies that were originally published in the June 4, 1981 issue of the New Jersey Register at 13 N.J.R. 361(b). The reimbursement methodology for new hearing aids remains essentially the same; the methodology for replacement parts has been changed to more accurately reflect industry standards.

The proposed basic reimbursement methodology, which is cost plus fee for service, has been strongly recommended by the Federal Department of Health and Human Services, and is currently used by other State agencies receiving federal funds.

#### Social Impact

It is not anticipated there will be any social impact, as Medicaid recipients will still be able to obtain the services, and providers will still be reimbursed for rendering these services.

#### Economic Impact

It is anticipated there will be a cost savings of approximately \$100,000 to the Division. Providers will initially experience a decline in profits until they adjust their practices to meet the program requirements. Increased performance responsibilities are placed on providers which will improve the State's ability to monitor quality and quantity of service. However, the market place should adjust to the needs of the program and the public through competition.

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

### CHAPTER 64

#### HEARING AID SERVICES MANUAL

...

Delete current text of N.J.A.C. 10:64 in its entirety.

#### SUBCHAPTER 1. GENERAL POLICIES

##### 10:64-1.1 Scope

(a) This chapter is concerned only with hearing aids for eligible recipients of the New Jersey Medicaid Program. It is the intent of the program to furnish hearing aids and

related services to eligible recipients who can benefit significantly from them.

(b) When a hearing aid is authorized and purchased on behalf of a Medicaid recipient, ownership of the hearing aid will vest in the Division of Medical Assistance and Health Services. The recipient will be granted a possessory interest for as long as the recipient requires use of the aid. When the recipient no longer needs the aid, possession and control will revert to the Division. The recipient shall sign an agreement to this effect as part of the process of authorizing purchase of the hearing aid.

##### 10:64-1.2 Definitions

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

"Audiologist" means an individual who has received the Certificate of Clinical Competence in Audiology (CCC-A) from the American Speech-Language-Hearing Association, or who has completed the academic, experiential, and national examination requirements necessary to receive the CCC-A.

"Dispenser" means an individual who holds a current valid license or a temporary valid license to dispense hearing aids from the New Jersey Board of Medical Examiners and is approved by the New Jersey Medicaid Program, or is recognized as a hearing aid dispenser under the Medicaid program in another state.

"Hearing aid" means an ear-level or body-worn electro-acoustic instrument for amplifying sound whose basic components are a microphone, amplifier, and receiver.

"Otologist" for purposes of this manual refers to either a physician who specializes in diseases of the ear or a physician who specializes in diseases of the ear, nose and throat and who qualifies as a specialist according to the definition in the Physicians Manual.

##### 10:64-1.3 Determination of prospective recipient's eligibility and Local Medical Assistance Unit

(a) Medicaid eligibility is determined by one of four different agencies:

1. County welfare boards;
2. Bureau of Local Operations of the New Jersey Division of Public Welfare;
3. The New Jersey Division of Youth and Family Services; and
4. The Federal Social Security Administration.

(b) Inquiries concerning patient eligibility and/or application for eligibility may be directed to the appropriate eligibility determination agency (if known), or to the Local Medical Assistance Unit serving the dispenser's area. The Local Medical Assistance Unit will answer questions and/or direct the dispenser to the appropriate eligibility determination agency.

(c) A recipient's Local Medical Assistance Unit, for purposes of obtaining prior authorization for a hearing aid is determined by the county of residence of the recipient. A list of the Local Medical Assistance Units, their county of location, their county(ies) of jurisdiction, and their addresses and telephone numbers can be found in Chapter I. It should be noted that the first two digits of the patient's Health Services Program case number indicate which Local Medical Assistance Unit has jurisdiction in processing hearing aid requests. Exceptions are the following:

1. Patients in long-term care institutions (for example, skilled nursing facility, intermediate care facility, sheltered boarding homes, special hospital): Claims for hearing aids are to be referred to the Local Medical Assistance Unit serving the county wherein the long-term care institution is located.

2. Individuals eligible for Supplemental Security Income (SSI): Claims for hearing aids are to be referred to the Local Medical Assistance Unit serving the county wherein the individual is residing.

3. Children identified by numbers from "01" through "21" as the first and second digits, and "60" as the third and fourth digits of the Health Services Program case number (for example, 0160-001234, 1160-005678, 2160-009123): These children are under the jurisdiction of the New Jersey Division of Youth and Family Services (formerly Bureau of Childrens Services). Claims for hearing aids are to be referred to the Local Medical Assistance Unit serving the county wherein the child is residing.

4. Children placed in out-of-state facilities: The first two digits of the Health Services Program case number indicate which Local Medical Assistance Unit has jurisdiction in processing hearing aid requests.

#### 10:64-1.4 Hearing aid prescription policies

(a) An audiologist or otologist may prescribe a hearing aid if the following required procedures are adhered to:

1. Nursing home hearing aid screening, for nursing home residents, consisting of an evaluation of the patient's desire and ability to use a hearing aid, the nursing staff's willingness to assist in caring for the aid, the status of the patient's previous hearing aid, if any, and an assessment of whether an aid will significantly improve the patient's quality of life by increased socialization or increased involvement in activities.

2. Completion of the Nursing Home Hearing Aid Screening Form FD-257: Results of the nursing home hearing aid screening shall be reported on the checklist provided by Form FD-257, with such form signed and dated by the Nursing Director or social worker, and the treating physician, and forwarded to the otologist who will provide the otologic examination.

3. Otologic examination consisting of a history and physical examination of the ear, with a relevant diagnosis supporting the need for audiologic and hearing aid examinations, with such examination signed and dated by the otologist and forwarded along with the Nursing Home Hearing Aid Screening, if applicable, to the individual who will provide the Audiologic and Hearing Aid Examinations.

4. Audiologic examination performed by an audiologist or otologist shall include the following (data other than that in (a)4 of this section are acceptable for infants and non-verbal children):

- i. Pure tone air and bone conduction thresholds;
- ii. Speech reception thresholds;
- iii. Speech discrimination scores;
- iv. Masking when indicated;
- v. Most comfortable listening levels (MCL);
- vi. Uncomfortable loudness levels or thresholds of discomfort (UCL); and
- vii. Impedance testing: Tympanometry and Acoustic Reflex Thresholds.

5. Hearing aid examination and follow-up: A hearing aid examination performed by an audiologist or otologist shall include hearing aid testing and follow-up as described in the following paragraphs:

i. Initial testing:

(1) Either in the sound field both with and without amplification (unaided and aided) to indicate benefit and effectiveness of the prescribed amplification; or

(2) With a master hearing aid.

ii. Follow-up:

(1) For nursing home residents, follow-up shall consist of a personal visit to the patient by a member of the Medicaid staff (Local Medical Consultant, Regional Consultant, Nurse, or Social Worker) within 21 days of the date the aid was provided to assess whether the aid has

significantly improved the patient's quality of life by increased socialization or increased involvement in activities.

(2) For patients other than nursing home residents, follow-up shall consist of counseling and testing in the sound field within 21 days of the date the aid was provided to determine adequacy, performance, and utilization of the amplification provided.

(3) Another hearing aid examination and prescription are not required if the patient is to receive a replacement for a hearing aid that is lost, stolen, destroyed, or beyond repair within three years of the date of dispensing, and the following conditions apply:

(A) No significant change in auditory sensitivity is demonstrated on audiologic examination; and

(B) Either the patient is under 18 years of age and a hearing aid examination has been performed within the preceding one year, or the patient is an adult, 18 years of age or older, and a hearing aid examination has been performed within the preceding three years.

#### 6. Hearing aid prescription:

i. CROS, BICROS and binaural hearing aids may be considered only for children, for adults attending school, for individuals with severe high frequency loss who must use a CROS aid to prevent feedback, or for an eligible adult recipient who is gainfully employed or who is likely to be employed if a CROS, BICROS or binaural hearing aid arrangement is provided. The Audiology Consultant for the program will review claims for CROS, BICROS and binaural amplification.

ii. Hearing aids requiring silver oxide batteries may be authorized only after review of all data by the Audiology Consultant.

iii. In addition to a specific hearing aid prescription, electroacoustic characteristics for a reconditioned hearing aid may also be provided if any of the conditions listed below exists. The dispenser shall then have the option of providing either the specific aid or a reconditioned aid. Conditions under which a reconditioned hearing aid may be considered are the following:

(1) The patient is a resident of a long-term care facility;

(2) The patient is in a living arrangement other than a long-term care facility and is deemed an appropriate candidate for a reconditioned aid;

(3) The patient has had a previous aid that was lost, stolen, or destroyed within 36 months of the date that it was dispensed.

(4) See N.J.A.C. 10:64-1.6(c) for the regulations governing the dispensing of a reconditioned hearing aid. The Audiology Consultant to the program will review dispenser's claims for reconditioned aids.

7. Completion of the Audiologic and Hearing Aid Examinations Form FD-36: Results of the audiologic and hearing aid examinations shall be reported on the Audiologic and Hearing Aid Examinations Form FD-36 and shall include the following:

i. Information relative to the patient's hearing aid candidacy, including:

(1) The patient's occupation and whether currently employed;

(2) Special residential setting, if any;

(3) Motivation to wear an aid and physical ability to manipulate an aid;

(4) Assessment of patient's mental alertness and rationality;

(5) Name and relationship to patient of person responsible for the care of the aid (checking function, cleaning earmold, ordering batteries and repairs), if other than the patient;

(6) Data relative to patient's present hearing aid, if the patient currently has an aid, including make and model,

age of aid, and reason for requesting a new aid.

- ii. Results of the audiologic examination;
- iii. Results of the hearing aid examination, including:

(1) A brief description of the hearing aid examination procedure.

(2) Ear to be fitted, and earmold and hearing aid prescription.

iv. Signatures: Form FD-36 shall be signed by the prospective recipient, if mentally and physically capable, and by the individual who has personally performed the tests, and shall be forwarded in duplicate to the hearing aid dispenser along with a copy of the nursing home hearing aid screening, if applicable, and the otologic examination.

8. Completion of Notice of Requirement for Hearing Aid Follow-Up Visit Form FD-245:

i. At the time of delivery of an aid to a nursing home recipient, Affidavit I of the Notice of Requirement for Hearing Aid Follow-Up Visit shall be completed in duplicate by the dispenser, as follows:

(1) The recipient's name shall be entered on the line provided.

(2) The affidavit shall be read to the Nursing Director or a designee, describing the requirement for a site visit within 21 days and the requirement that the Nursing Supervisor or designee contact the Local Medical Assistance Unit within three days.

(3) The Nursing Director or designee shall sign the affidavit stating that he or she was so advised.

(4) One copy of the form shall be given to the Nursing Director or designee, and one copy maintained in the dispenser's files.

ii. At the time of delivery of an aid to a recipient who does not reside in a nursing home, Affidavit II of the Notice of Requirement for Hearing Aid Follow-Up Visit shall be completed in duplicate by the dispenser, as follows:

(1) The name of the audiologic facility and its telephone number shall be written on the lines provided and brought to the attention of the recipient or the recipient's guardian.

(2) The affidavit shall be read to the recipient or the recipient's guardian, including the reasons why follow-up testing within 21 days is important.

(3) The recipient or guardian shall sign the affidavit stating that he or she was so advised.

(4) One copy of the form shall be given to the recipient or guardian and one copy maintained in the dispenser's files.

9. Completion of follow-up to Hearing Aid Examination or Notice of Missed Appointment Form FD-244:

i. Results of the follow-up visit shall be reported on Form FD-244 in triplicate and shall include the following information relative to the amplification provided:

(1) Make, model, serial number and special fitting requirements of the aid provided, including type of earmold;

(2) Sound field data showing whether improvement in communication has resulted. This information may be omitted in cases of infants and non-verbal children for whom such data are unobtainable, and in cases of nursing home patients when site visits are performed.

(3) Statement as to the appropriateness of the aid and earmold provided, or explanation of changes required.

(4) Statement as to the situations in which the recipient is using the hearing aid provided, or explanation of why the aid is not being used.

(5) Recommendation for purchase, alteration, or return of the aid to the dispenser.

(6) Signature: Form FD-244 shall be signed by the individual who has personally visited the nursing home, tested the patient, or verified a missed appointment by complet-

ing the Notice of Missed Appointment, and shall be forwarded in duplicate to the hearing aid dispenser.

ii. In the event that it is not possible to provide follow-up within 21 days of acceptance of the aid by the patient, the audiologic facility or the Local Medical Assistance Unit shall submit to the dispenser Form FD-244, completing Notice of Missed Appointment if applicable, or writing the reason why the follow-up visit could not be completed on the bottom of the form.

10. Adherence to standards for environment and equipment used for audiologic and hearing aid testing:

i. The audiologic examination and hearing aid testing shall be performed in an environment that meets current standards published by the American National Standards Institute (ANSI S3.1-1977: Criteria for Permissible Ambient Noise during Audiometric Testing). When these standards are superseded by an approved revision, the revision shall apply. Standards for the test environment may be waived in the rare case when a good hearing aid candidate cannot be moved due to severe health problems. Requests to waive these standards will be reviewed by the Local Medical Consultant and the Audiology Consultant.

ii. Audiometers used shall meet current standards published by the American National Standards Institute (ANSI S3.6-1969: Specifications for Audiometers). When these standards are superseded by an approved revision, the revision shall apply.

iii. Calibration of audiometers shall be performed according to the following schedule, as a minimum:

(1) Quarterly by an artificial ear and sound level meter.

(2) Annually by electroacoustic instrumentation for frequency, intensity, linearity, sound field, and special functions.

iv. A written log shall be kept on quarterly and annual audiometric calibrations and signed by the individual performing the calibration.

#### 10:64-1.5 Prior authorization

(a) Hearing aids require prior authorization by the Local Medical Consultant (see N.J.A.C. 10:64-1.7).

(b) The hearing aid dispenser (provider) shall complete all items except items 15, 18, and 19 on the Medical Supplies and Equipment Claim Form MC-11-C4, and shall submit the form in triplicate to the appropriate Local Medical Assistance Unit for prior authorization, along with one copy of the nursing home hearing aid screening, if applicable, and one copy of the otologic and audiologic reports (see N.J.A.C. 10:64-2.1).

(c) Upon receipt of this information at the Local Medical Assistance Unit, the Local Medical Consultant will review the nursing home screening, if applicable, and the otologic and audiologic data. Claims for CROS, BICROS, binaural and reconditioned aids will be forwarded by the Local Medical Consultant to the Audiology Consultant. Claims for aids which require silver oxide batteries will also be reviewed by the Audiology Consultant. If it is determined that the claims should be authorized, the Local Medical Consultant will sign item 15. The Local Medical Assistance Unit will return the provider's and contractor's copies to the dispenser and retain the Local Medical Assistance Unit's copy, the nursing home hearing aid screening, and the otologic and audiologic examination reports. The dispenser may then proceed to supply the authorized item to the recipient (see N.J.A.C. 10:64-2 for billing procedures). If the request is denied, the dispenser will receive an LD-29 notification letter from the Local Medical Assistance Unit. Prior authorization is not a guarantee of patient eligibility. The dispenser must check the validation stub monthly. Provision of the hearing aid to the patient before authorization is obtained and eligibility is established is at the risk of the dispenser.

(d) Prior authorization is not required for repairs, replacement earmolds, replacement batteries, or replacement cords, receivers, and garment bags.

#### 10:64-1.6 Dispenser's responsibilities

(a) It is the responsibility of the dispenser to verify recipient eligibility. Payment cannot be made on behalf of ineligible recipients. Therefore, an authorization per se for any service(s) provided guarantees payment only if current eligibility is established (see N.J.A.C. 10:49-1.2).

(b) Accompanying each prior authorized new hearing aid, the dispenser shall supply the following:

1. A new instrument;
2. A custom-fitted earmold;
3. Tubing, or cord and receiver;
4. A one month's supply of batteries;
5. A garment bag, if applicable, and any other accessories normally supplied with the type of hearing aid provided;
6. The manufacturer's User Instructional Brochure for the particular instrument provided;
7. Instruction in the use and care of the hearing aid and earmold, including specific instruction on insertion of the earmold; and
8. Explanation of the need for a follow-up visit and a copy of the Notice of Requirement for Hearing Aid Follow-Up Visit, unless the aid is a replacement aid and no hearing aid examination was performed.

(c) For each reconditioned hearing aid, the dispenser shall supply the following:

1. A reconditioned instrument no more than three years old, which closely meets the prescribed electroacoustic characteristics or, if a replacement aid, the electroacoustic characteristics of the aid to be replaced;
2. A six-month factory or laboratory warranty;
3. A dated performance chart (e.g. B&K chart), which shall be submitted with the claim form when requesting prior authorization;
4. An invoice or sales document showing the acquisition cost of the aid, if any, and/or the factory or laboratory invoice showing the cost of reconditioning, which shall be submitted with the claim form when requesting prior authorization and when billing the contractor;
5. A custom-fitted earmold;
6. Tubing, or cord and receiver;
7. A one month's supply of batteries;
8. A garment bag, if applicable, and any other accessories normally supplied with the type of hearing aid provided;
9. Instruction in the use and care of the instrument and earmold, including specific instruction on insertion of the earmold;
10. Explanation of the need for a follow-up visit and a copy of the Notice of Requirement for Hearing Aid Follow-Up Visit, unless the aid is a replacement aid and no hearing aid examination was performed.

(d) Delivery of the hearing aid shall be made to the patient within 21 days of receipt of authorization from the Local Medical Assistance Unit. If it is not possible to supply the instrument within the stated time, the dispenser shall notify the Local Medical Assistance Unit and give the reason(s) for the delay.

(e) The dispenser shall guarantee that all instruments and earmolds provided conform to the prescription as set forth in N.J.A.C. 10:64-1.4(a)7 (Form FD-36) and fit comfortably and adequately to the extent that the recipient's condition permits.

(f) The dispenser shall assume liability for material defects and unconditionally guarantee material and workmanship for one year from date of delivery to and acceptance by the recipient.

#### 1. Exceptions:

i. Cords and bone-conduction receivers are excluded from this liability.

ii. The dispenser shall not be responsible for damage to an aid due to accident, misuse or alteration.

(g) The dispenser shall provide appropriate maintenance and repair services for a period of at least one year after delivery of the aid, including a loaner instrument or comparable performance in good working order. This responsibility is for services which can be accomplished by the dispenser, such as cleaning of the earmold, replacing tubing, cleaning contacts, and spraying for volume wheel noise.

(h) The dispenser shall accept return of an instrument or part thereof within 30 days of delivery to the patient when the audiologist, otologist or Medicaid staff member, after the follow-up visit, determines that the instrument does not conform to the prescription, does not fit properly, is not of acceptable quality and comfort consistent with the condition of the patient, or has failed to produce the benefit anticipated during the nursing home hearing aid screening or the hearing aid examination. If it is found that material or workmanship are defective, then the dispenser shall be allowed a reasonable opportunity to make such adjustments, corrections or replacement that may be necessary to allow for acceptance of the instrument and/or earmold, without additional charges to the program. Exception: This responsibility does not apply to corrections necessitated by the patient's misuse or abuse of the instrument.

(i) The dispenser shall make services, supplies, and parts reasonably accessible and available in an identifiable and fixed place of business during regular business hours. There must be a public entrance directly into the dispenser's place of business.

(j) The dispenser shall maintain copies of all records for a period of at least five years.

#### 10:64-1.7 Policies on replacement of a hearing aid

(a) Replacement of a hearing aid requires prior authorization by the Local Medical Assistance Unit.

(b) Replacement of a hearing aid which is less than five years old is subject to the following additional requirements.

1. If the aid is less than five years old and is beyond repair for any reason other than defects in material or workmanship, the dispenser must submit to the Local Medical Assistance Unit a statement from the manufacturer or repair laboratory attesting to the nature of the damage and unrepairability of the aid.

2. If an aid was lost, stolen, or destroyed within three years of the date dispensed, the recipient or a representative must appear in person before the Local Medical Consultant to explain and discuss the incident before prior authorization to replace the aid may be granted.

(c) At the option of the dispenser, a hearing aid which is lost, stolen or beyond repair may be replaced by a reconditioned hearing aid with similar electroacoustic characteristics if any of the following conditions exists:

1. The recipient is a resident of a long-term care facility;
2. The recipient is in a living arrangement other than a long-term care facility and is deemed an appropriate candidate for a reconditioned aid;
3. The recipient has had a previous aid that was lost, stolen, or destroyed within 36 months of the date that it was dispensed.

(d) See N.J.A.C. 10:64-1.6(c) for the regulations governing the dispensing of a reconditioned hearing aid. The Audiology Consultant will review claims for reconditioned hearing aids.

(e) Procedures for replacing an aid will be the same as

for providing the original aid, except that another hearing aid examination is not required when the following conditions apply:

1. The audiologic examination shows no significant change in auditory sensitivity; and

2. Either:

i. The recipient is under 18 years of age and a hearing aid examination has been performed within the preceding year; or

ii. The recipient is an adult, 18 years of age or older, and a hearing aid examination has been performed within the preceding three years.

#### 10:64-1.8 Policies on repairs, replacement earmolds, and replacement parts

(a) Repairs shall be provided when needed. Neither prior authorization nor a signed and dated prescription is required.

(b) Replacement earmolds shall be provided when needed. Neither prior authorization nor a signed and dated prescription is required.

(c) Replacement batteries shall be provided as a three-month supply. Neither prior authorization nor a signed and dated prescription is required.

(d) Replacement cords, receivers, and a garment bag shall be provided when needed. Neither prior authorization nor a signed and dated prescription is required.

#### 10:64-1.9 Reimbursement policies

(a) Reimbursement for a new hearing aid shall be the lower of the following charges:

1. Usual and customary charge; or

2. A charge consisting of the following:

i. Wholesale cost of the instrument; plus

ii. Wholesale cost of the earmold; plus

iii. Wholesale cost of the batteries; plus

iv. A dispensing fee of \$175.00 for a monaural fitting or \$280.00 for a binaural fitting.

(b) Reimbursement for a reconditioned hearing aid shall be the lower of the following:

1. Usual and customary charge; or

2. A charge consisting of the following:

i. Acquisition cost of the hearing aid, when applicable, as per manufacturer's invoice or sales document; plus

ii. Wholesale cost of the reconditioning, when applicable, as per the factory or laboratory invoice; plus

iii. Wholesale cost of the earmold; plus

iv. Wholesale cost of the batteries; plus

v. A dispensing fee of \$175.00.

(c) Reimbursement for a returned hearing aid:

1. Should it be determined at the follow-up examination that the prescribed hearing aid properly supplied has failed to provide the patient with the anticipated communication benefit, and that a different aid will not be prescribed (i.e. there will be no exchange), the dispenser shall be reimbursed for services and materials upon return of the hearing aid, at the lower of the following:

i. Usual and customary charge; or

ii. A charge consisting of the following:

(1) Wholesale cost of the earmold; plus

(2) Wholesale cost of the batteries, cord, and garment bag; plus

(3) The manufacturer's restocking fee, if any; plus

(4) A service fee of \$30.00.

(d) Replacement of an aid within one year from date of original dispensing, if not covered by the manufacturer's warranty, shall be reimbursed at the lower of the following:

1. Usual and customary charge; or

2. A charge consisting of the following:

i. Wholesale cost of the instrument, if new; or the acqui-

sition cost and cost of the factory or laboratory reconditioning, when applicable, if a reconditioned unit; plus

ii. Wholesale cost of the earmold; plus

iii. A dispensing fee of \$50.00.

(e) Reimbursement for repair of a hearing aid, if not covered by the manufacturer's warranty, shall be the lower of the following:

1. Usual and customary charge; or

2. A charge consisting of the following:

i. Manufacturer's cost of repair; plus

ii. A 50 percent service fee.

(f) Reimbursement for replacement parts, if not covered by the manufacturer's warranty, shall be the lower of the following:

1. Usual and customary charge; or

2. A charge consisting of the following, depending upon the part or parts to be replaced:

i. Earmolds: Wholesale cost plus \$10.00;

ii. Batteries, which shall be provided as a three month's supply: Manufacturer list price less 10 percent.

iii. Cords: Manufacturer list price less 10 percent.

iv. Receivers: Manufacturer list price less 10 percent.

v. Garment bags: Manufacturer list price less 10 percent.

## SUBCHAPTER 2. BILLING PROCEDURES

### 10:64-2.1 General billing policy

(a) The Medical Supplies and Equipment Claim Form MC-11-C4 is to be used for the purposes of billing for hearing aids and equipment. For hearing aids which require prior authorization, item 15 must be signed and dated by the Local Medical Consultant before the claim may be considered for payment. Before billing the contractor, the dispenser shall have the recipient sign item 18 (Patient Certification), and the dispenser shall sign item 19 (Provider Certification).

(b) Instructions for completion of Form MC-11-C4:

1. Items 1-4: Copy patient's name, Health Services Program case number and patient person number exactly as it appears on the monthly validation form;

2. Items 5-6: Self-explanatory;

3. Item 7:

i. Check appropriate block to indicate whether the patient has other health insurance, liability coverage, or no fault auto coverage;

ii. If yes, you must attach a copy of the decline notice or a copy of the explanation of payment from the carrier, if any;

iii. When the recipient is covered by both Medicare and Medicaid, see Section 304 of your Medicaid Medical Supplier Manual;

4. Item 8: Check as appropriate. If patient's illness or injury is work related, enter name and address of employer.

5. Item 9: Name and address of provider—may be reprinted;

6. Item 10: Self-explanatory;

7. Item 11: Indicate whether a prescription accompanies the claim when submitted for prior authorization;

8. Item 12: Enter diagnosis;

9. Item 13: Self-explanatory;

10. Item 14:

i. A: Date of service—leave blank.

ii. C: Description of item:

(1) For hearing aids;

(A) Manufacturer and model;

(B) If a replacement aid within 36 months, the notation "replacement aid";

(C) If a reconditioned aid: The notation "Recon", and the notation "6 month warranty", and attach the following additional papers to the claim form: An invoice or sales document showing the acquisition cost of the aid, if any,

and/or the factory or laboratory invoice showing the cost of reconditioning, if any; a dated performance chart (e.g. "B&K chart") showing that the aid is functioning as per the manufacturer's specifications.

- (D) Number of batteries and type;
- (E) Type of custom fitted earmold;
- (F) If applicable, receiver model, one cord, and garment bag.

(2) For repairs:

(A) If originally dispensed as a new aid, the notation "Repair of new aid";

(B) If a reconditioned aid is to be repaired, the notation "Repair of recon aid".

(3) For replacement earmolds:

(A) Describe the earmold; and

(B) Attach a copy of the laboratory cost list or laboratory invoice to the claim form.

(4) For batteries and replacement parts: Describe the item.

iii. Check whether the item is new or used (reconditioned);

iv. D: Enter quantity of item;

v. E: Not applicable;

vi. F. Enter itemized charges: See N.J.A.C. 10:64-1.9 for reimbursement policies.

11. Item 15: Authorization signature: For hearing aids only: Forward claim to the Local Medical Assistance Unit to obtain prior authorization before dispensing the aid. The Local Medical Assistance Unit will sign this item if the claim is authorized and will return the claim to the provider.

12. Item 16: Prescribing practitioner: Give the name and Individual Medicaid Practitioners (IMP) number of the referring otologist;

13. Item 17: Long-term care: If the patient is confined to a long-term care facility such as an extended care facility or a nursing home, check the appropriate block and give the name and address of the facility in the space provided;

14. Item 18: Patient certification: Have patient sign here when the services have been received.

15. Item 19: Provider certification: Provider should sign here after providing the services.

(c) Billing for hearing aids shall be as follows:

1. The dispenser shall attach one copy of Form FD-244 (Follow-Up to Hearing Aid Examination) to the contractor's copy of the claim form (Form MC-11-C4) when submitting the claim to the contractor for payment.

2. If the "Notice of Missed Appointment" has been completed on Form FD-244, or a written reason given for lack of follow-up, the dispenser shall answer questions in the bottom portion of this form, giving the following information:

i. The aid and earmold provided conform to the prescription as per Form FD-36; and

ii. The aid and earmold provided fit comfortably and adequately.

3. If the dispenser has not received Form FD-244 from the Medicaid staff or the audiologic facility within 30 days of delivery of the aid to the patient, a copy of the Notice of Requirement for Hearing Aid Follow-Up Visit shall be attached to the claim in lieu of the FD-244. On the bottom portion of this Notice, the dispenser shall add a signed and dated affidavit certifying the following:

i. That notification regarding follow-up testing was not received within 30 days of dispensing the aid;

ii. That the aid and earmold provided conform to the prescription as per Form FD-36; and

iii. That the aid and earmold provided fit comfortably and adequately.

4. When billing the contractor for a reconditioned hearing aid, the dispenser shall also attach to the claim form the following:

i. A copy of the invoice or sales document showing the acquisition cost of the aid, if any; and/or

ii. A copy of the factory or laboratory invoice showing the cost of reconditioning.

(d) Billing for services and materials in the event that an aid is returned, in accordance with N.J.A.C. 10:64-1.9(c), shall be as follows:

1. The dispenser shall prepare a new claim form showing charges for materials, manufacturer's charges, and the service fee. No prior authorization is necessary.

2. The dispenser shall attach a copy of Form FD-244 (Follow-Up to Hearing Aid Examination) to the new claim before mailing it to the contractor.

(e) Billing for repairs shall be as follows:

1. The dispenser shall attach one copy of the factory or laboratory invoice to the contractor's copy of the claim form (Form MC-11-C4) when billing the contractor.

2. The dispenser shall note on the claim form one of the following:

i. "Repair of new aid"; or

ii. "Repair of recon aid".

(f) Mailing instructions:

1. Mail the original copy (contractor's copy) to:

The Prudential Insurance Company

P.O. Box 1900

Millville, New Jersey 08332

2. Retain the second copy (provider's copy) for your records.

3. The third copy (Local Medical Assistance Unit copy) is retained by the Local Medical Assistance Unit for all authorized claims. For claims not requiring prior authorization, the provider may destroy the third copy.

OAL NOTE: Exhibits I through V, concerning and representing the forms and notices mentioned in the text of the rules above, were filed concurrently by the agency but are not reproduced herein. They will be referenced but not reproduced in the New Jersey Administrative Code.

Interested persons may submit in writing, data, views or arguments relevant to the proposed amendment on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer

Division of Medical Assistance

and Health Services

CN 712

Trenton, N.J. 08625

Any comments received may be reviewed by the public at this address. A copy of the proposed changes are available for review at the Local Medical Assistance Units, or by writing to the Administrative Practice Officer.

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

This proposal is known as PRN 1981-231.

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Independent Clinic Manual Partial Care: Mental Health Services

#### Proposed Amendments: N.J.A.C. 10:66-1.5, 1.6 and 3.3

Authorized By: Timothy Carden, Commissioner  
Department of Human Services

Authority: N.J.S.A. 30:4D-6b(3) and N.J.S.A. 30:4D-7 and 7b

The agency proposal follows:

#### Summary

The proposed rule defines Partial Care as a mental health service whose primary function is to maximize the client's independence and community living skills in order to reduce unnecessary hospitalization. This service will be listed in the Independent Clinic Manual as a new code with a fee of \$30 for a full day. Only providers who have been certified by the Department of Human Services, Division of Mental Health and Hospitals, will qualify for this new rate.

#### Social Impact

There should be no social impact on Medicaid recipients who will still be able to receive mental health services. The social impact on providers will vary, depending on whether or not they qualify for the increase.

#### Economic Impact

There are no figures currently available as to the economic impact on the Department. If Federal matching funds were available, there could be an overall cost savings. The economic impact on providers would vary, depending on who would qualify. There would be no economic impact on Medicaid recipients.

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

#### 10:66-1.5 Prior authorization

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

(c) Prior authorization for services rendered by independent clinics is required as follows:

1.-2. (No change.)

3. Mental health services (including Partial Hospitalization and Partial Care) exceeding \$300.00 in payments to an independent clinic in any 12-month period, commencing with the patient's initial visit. The maximum period of authorization is six months for Partial Hospitalization and Partial Care, and one year for other mental health services. Additional authorizations may be requested.

#### 10:66-1.6 Scope of services

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

(g) Mental health services rules are as follows.

1. Approved mental health clinics may provide individual and group therapy, by and/or under the direction of a psychiatrist.

**i. Partial Care: Approved Partial Care programs may provide a full system of services including:**

- (1) Assessment and evaluation;
- (2) Service procurement;
- (3) Therapy and counseling;
- (4) Information and referral;

- (5) Daily living education;
- (6) Community organization;
- (7) Employment;
- (8) Housing/placement;
- (9) Legal;
- (10) Recreation;
- (11) Education (for children's partial care);
- (12) Transportation;
- (13) Health related.

**ii. Partial Hospitalization: Approved Partial Hospitalization programs may provide milieu therapy and other treatment modalities for non-residential patients.**

2.-5. (No change.)

#### 10:66-3.3 Procedure code listing

(a) (No change.)

1.-7. (No change.)

8. Mental health services: Only those clinics which have been specifically approved by the New Jersey Medicaid Program to provide mental health services may be reimbursed for the following codes.

0050-0053 (No change.)

Partial hospitalization: (No change.)

**Partial Care: A mental health service whose primary purpose is to maximize the client's independence and community living skills in order to reduce unnecessary hospitalization. It is directed toward the acute and chronically disabled individual. PC programs shall provide, as listed below, a full system of services necessary to meet the comprehensive needs of the individual client. Services shall be provided or arranged for, to meet the individual needs of participating clients. These services shall include:**

- Assessment and evaluation;
- Service procurement;
- Therapy<sup>1</sup>;
- Information and referral;
- Counseling;
- Daily living education;
- Community organization;
- Employment/employment readiness<sup>1</sup>;
- Housing/placement<sup>1</sup>;
- Legal<sup>1</sup>;
- Recreation<sup>1</sup>;
- Education (for children's Partial Care)<sup>1</sup>;
- Transportation<sup>1</sup>;
- Health-related<sup>1</sup>.

Partial Care programs shall be available daily for five days a week, with additional planned activities each week, during evening and/or weekend hours as needed. Individual clients need not attend every day but as needed. Partial Care programs specifically developed for children may be available four days a week, with one evening and/or weekend activity(ies).

<sup>1</sup>These services may be provided directly or arranged by PC staff, through other Program Elements or agencies, to avoid duplication.

The staff of the Partial Care Program should include a Director who shall be a qualified professional from the specialties of psychiatry, psychology, social work, psychiatric nursing, vocational rehabilitation, or a related field with training and/or experience in direct service provision and administration. A qualified psychiatrist shall be available to the PC program, on a regularly scheduled basis, for consultation. Other staff deemed necessary to implement a Partial Care program which meets the requirements of this section should include qualified mental health professionals, paraprofessionals and volunteers.

In order to qualify as an approved Partial Care Program the program must be certified by the Department

**of Human Services, Division of Mental Health and Hospitals.**

**\$15.00 Code # Half day (3 hours minimum)**  
**\$30.00 Code # Full day (5 hours minimum)**

Note: These rates reflect full payments with a prohibition against multiple billing for more than one service to a Medicaid patient in a given day.  
9.-14. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-240.

**(a)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Independent Clinic Services Manual  
Family Planning Codes**

**Proposed Amendment: N.J.A.C. 10:66-3.3**

Authorized By: Timothy Carden, Commissioner,  
Department of Human Services  
Authority: N.J.S.A. 30:4D-6b(3) and N.J.S.A. 30:4D-7 and 7b

The agency proposal follows:

**Summary**

The Division is revising its explanation on the three procedure codes listed below to insure that clinics providing family planning services actually dispense the birth control drugs, rather than write a prescription to be filled by a pharmacy. The reason for this policy is that the cost of the drug is included in the comprehensive fee for the family planning service.

**Social Impact**

There should be no social impact associated with this proposal, as the same service is being offered to Medicaid recipients.

**Economic Impact**

There should be no economic impact on either the Division or clinic providers. There is no change in the fee for the service, and providers are being reimbursed for dispensing birth control drugs.

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

**10:66-3.3 Procedure code listing**

(a) (No change.)  
1.-3. (No change.)

4. Family planning services: Only those clinics which have been specifically approved by the New Jersey Medicaid Program to provide family planning services may be reimbursed for the following codes:

**0086 Initial Medical Visit—Family Planning to include each of the following:**

Medical, social, obstetrical history.

Complete pelvic examination—including visual inspection of the cervix.

Breast examination.

Papanicolaou smear (excludes cytology study).

Contraceptive counseling with referral as indicated.

[Includes costs of birth control drugs dispensed.]

**This code includes costs of birth control drugs dispensed.**

**A prescription cannot be substituted.**

Note: Procedure code 0086 will be disallowed if procedure codes 9000, 9008, or 0086 has been performed during the prior 12 months by the same provider.

\$25.00

**0087 Medical revisit—family planning: May include pelvic examination, changes in method or physicians' instructions. [Includes costs of birth control drugs dispensed.] This code includes costs of birth control drugs dispensed. A prescription cannot be substituted.**

\$10.00

**0090 Annual medical revisit—family planning to include each of the following:**

Updating medical, social, obstetrical history.

Complete pelvic examination including visual inspection of the cervix.

Breast examination.

Papanicolaou smear (excludes cytology study) with referral when indicated.

[Includes costs of birth control drugs dispensed.] **This code includes costs of birth control drugs dispensed. A prescription cannot be substituted.**

Note: Procedure code 0090 will be disallowed if procedure codes 9000, 9008 or 0086 has been performed during the prior 12 months by the same provider.

\$25.00

5.-14. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1981-241.

(a)

## LAW AND PUBLIC SAFETY

### BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

#### Examinations

#### Proposed Amendment: N.J.A.C. 13:31-1.3

Authorized By: Board of Examiners of Electrical Contractors

Authority: N.J.S.A. 45:5A-6 and 12

The agency proposal follows:

#### Summary

The proposed amendments abolish the oral portion of the electrical contractors licensing examination. The board does not believe an oral examination is necessary or practical in determining qualifications for licensure. The current oral portion of the examination consists of an orientation to acquaint candidates with the applicable regulatory laws, but the board believes that this can be accomplished more efficiently and economically by providing applicants with copies of the applicable laws and requiring them to read them.

#### Social Impact

This amendment will have no significant social impact because applicants for licensure will still be required to familiarize themselves with the applicable laws.

#### Economic Impact

This amendment will have no significant economic impact on the public because licensees will still be expected to know and will have the opportunity to learn the applicable laws. The amendment, however, will save the State and licensing applicants money because board members and applicants will no longer be required to travel to and attend orientation sessions.

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

#### 13:31-1.3 Examinations

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

(c) Examinations shall be conducted in [three] two parts consisting of:

1. Written examination based on the current National Electric Code; and

2. Written examination to determine technical and practical experience. [; and]

[3. Oral practical examination.]

(d) [Prior to taking part three of the examination, an applicant must first attain a passing grade of 70 in parts one and two.] An applicant must attain a grade of 70 in each part of the examination to pass.

(e)-(g) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed action on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John S. LeMaire  
Executive Secretary  
Board of Examiners of Electrical Contractors  
1100 Raymond Boulevard, Room 503  
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-243.

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Professional and Occupational Boards Petition for a Rule

#### Proposed New Rules: N.J.A.C. 13:44A-7.1 and 7.2

Authorized By: James R. Zazzali, Attorney General  
of New Jersey

Authority: N.J.S.A. 45:1-17a and 52:14B-4(f)

The agency proposal follows:

#### Summary

The proposed rules are intended to provide uniform compliance with the statutory requirement set forth in N.J.S.A. 52:14B-4(f) that each agency prescribe a form for the petition and the procedure for the submission, consideration and disposition of the petition. The proposed rules will give notice to all interested persons as to the requirements which must be followed in order to submit petitions for rules to any professional or occupational board located within the Department of Law and Public Safety, Division of Consumer Affairs. The rules give notice that documents not in substantially proper form will not be considered to be petitions for rules.

#### Social Impact

The proposed rules are not expected to have any adverse effect upon any good faith proponent of a rules change, and are expected to assist in the orderly implementation of N.J.S.A. 52:14B-4(f).

#### Economic Impact

The proposed rules impose no discernible material costs upon the public and will generate no revenue to the boards. The rules may impose substantial costs upon the boards which will vary with the volume of initial inquiries and documents actually qualifying as "petitions" submitted to each board. Said costs are expected to include provision of petition forms, postage and additional clerical staff to reply to inquiries and the employment of staff trained to prepare, process and file the forms and reports required by N.J.S.A. 52:14B-4(f).

Full text of the proposed new rules follows.

#### CHAPTER 44A

#### ADMINISTRATIVE PRACTICES AND PROCEDURES; PROFESSIONAL BOARDS

...

#### SUBCHAPTER 7. UNIFORM RULE PROPOSAL

#### 13:44A-7.1 Form of petition

(a) A petition for the promulgation, amendment or repeal of a rule shall be in writing, shall be legible and reasonably comprehensible, and shall be signed by the petitioner. Where possible, the form of such petition shall

be that set forth in Appendix 1 of this subchapter or its substantial equivalent.

(b) A petition shall contain all of the following information:

1. The full name and address of the petitioner;
  2. The substance or nature of the rulemaking which is requested;
  3. The reason for the request;
  4. The petitioner's interest in the request, including without limitation, any relevant organizational affiliation or economic interest;
  5. The statutory authority under which the board may take the requested action;
  6. Existing rules of other State or Federal agencies which petitioner believes may be pertinent to this request.
- (c) Any document submitted to the board which is not in substantial compliance with the within rules shall not be deemed to be a petition for a rule requiring further agency action pursuant to N.J.S.A. 52:14B-4(f).

13:44A-7.2 Procedure for petitions

(a) Petitions for the promulgation, amendment or repeal of a rule by a professional or occupational board shall be addressed to the board at its official office.

(b) Upon receipt by the board's executive secretary of a petition for a rule, the secretary shall provide for the following:

1. The petition shall be date-stamped and logged.
2. A notice of petition shall be prepared in compliance with N.J.A.C. 1:30-3.6(a) for filing with the Office of Administrative Law. Such notice shall include the following:
  - i. The name of the petitioner;
  - ii. The substance or nature of the rulemaking action which is requested;
  - iii. The problem or purpose which is the subject of the request; and
  - iv. If, when, where and how interested persons may submit comments regarding the petition.

(c) Within 30 days following receipt of the petition by the board, the board shall either deny the petition giving a written statement of its reasons, or shall proceed to act upon the petition which action may include the initiation of a formal rulemaking proceeding.

(d) The executive secretary shall prepare a notice of action in compliance with N.J.A.C. 1:30-3.6(b) for filing with the Office of Administrative Law. Such notice shall include the following:

1. The name of the petitioner;
2. The Register citation for the notice of petition, if that notice appeared in a previous Register;
3. Certification by the adopting agency head that the petition was duly considered pursuant to law;
4. The nature or substance of the agency action upon the petition; and
5. A brief statement of reason for the agency action.

APPENDIX 1

PETITION FOR RULEMAKING AUTHORITY

PART I

TO:.....  
 Name of Board  
 .....  
 Address

Petition is hereby made to the above named board by  
 ..... residing at .....  
 Name of Petitioner (Address)  
 Tel. No.: ..... to (Check one of the following):

- adopt a new regulation
- repeal an existing regulation, namely N.J.A.C. 13:.....
- amend an existing regulation, namely N.J.A.C. 13:.....
- other (specify) .....

as evidenced by the proposal attached hereto and made a part hereof. The specific statutory authority for the Board to take this action is set forth in .....  
The reason(s) for this proposal are: .....

.....  
The petitioner's interest in this request is .....

.....

Other state or federal regulation which may be pertinent to the requested activity are .....  
(Name of regulation and citation)

(Signature and Title)

PART II (TO BE COMPLETED BY BOARD)

1. Date Petition Received .....
2. Notice of Petition given to O.A.L. on .....  
(Date)
3. Date considered by Board .....
4. Board determination on Petition .....
5. Reasons for determination .....
6. Notice of final Board action given to O.A.L. on.....

Interested persons may submit in writing, data, views, or arguments relevant to the proposed action on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Zazzali  
 Attorney General of New Jersey  
 State House Annex  
 Trenton, New Jersey 08625

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

This proposal is known as PRN 1981-242.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Administrative Rules

Disclosure of Refund Policy in Retail Establishments

Proposed New Rules: N.J.A.C. 13:45A-15.1—15.4

Authorized By: James R. Zazzali, Attorney General of New Jersey

Authority: N.J.S.A. 56:8-4

The agency proposal follows:

Summary

There is currently no law requiring a refund policy and

no rule requiring the posting of such a policy if it exists. The proposed rule requires retail establishments to post their policy, including all terms and time limitations, at designated locations. The rule does not apply to those businesses which, for a period of not less than 20 days after purchase, provide a cash refund for a cash purchase or a cash refund or credit for a credit purchase. Any retail establishment which violates the proposal shall, in addition to any other remedy available under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., provide either a cash refund or credit for a period of up to 20 days after purchase.

**Social Impact**

The proposal requires the conspicuous setting forth of a refund policy, which policy is often an element in the decision to buy. Thus, the rule will allow consumers to more properly evaluate an item prior to purchase. In addition, the full disclosure of such a policy will engender more equitable competition among retail establishments.

**Economic Impact**

The proposal creates the limited economic impact of having to set forth a refund policy in writing and post said writing at designated locations. For those retail establishments with a liberal refund policy, there is no economic impact as a posting is not required.

Full text of the proposed new rules follows.

**CHAPTER 45A**

**ADMINISTRATIVE RULES OF THE DIVISION OF CONSUMER AFFAIRS**

...

**SUBCHAPTER 15. DISCLOSURE OF REFUND POLICY IN RETAIL ESTABLISHMENT**

**13:45A-15.1 Definitions**

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

"Merchandise" shall include any objects, wares, goods, commodities, or any other tangible item offered, directly or indirectly, to the public for sale.

"Proof of purchase" means a receipt, bill, credit card slip, or any other form of evidence which constitutes proof of purchase.

"Retail establishment" means any place of business where merchandise is exposed or offered for sale at retail to members of the consuming public.

**13:45A-15.2 Unlawful practices**

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., failure to comply with the following shall be deemed unlawful thereunder:

1. Every retail establishment shall conspicuously post its refund policy as to all merchandise exposed or offered for sale at retail to members of the consuming public in the following manner:

- i. On a sign attached to the merchandise itself; or
- ii. On a sign affixed to each cash register or point of sale; or
- iii. On a sign so situated as to be clearly visible to the buyer from the cash register; or
- iv. On a sign posted at each store entrance used by members of the consuming public.

2. The sign required by (a)1 above to be posted in every retail establishment shall conspicuously disclose any and all material conditions of, or qualifications to, its refund

policy, including, without limitation, whether a refund will be given:

- i. On merchandise which has been advertised as "sale" merchandise or "as is";
- ii. On merchandise for which no proof of purchase exists;
- iii. At any time, or only up to a specified time after the date of purchase;
- iv. In cash, as a credit to the account on which the purchase was debited, or as a store credit only.

**13:45A-15.3 Exemption**

(a) The provisions of N.J.A.C. 13:45A-15.2 shall not apply to any retail establishment that has a policy of, for a period not less than 20 days after the date of purchase, providing a cash refund for a cash purchase, or providing a cash refund or issuing a credit for a credit purchase, which credit is applied to the account on which the purchase was debited, in connection with the return of any of its unused and undamaged merchandise.

**13:45A-15.4 Remedy**

In addition to any other remedy provided by the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any retail establishment which violates any provision of N.J.A.C. 13:45A-15.2 shall, for a period of up to 20 days after the date of purchase, provide any buyer who returns unused and undamaged merchandise with the option of either a cash refund, a credit to the account on which the purchase was debited, or a store credit.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed action on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Adam K. Levin, Director  
Division of Consumer Affairs  
1100 Raymond Boulevard, Room 504  
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-246.

(a)

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS**

**Administrative Rules  
Representations Concerning Kosher Food**

**Proposed New Rules: N.J.A.C. 13:45A-18.1—18.3**

Authorized By: James R. Zazzali, Attorney General  
of New Jersey

Authority: N.J.S.A. 56:8-4

The agency proposal follows:

**Summary**

The proposed rule makes it unlawful for any establishment engaged in the sale of food or food products to sell, offer for sale or possess with intent to sell, any food which is falsely represented as Kosher or Kosher for Passover. The rule also makes it unlawful to sell both Kosher and Non-Kosher foods unless the notice "Kosher and Non-Kosher Food Sold Here" is displayed. In addition, if both Kosher and Non-Kosher foods are displayed in any show

(Continued on Page 679)

# INDEX OF RULES SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

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

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

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

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

Administrative Publications  
CN 301  
Trenton, New Jersey 08625

In order to be sure that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with July 5, 1979.

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

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

**ADMINISTRATIVE LAW — TITLE 1**

1:1-1.1	Applicability of OAL rules	R.1981 d.118	13 N.J.R. 254(a)
1:1-1.5	Nature of a contested case	R.1981 d.116	13 N.J.R. 254(b)
1:1-9.7, 11.2, 11.3,	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:1-12.3	Standards for intervention in administrative hearings	R.1981 d.119	13 N.J.R. 255(a)
1:1-12.4	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:1-14.1	Motions to consolidate	R.1981 d.120	13 N.J.R. 255(b)
1:1-14.1, 14.2	Motions to consolidate	R.1981 d.117	13 N.J.R. 255(c)
1:1-14.3, 15.2	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:30	Rules of agency rulemaking	R.1981 d.83	13 N.J.R. 171(a)

(Title 1, Transmittal 1 dated July 17, 1980)

**AGRICULTURE — TITLE 2**

2:2-2.2	Official calfhood brucella vaccination	R.1981 d.173	13 N.J.R. 318(a)
2:2-2.3	Vaccination of female bovines	R.1981 d.288	13 N.J.R. 471(a)
2:2-2.4	Amend conformity of brucellosis tests with Federal standards	R.1980 d.422	12 N.J.R. 627(b)
2:2-2.16	Slaughtering of market cattle and goats	R.1981 d.40	13 N.J.R. 115(b)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	R.1981 d.39	13 N.J.R. 115(a)
2:3-4.1	Amend movement of livestock	R.1981 d.41	13 N.J.R. 115(c)
2:5-1	Repeal hog cholera quarantines	R.1981 d.42	13 N.J.R. 115(d)
2:48-5	Restrictions on coupons in milk promotion	R.1980 d.519	13 N.J.R. 6(a)
2:48-5.1	Use of coupons in milk promotion	R.1981 d.166	13 N.J.R. 318(b)
2:53-1, 3.1	Repeal minimum prices on fluid whole milk and amend sales below cost	R.1980 d.472	12 N.J.R. 686(b)
2:53-4.1	Amend notice of intent to change source of supply	R.1980 d.473	12 N.J.R. 686(c)
2:69-1.11	Commercial values of primary plant nutrients	R.1981 d.172	13 N.J.R. 318(c)

(Title 2, Transmittal 17 dated July 17, 1980)

**BANKING — TITLE 3**

3:1-2	Procedural rules	R.1981 d.258	13 N.J.R. 382(b)
3:1-12	Multiple-party deposit accounts	R.1980 d.480	12 N.J.R. 686(d)
3:2-2.1-2.3	Plain language in consumer contracts	R.1981 d.259	13 N.J.R. 383(a)
3:6-1	Repeal reporting of ten year dormant accounts	R.1980 d.435	12 N.J.R. 627(e)
3:6-1.1	Savings bank parity rule	R.1981 d.352	13 N.J.R. 551(b)
3:6-10	Sale of unsecured days funds by savings banks	R.1980 d.559	13 N.J.R. 62(c)
3:6-11	Asset valuation of common trust fund	R.1980 d.560	13 N.J.R. 62(d)
3:6-12.1	Commercial bank parity	R.1981 d.351	13 N.J.R. 552(a)
3:8-3.1	Amend required reserve	R.1980 d.481	12 N.J.R. 688(a)
3:8-5	Repeal savings banks reserves	R.1980 d.482	12 N.J.R. 688(b)

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

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

3:11-10.1, 10.2	Savings banks participation in credit card operations	R.1981 d.91	13 N.J.R. 185(b)
3:17-4.4,-7	Small loan licensees	R.1981 d.257	13 N.J.R. 384(a)
3:19-1.6	Amend required use of home repair contractor's license number	R.1980 d.556	13 N.J.R. 62(b)
3:19-2	Energy rules on home repair financing	R.1981 d.29	13 N.J.R. 116(a)
3:21-1.8	Emergency amend loan interest rates	R.1981 d.12	13 N.J.R. 62(e)
3:30-2.1	Reserve requirements	R.1981 d.90	13 N.J.R. 185(a)
3:33-1.1	Mortgage bankers and brokers license fees	R.1981 d.260	13 N.J.R. 384(b)
3:41	Cemetery rules	R.1980 d.449	12 N.J.R. 628(a)

(Title 5, Transmittal 15 dated September 18, 1980)

**CIVIL SERVICE — TITLE 4**

4:1-2.1	Employee Advisory Service	R.1981 d.233	13 N.J.R. 387(a)
4:1-8.6	Promotional examinations	R.1981 d.92	13 N.J.R. 186(c)
4:1-12.15	Extension of certification list	R.1981 d.127	13 N.J.R. 257(a)
4:1-16.7	Suspension, fines and demotions for disciplinary purposes	R.1981 d.107	13 N.J.R. 257(b)
4:1-20.2, 20.3, 20.8	Employee Advisory Service	R.1981 d.233	13 N.J.R. 387(a)

(Title 4, Transmittal 15 dated November 10, 1980)

**COMMUNITY AFFAIRS — TITLE 5**

5:10	Amend maintenance of hotels and multiple dwellings	R.1981 d.95	13 N.J.R. 189(d)
5:10-1.3, 2.2	Hotels and multiple dwellings	R.1981 d.363	13 N.J.R. 704(a)
5:10-19.11	Amend maintenance of hotels and multiple dwellings	R.1980 d.500	13 N.J.R. 7(c)
5:10-19.11	Emerg. amend fire protection	R.1980 d.536	13 N.J.R. 7(f)
5:10-25.3	Hotels and multiple dwellings	R.1981 d.363	13 N.J.R. 704(a)
5:11-7.1-7.5	Amend eviction and relocation	R.1981 d.69	13 N.J.R. 189(b)
5:11-9.2	Relocation assistance hearings	R.1981 d.183	13 N.J.R. 332(a)
5:12	Repeal State aid for urban renewal projects	R.1981 d.180	13 N.J.R. 333(a)
5:23	Amend Uniform Construction Code	R.1980 d.508	13 N.J.R. 7(d)
5:23-1.4, -2	Uniform Construction Code	R.1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-2.6	Uniform Construction Code inspections	R.1981 d.182	13 N.J.R. 333(b)
5:23-2.7	Amend UCC: Certificate of occupancy	R.1981 d.45	13 N.J.R. 123(a)
5:23-3	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Emerg. amend Uniform Construction Code	R.1980 d.537	13 N.J.R. 8(a)
5:23-4.8	Uniform Construction Code	R.1981 d.133	13 N.J.R. 258(c)
5:23-5.2, 5.11	Uniform Construction Code	R.1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	R.1981 d.131	13 N.J.R. 258(e)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	R.1981 d.354	13 N.J.R. 562(a)
5:25	Readopt New Home Warranty and Builders' Registration	R.1980 d.522	13 N.J.R. 7(e)
5:25-5.5	New home warranties and builders' registration	R.1981 d.181	13 N.J.R. 333(d)
5:26	Readopt planned real estate development full disclosure	R.1981 d.70	13 N.J.R. 189(c)
5:26	Planned Real Estate Development Full Disclosure Act	R.1981 d.130	13 N.J.R. 259(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	R.1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	R.1981 d.359	13 N.J.R. 704(c)
5:27-5.2, 5.8	Emerg. amend rooming and boarding houses	R.1980 d.546	13 N.J.R. 71(a)
5:28	State Housing Code (1980)	R.1981 d.68	13 N.J.R. 189(a)
5:29	Petitions for rules	R.1981 d.242	13 N.J.R. 395(a)
5:30-3.4	Filing of municipal budget amendments	R.1981 d.216	13 N.J.R. 395(b)
5:30-4.4	Amend capital budgets and improvement programs	R.1981 d.3	13 N.J.R. 73(b)
5:30-9.1	Financial administration	R.1981 d.2	13 N.J.R. 73(a)
5:30-9.2	Form of tax collection record	R.1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	R.1981 d.121	13 N.J.R. 260(b)
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees	R.1980 d.456	12 N.J.R. 633(b)
5:37	Emergency amend deferred compensation	R.1980 d.557	13 N.J.R. 71(b)
5:71	County offices on aging	R.1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	R.1981 d.255	13 N.J.R. 397(a)

(Title 5, Transmittal 15 dated September 18, 1980)

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

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

**EDUCATION — TITLE 6**

6:11-3.3	Amend teacher certification fees	R.1981 d.82	13 N.J.R. 191(a)
6:11-3.18	Amend teacher education and academic credentials	R.1981 d.22	13 N.J.R. 123(b)
6:20-2.3	Budget and cost distribution records	R.1981 d.353	13 N.J.R. 563(b)
6:24-1.3	Format of petition for controversies and disputes	R.1981 d.265	13 N.J.R. 397(b)
6:66	Archives and history records management	R.1981 d.202	13 N.J.R. 397(c)

(Title 6, Transmittal 17 dated November 10, 1980)

**ENVIRONMENTAL PROTECTION — TITLE 7**

7:1-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1-4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1A	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1C-1.5	Fees for 90-day construction permits	R.1981 d.187	13 N.J.R. 334(b)
7:1C-1.13	90-day construction permits	R.1981 d.48	13 N.J.R. 128(b)
7:1D	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1G	Pinelands Comprehensive Management Plan	R.1980 d.370	12 N.J.R. 575(c)
7:1G	Emergency rules concerning drought crisis	R.1981 d.93	13 N.J.R. 195(c)
7:1G	Water rationing plan	R.1981 d.203	13 N.J.R. 397(d)
7:1G-3.1	Drought crisis	R.1981 d.147	13 N.J.R. 334(c)
7:1G-3.3	Emergency amendments on drought emergency	R.1981 d.105	13 N.J.R. 204(a)
7:1G-3.7, 3.8	Rules of Drought Coordinator	R.1981 d.222	13 N.J.R. 399(a)
7:1G-3.8	Water rationing plan	R.1981 d.266	13 N.J.R. 400(a)
7:1G-4.1	Emergency adoption: Use of fresh water for horticulture	R.1981 d.159	13 N.J.R. 335(a)
7:1G-5.4-5.7	Drought crisis	R.1981 d.147	13 N.J.R. 334(c)
7:1G-5.8	Landlord/tenant: Excess use charges	R.1981 d.217	13 N.J.R. 400(b)
7:1H	County environmental health services	R.1980 d.362	12 N.J.R. 514(a)
7:2-11.22	Amend Swimming River Natural Area map	R.1981 d.4	13 N.J.R. 91(a)
7:7	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:7-2	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:7-2	Waterfront development permits	R.1981 d.355	13 N.J.R. 564(b)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	R.1981 d.267	13 N.J.R. 401(b)
7:7E	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:7E	Coastal resource and development policies	R.1981 d.186	13 N.J.R. 338(a)
7:8	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-4, -5, -6	Water quality standards	R.1981 d.80	13 N.J.R. 194(b)
7:9-13.3, 13.5, 13.6	Sewer extension ban	R.1981 d.224	13 N.J.R. 402(a)
7:9-15	Grants for restoring publicly owned freshwater lakes	R.1980 d.374	12 N.J.R. 575(e)
7:10-9	Repealed: See 7:18	R.1981 d.279	13 N.J.R. 481(c)
7:12-1.1, 1.3, -2	Condemnation of certain shellfish beds	R.1981 d.190	13 N.J.R. 339(b)
7:13-1.11	Amend flood plain delineation along Mullica River	R.1981 d.8	13 N.J.R. 91(c)
7:13-1.11	Amend flood plain delineation along Cedar Creek	R.1981 d.9	13 N.J.R. 91(d)
7:13-1.11	Amend flood plain delineation of Great Egg Harbor River	R.1981 d.88	13 N.J.R. 194(d)
7:13-1.11	Amend flood plain delineation of Mullica River and tributaries	R.1981 d.89	13 N.J.R. 194(e)
7:13-1.11	Flood hazard area delineations	R.1981 d.144	13 N.J.R. 339(c)
7:13-1.11	Flood hazard area delineations	R.1981 d.145	13 N.J.R. 340(a)
7:14	Amend pollutant discharge and waste management	R.1981 d.84	13 N.J.R. 194(c)
7:14-1.4	New definition of "treatment works"	R.1980 d.424	12 N.J.R. 642(b)
7:14A	Conditions for users of DTW	R.1981 d.84	13 N.J.R. 194(c)
7:14A-4	Industrial waste management facilities	R.1981 d.373	13 N.J.R. 705(a)
7:14A-13.4	Pollutant discharge and waste management	R.1981 d.214	13 N.J.R. 403(a)
7:15	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:17	Hard clam depuration pilot plant program	R.1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	R.1981 d.279	13 N.J.R. 481(c)
7:21	Water policy and supply council	R.1981 d.366	13 N.J.R. 705(b)
7:23-2	Flood control bond grants	R.1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	R.1981 d.104	13 N.J.R. 195(b)
7:25-1.7	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-4.8	Amend potentially dangerous species	R.1980 d.448	12 N.J.R. 643(b)
7:25-6	Game Code	R.1981 d.253	13 N.J.R. 403(c)
7:25-6	1981 Fish Code	R.1980 d.400	12 N.J.R. 577(a)

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

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

7:25-7.2	Oyster seed beds recodification	R.1981 d.189	13 N.J.R. 340(b)
7:25-7.3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-7.4	Repeal rules prohibiting oyster dredging	R.1980 d.369	12 N.J.R. 576(b)
7:25-7.10	Taking of oysters	R.1981 d.199	13 N.J.R. 403(d)
7:25-7.13	Crab dredging	R.1980 d.396	12 N.J.R. 576(e)
7:25-7.13	Crab dredging	R.1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-9.2	Hard clam harvest penalties	R.1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-9.4	Bay scallops	R.1981 d.256	13 N.J.R. 404(c)
7:25-10	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-12.1	Amend preservation of clam resource	R.1980 d.521	13 N.J.R. 11(b)
7:25-14	Atlantic Coast crabbing	R.1981 d.299	13 N.J.R. 546(a)
7:25-14.9	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-18	Marine fisheries	R.1980 d.394	12 N.J.R. 576(c)
7:25-19.1	Atlantic Coast harvest season	R.1980 d.373	12 N.J.R. 575(d)
7:25-20.1	List of nongame wildlife species of New Jersey	R.1980 d.390	12 N.J.R. 576(b)
7:25-21	Terrapin	R.1981 d.198	13 N.J.R. 405(a)
7:25A-1.1	Emergency rule on oyster dredging license moratorium	R.1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	R.1981 d.188	13 N.J.R. 340(c)
7:25A-2.1-2.7	Oyster management in Delaware Bay	R.1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	R.1981 d.189	13 N.J.R. 340(b)
7:26-1	Solid waste administration	R.1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	R.1981 d.370	13 N.J.R. 706(b)
7:26-1.1	Amend pollutant discharge and waste management	R.1981 d.84	13 N.J.R. 194(c)
7:26-3.2, 4.7	Amend solid waste collection and haulage	R.1981 d.49	13 N.J.R. 129(a)
7:26-5.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:26-7, -8	Solid waste administration	R.1981 d.281	13 N.J.R. 484(b)
7:26-9	Hazardous waste management	R.1981 d.370	13 N.J.R. 706(b)
7:26-11	Resource recovery grants	R.1981 d.184	13 N.J.R. 340(d)
7:26-11,-12	Hazardous waste management	R.1981 d.370	13 N.J.R. 706(b)
7:27-2	Control and prohibition of open burning	R.1981 d.195	13 N.J.R. 264(a)
7:27-10	Sulfur in coal	R.1981 d.185	13 N.J.R. 341(a)
7:27A-1.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:36-2.2, 3.2, 5.5, 6.4	Amend Green Acres Program	R.1981 d.7	13 N.J.R. 91(b)
7:38	Wild and scenic rivers	R.1980 d.401	12 N.J.R. 577(b)
7:50	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:50	Pinelands Comprehensive Management Plan	R.1981 d.13	13 N.J.R. 91(e)

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

**HEALTH — TITLE 8**

8:21-10	Amend designated fluid milk products	R.1980 d.539	13 N.J.R. 13(f)
8:22-1	State Sanitary Code—Campgrounds	R.1981 d.161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	R.1980 d.499	13 N.J.R. 13(c)
8:30	Amend expiration date	R.1981 d.283	13 N.J.R. 485(b)
8:31-26.4	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:31-28.1, 28.3	Amend certification of need and designation of regional services	R.1980 d.528	13 N.J.R. 13(d)
8:31-30.1	Amend Plan Review Fee multiplier	R.1981 d.284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	R.1981 d.325	13 N.J.R. 571(c)
8:31B-3	Amend hospital procedural and methodological regulations	R.1980 d.455	12 N.J.R. 645(c)
8:31B-3.20D	Rate of return: For-profit hospitals	R.1981 d.290	13 N.J.R. 486(c)
8:31B-4	Amend hospital financial elements and reporting regulations	R.1980 d.453	12 N.J.R. 645(a)
8:31B-4.62	Amend excluded health care services	R.1981 d.10	13 N.J.R. 92(a)
8:33	Certificate of Need application changes	R.1981 d.296	13 N.J.R. 487(b)
8:37	Amend expiration date	R.1981 d.283	13 N.J.R. 485(b)
8:39-1	Foreword: Amend operational dates	R.1981 d.283	13 N.J.R. 485(b)
8:39-1.1	Amend long term care standards	R.1981 d.285	13 N.J.R. 495(a)
8:39-1.35	Amend operational dates	R.1981 d.283	13 N.J.R. 485(b)
8:42-1.8	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:42A	Alcoholism treatment facilities	R.1981 d.236	13 N.J.R. 411(a)
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22, 4.13, 4.14	Residential health care standards	R.1981 d.297	13 N.J.R. 495(b)

<b>N.J.A.C. CITATION</b>		<b>DOCUMENT CITATION</b>	<b>ADOPTION NOTICE (N.J.R. CITATION)</b>
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43A-3.1	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:43B-1.13	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:57-1.1--1.18	Amend reportable disease rules	R.1980 d.498	13 N.J.R. 13(b)
8:65-8.7	Controlled dangerous substances	R.1981 d.238	13 N.J.R. 411(b)
8:65-10.1, 10.2	Emergency amend controlled dangerous substances	R.1981 d.50	13 N.J.R. 132(b)
8:65-10.4, 10.8	Emergency amend controlled dangerous substances	R.1981 d.50	13 N.J.R. 132(b)
8:71	Amend interchangeable drug products	R.1980 d.454	12 N.J.R. 645(b)
8:71	Amend interchangeable drug products	R.1981 d.25	13 N.J.R. 131(b)
8:71	Amend interchangeable drug products	R.1981 d.26	13 N.J.R. 131(c)
8:71	Emergency amend interchangeable drug products	R.1981 d.27	13 N.J.R. 132(a)
8:71	Amend list of interchangeable drug products	R.1981 d.81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	R.1981 d.364	13 N.J.R. 706(c)

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

**HIGHER EDUCATION — TITLE 9**

9:1-1.1	Amend definition of "college"	R.1980 d.524	13 N.J.R. 14(a)
9:2-1.1, 1.2	Amend admission and baccalaureate degree standards for State Colleges	R.1981 d.19	13 N.J.R. 133(a)
9:2-2.8	Amend "visiting specialist" title at State colleges	R.1980 d.525	13 N.J.R. 14(b)
9:2-3	State College reduction in force policies	R.1981 d.38	13 N.J.R. 133(b)
9:2-3.1-3.10	Amend admission and degree standards for State Colleges	R.1981 d.19	13 N.J.R. 133(a)
9:4-3.57	County college work load data	R.1981 d.215	13 N.J.R. 412(a)
9:4-3.61	State aid to county colleges	R.1981 d.271	13 N.J.R. 496(a)
9:5-1.1, 1.2, 1.3, 1.4	Resident/non-resident tuition charges at public colleges and universities	R.1980 d.428	12 N.J.R. 661(a)
9:7-2	Student assistance	R.1981 d.232	13 N.J.R. 412(b)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R.1980 d.461	12 N.J.R. 661(b)
9:7-4.4, -6	Graduate fellowships	R.1980 d.462	12 N.J.R. 694(d)
9:7-4.6	Amend academic eligibility for undergraduate grants	R.1981 d.99	13 N.J.R. 220(b)
9:9-1.3	Guaranteed student loan program	R.1981 d.275	13 N.J.R. 496(b)
9:11-1.8, 1.9	EOF guidelines and program support regulations	R.1981 d.100	13 N.J.R. 220(c)
9:11-1.13, 1.22	Amend student refunds and repayment	R.1980 d.523	13 N.J.R. 13(g)
9:12-1	EOF guidelines and program support regulations	R.1981 d.100	13 N.J.R. 220(c)
9:16-1.3--1.5	Physician-dentist loan redemption program	R.1981 d.60	13 N.J.R. 220(a)

(Title 9, Transmittal 15 dated September 18, 1980)

**HUMAN SERVICES — TITLE 10**

10:38	Interim Assistance Procedures Manual	R.1981 d.225	13 N.J.R. 412(c)
10:49-1.2	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	R.1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.13, 1.14	Providers using service bureaus of management agencies	R.1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Amend suspension of provider from Medicaid program	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	R.1981 d.315	13 N.J.R. 574(c)
10:49-1.26	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	R.1981 d.114	13 N.J.R. 273(a)
10:49-5.3, 5.4	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.8	Compromising claims	R.1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:51-App. B, D	Pharmaceutical Services Manual	R.1981 d.124	13 N.J.R. 274(a)
10:51-2	Pharmacy Manual billing procedures	R.1981 d.247	13 N.J.R. 415(a)
10:51-3	Pharmaceutical services in LTC facilities	R.1981 d.344	13 N.J.R. 577(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	R.1981 d.101	13 N.J.R. 228(c)
10:51-5.28--5.33	Pharmaceutical Assistance to the Aged	R.1981 d.248	13 N.J.R. 415(c)
10:52	Hospital and special hospital manuals	R.1981 d.327	13 N.J.R. 578(a)
10:52-1.1	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.3	Non-covered hospital services	R.1981 d.126	13 N.J.R. 291(a)

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

10:52-1.4	Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.17	Reimbursement for out-of-State inpatient hospital services	R.1981 d.162	13 N.J.R. 358(b)
10:52-1.18	Out-of-state hospital services	R.1981 d.293	13 N.J.R. 497(a)
10:52-2.13	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:53	Hospital and special hospital manuals	R.1981 d.327	13 N.J.R. 578(a)
10:53-1.1, 1.4	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:53-2.18	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.3	Record keeping by providers	R.1981 d.329	13 N.J.R. 574(b)
10:54-1.5	Amend Physicians and Psychologists Manual	R.1981 d.374	13 N.J.R. 706(d)
10:54-1.6	Physicians Manual: Reimbursement for anesthesia time	R.1981 d.220	13 N.J.R. 417(b)
10:54-1.22	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:54-3	Amend Procedure Code Manual	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for mercury-zinc battery-powered pacemakers	R.1981 d.251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	R.1981 d.305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	R.1981 d.314	13 N.J.R. 578(c)
10:55	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:56	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:56-1.3, 1.12	Dental Services Manual	R.1981 d.219	13 N.J.R. 430(b)
10:56-3.15	Orthodontics	R.1981 d.113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:59	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	R.1981 d.376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	R.1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	R.1981 d.510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	R.1981 d.510	13 N.J.R. 17(d)
10:60	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:60-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	R.1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	R.1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	R.1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.4, 1.8	Long Term Care Manual	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Amend clinical records in long-term care facilities	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	R.1981 d.345	13 N.J.R. 579(d)
10:63-1.19	Amend LTCSM: Termination of Medicaid eligibility	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	R.1981 d.23	13 N.J.R. 146(a)
10:63-3.1	Amend reimbursement to Long Term Care Facilities	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.8	LTC's nursing care costs	R.1981 d.326	13 N.J.R. 579(e)
10:63-3.21	Rescission: Long-term care per diem reduction	R.1981 d.375	13 N.J.R. 707(b)
10:65	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:65-2.1	Medical day care rates	R.1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	R.1981 d.331	13 N.J.R. 575(a)
10:66-2.10	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	R.1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	R.1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	R.1981 d.212	13 N.J.R. 431(b)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
10:67-1.2	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Amend Physicians and Psychologists Manual	R.1981 d.374	13 N.J.R. 706(d)
10:67-2.5, 2.8	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	R.1981 d.305	13 N.J.R. 578(b)
10:68-2.5, 2.7	HCFA-1500 claim form	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	R.1981 d.250	13 N.J.R. 418(a)
10:69A-5.6	PAA eligibility determinations	R.1981 d.332	13 N.J.R. 580(c)
10:81-2.7	Amend PAM: Deprivation of parental support in AFDC-C	R.1981 d.28	13 N.J.R. 146(b)
10:81-7.1	AFDC: New or changed income	R.1981 d.262	13 N.J.R. 432(b)
10:82-2.14	Amend ASH: Established monthly earnings	R.1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	R.1981 d.262	13 N.J.R. 432(b)
10:82-3.2	Amend ASH: HUD community development block grants	R.1981 d.96	13 N.J.R. 227(b)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	R.1981 d.282	13 N.J.R. 499(a)
10:82-4.15	Irregular and nonrecurring income in AFDC	R.1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	R.1981 d.243	13 N.J.R. 432(c)
10:82-5.10	Amend ASH: Emergency assistance	R.1980 d.552	13 N.J.R. 101(a)
10:85-2.2	Amend GAM: Temporary and acting directors of municipal welfare	R.1980 d.505	13 N.J.R. 17(c)
10:85-2.2	Amend GAM: Local assistance board	R.1981 d.98	13 N.J.R. 228(b)
10:85-3.1, 3.2	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(b)
10:85-3.2	Amend General Assistance application process	R.1980 d.514	13 N.J.R. 18(a)
10:85-3.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-3.3	Amend GAM: Financial eligibility	R.1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-4.6	Amend GAM: Emergency grants	R.1980 d.538	13 N.J.R. 18(d)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R.1980 d.515	13 N.J.R. 18(b)
10:85-5.3	Amend submission of Form GA-18	R.1980 d.531	13 N.J.R. 18(c)
10:85-5.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-5.3	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-6.5	Amend GAM: Repayment by SSI recipients	R.1980 d.551	13 N.J.R. 100(d)
10:85-6.6	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-7.2	Amend GAM: Receipt of assistance	R.1981 d.53	13 N.J.R. 147(d)
10:85-8.2	GAM: Food Stamps and medical payments	R.1981 d.263	13 N.J.R. 433(a)
10:85-8.3	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(b)
10:87	Emergency amend Food Stamp Manual	R.1981 d.64	13 N.J.R. 226(b)
10:87	Amend student participation in Food Stamps	R.1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	R.1981 d.316	13 N.J.R. 581(a)
10:87-12.1, 12.2	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:87-12.3, 12.4	Emergency adoption: Food Stamp income levels	R.1981 d.278	13 N.J.R. 500(a)
10:87-12.4	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:89-3.6	Emergency rule on Home Energy Assistance	R.1980 d.548	13 N.J.R. 100(b)
10:94-4, -5	Medicaid Only: Income and resource eligibility	R.1981 d.177	13 N.J.R. 364(b)
10:94-5.4, 5.5, 5.6	Emergency amend Medicaid Only computation amounts	R.1981 d.276	13 N.J.R. 501(a)
10:94-8	Medicaid Only	R.1981 d.177	13 N.J.R. 364(b)
10:100-1.23	Emergency amend SSI payment levels	R.1981 d.277	13 N.J.R. 502(a)
10:121-5.1	Medical information form	R.1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	R.1981 d.298	13 N.J.R. 516(a)

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

### CORRECTIONS — TITLE 10A

10A:31-4	County jails emergency rule	R.1981 d.270	13 N.J.R. 467(a)
10A:31-4	Readopt remission of time from sentence	R.1981 d.358	13 N.J.R. 596(a)
10A:71	Parole Board rules	R.1981 d.322	13 N.J.R. 597(a)
10A:71-3.3	Amend Parole Board rules	R.1980 d.554	13 N.J.R. 101(c)
10A:71-3.19	Parole Board rules	R.1981 d.179	13 N.J.R. 364(c)
10A:71-6.9	Discharge from parole supervision	R.1981 d.324	13 N.J.R. 598(a)
10A:71-7.7	Notice for preliminary hearings	R.1981 d.106	13 N.J.R. 302(a)

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

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

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

**INSURANCE — TITLE 11**

11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-17.6, 17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:5-1.2, 1.3	Real Estate Commission rules	R.1981 d.261	13 N.J.R. 440(c)
11:5-1.16	Amend listing agreements and contracts of sale	R.1980 d.408	12 N.J.R. 665(c)
11:5-1.16	Emergency amend contracts of sale and listing agreements	R.1980 d.409	12 N.J.R. 665(d)
11:5-1.28	Amend approved schools requirements	R.1980 d.441	12 N.J.R. 665(e)
11:5-1.32	Amend rental location operations	R.1980 d.447	12 N.J.R. 666(a)
11:5-1.33-1.35	Real Estate Commission rules	R.1981 d.261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	R.1981 d.252	13 N.J.R. 441(a)

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

**LABOR AND INDUSTRY — TITLE 12**

12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(c)
12:17-10	Refund of unemployment benefits	R.1980 d.468	12 N.J.R. 724(e)
12:17-11	Emergency rules on offset of unemployment benefits by pension income	R.1980 d.561	13 N.J.R. 102(a)
12:51	Vocational rehabilitation facilities	R.1981 d.289	13 N.J.R. 517(a)
12:56	Amend Wage and Hour Law	R.1980 d.430	12 N.J.R. 666(c)
12:56-7.1	Emergency amend definition of "executive"	R.1980 d.506	13 N.J.R. 37(a)
12:57	Wage orders for minors	R.1981 d.226	13 N.J.R. 441(c)
12:57	Amend wage orders for minors	R.1980 d.431	12 N.J.R. 666(d)
12:58	Amend child labor rules	R.1980 d.432	12 N.J.R. 666(e)
12:60	Emergency amend prevailing wage rate determination	R.1980 d.410	12 N.J.R. 666(b)
12:105	Arbitration	R.1980 d.397	12 N.J.R. 605(a)
12:235-1.5	Amend benefit rates	R.1980 d.357	12 N.J.R. 543(d)

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

**LAW AND PUBLIC SAFETY — TITLE 13**

13:2-23.31	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-24.4	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:2-24.9	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-38.1, 39.3	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:2-41	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:19-5.1	Amend rules on convulsive seizures	R.1981 d.18	13 N.J.R. 150(b)
13:19-10.3	Amend driver improvement school fees	R.1980 d.494	12 N.J.R. 727(a)
13:20-25.2	Amend approval of safety glazing material	R.1981 d.15	13 N.J.R. 149(d)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:20-33.53	Amend motorcycle handlebars and grips	R.1981 d.16	13 N.J.R. 149(e)
13:20-33.72	Repeal handhold devices	R.1981 d.17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	R.1981 d.31	13 N.J.R. 150(e)
13:21-2.3	Amend motor licensing statutory interpretation	R.1980 d.495	12 N.J.R. 727(b)
13:21-3	Repeal rules on dealer's temporary certificates	R.1981 d.14	13 N.J.R. 149(c)
13:21-7.2	Amend student permits	R.1981 d.66	13 N.J.R. 237(d)
13:21-8.2	Amend driver proof of identity and date of birth	R.1980 d.493	12 N.J.R. 728(e)
13:21-8.17	Amend waiver of driving test	R.1981 d.65	13 N.J.R. 237(c)
13:21-20	Motor home title certificates	R.1980 d.474	12 N.J.R. 726(b)
13:22	Amend motor vehicle race tracks	R.1980 d.464	12 N.J.R. 726(a)
13:24-4.1	Amend emergency vehicle equipment	R.1980 d.485	12 N.J.R. 726(c)
13:26-1.2, 3.11	Amend transportation of bulk commodities	R.1981 d.61	13 N.J.R. 237(b)
13:27-6	Division of responsibility in site planning	R.1981 d.320	13 N.J.R. 607(a)
13:28-1.3	Toilet facilities in beauty shops	R.1981 d.109	13 N.J.R. 308(a)
13:29-2.2	Amend examination for registered municipal accountant	R.1981 d.67	13 N.J.R. 238(a)
13:29-3.13	Repeal competitive bidding for services	R.1980 d.429	12 N.J.R. 672(c)
13:30-2.5, 2.10— 2.17	Dental hygienists and assistants	R.1981 d.264	13 N.J.R. 442(a)
13:30-2.18	Application fees for dental hygienists	R.1981 d.378	13 N.J.R. 707(c)
13:30-8.1	Amend fee schedules	R.1980 d.527	13 N.J.R. 41(d)
13:30-8.3	Amend general anesthesia rules	R.1980 d.423	12 N.J.R. 672(b)
13:30-8.4	Announcements of practice in special area of dentistry	R.1980 d.368	12 N.J.R. 609(a)
13:30-8.6	Amend professional advertising	R.1980 d.540	13 N.J.R. 103(a)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
13:30-8.8	Amend emergency dental patient records	R.1980 d.457	12 N.J.R. 672(f)
13:30-8.9	Reporting of deaths and other medical incidents	R.1980 d.503	13 N.J.R. 40(a)
13:30-8.10	Display of names in dental offices	R.1980 d.509	13 N.J.R. 41(a)
13:30-8.11	Intravenous sedation rule	R.1980 d.541	13 N.J.R. 103(b)
13:30-8.12	Dental insurance forms and professional misconduct	R.1981 d.175	13 N.J.R. 366(a)
13:31-2.1	Repeal: Uniform penalty letter (electrical)	R.1981 d.372	13 N.J.R. 707(d)
13:33-1.41	Fee schedules	R.1981 d.148	13 N.J.R. 366(b)
13:35-1.4	Amend approval of colleges of chiropractic	R.1980 d.492	12 N.J.R. 726(d)
13:35-1.5	Military service in lieu of internship (podiatry)	R.1981 d.346	13 N.J.R. 608(a)
13:35-2.7	Military service in lieu of internship	R.1981 d.348	13 N.J.R. 608(b)
13:35-6.2	Guidelines for externship programs	R.1981 d.149	13 N.J.R. 367(b)
13:35-6.6	Amend prescriptions for controlled dangerous substances	R.1981 d.5	13 N.J.R. 104(c)
13:35-6.16	Uses of amphetamines and sympathomimetic amines	R.1980 d.380	12 N.J.R. 609(c)
13:35-6.16(a)	Uses of amphetamines and sympathomimetic amines	R.1980 d.379	12 N.J.R. 609(b)
13:35-6.18	Provision of radiological services	R.1980 d.344	12 N.J.R. 551(b)
13:35-6.19, 6.20	Excessive fees for professional services	R.1981 d.237	13 N.J.R. 443(a)
13:35-9	Certified nurse/midwife	R.1980 d.535	13 N.J.R. 411(e)
13:35-9.3	Emergency amend certified nurse/midwife	R.1981 d.21	13 N.J.R. 150(c)
13:35-9.3(c)	Emergency amend operative date on certified nurse/midwife standards	R.1981 d.24	13 N.J.R. 150(d)
13:35-10	Recodified from 13:35-1.4	R.1980 d.492	12 N.J.R. 726(d)
13:36-3.5	Amend examinations	R.1980 d.543	13 N.J.R. 104(b)
13:36-3.6	Amend examination review procedure	R.1980 d.542	13 N.J.R. 104(a)
13:36-5.12	Advertising of funeral services and funeral establishments	R.1981 d.349	13 N.J.R. 609(a)
13:36-9.1	Uniform penalty letter	R.1981 d.347	13 N.J.R. 609(b)
13:37-1.26	Board of Nursing rule	R.1981 d.174	13 N.J.R. 370(a)
13:37-3.6, 4.1	Amend rules on foreign nurses and licensure by endorsement	R.1980 d.416	12 N.J.R. 671(a)
13:39-1.9, 1.10	Optometric advertising	R.1981 d.295	13 N.J.R. 519(a)
13:39-9.12	Outdated or sample drugs	R.1981 d.350	13 N.J.R. 609(c)
13:39-9.17	Advertising and sale of prescription drugs	R.1981 d.377	13 N.J.R. 708(a)
13:40-6.1	Repeal engineers' and surveyors' fee for transmittal of grades or certification	R.1980 d.417	12 N.J.R. 671(b)
13:40-7	Division of responsibility in site planning	R.1981 d.320	13 N.J.R. 607(a)
13:41-1.2, 1.3	Amend rules governing use of seals	R.1980 d.445	12 N.J.R. 672(e)
13:41-4	Division of responsibility in site planning	R.1981 d.320	13 N.J.R. 607(a)
13:44-3.1	Repeal: Uniform penalty letter (veterinary)	R.1981 d.371	13 N.J.R. 708(b)
13:45A-14.4, 14.5	Amend unit pricing of consumer commodities in retail establishments	R.1980 d.444	12 N.J.R. 672(d)
13:45A-17	Sale of advertising in quasi-official journals	R.1981 d.294	13 N.J.R. 520(b)
13:47C-1.1, 3.1	Amend firewood and cordwood rules	R.1980 d.421	12 N.J.R. 672(a)
13:47C-5	Precious metals sales	R.1980 d.420	12 N.J.R. 671(c)
13:47F	Repeal live poultry rules	R.1980 d.520	13 N.J.R. 411(b)
13:70-29.48	Emergency amend daily double pool	R.1981 d.32	13 N.J.R. 150(f)

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

#### PUBLIC UTILITIES — TITLE 14

14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R.1980 d.555	13 N.J.R. 105(b)
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(Title 14, Transmittal 14 dated July 17, 1980)

#### ENERGY — TITLE 14A

14A:3-11	Amend used oil rules	R.1980 d.513	13 N.J.R. 43(c)
14A:11-4	Reporting of energy information (retail dealers)	R.1981 d.379	13 N.J.R. 708(c)
14A:11-5	Reporting of energy information (retail fuel merchants)	R.1981 d.380	13 N.J.R. 708(d)
14A:21	Residential Energy Conservation Service (RCS) Program	R.1980 d.516	13 N.J.R. 44(a)
14A:21-14.3	Home Energy Savings Program	R.1981 d.254	13 N.J.R. 450(a)

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

#### STATE — TITLE 15

(Title 15, Transmittal 12 dated July 17, 1980)

#### PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978)

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

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

**TRANSPORTATION — TITLE 16**

16:19	Repeal Traffic Operations Program to Increase Capacity and Safety	R.1980 d.415	12 N.J.R. 675(c)
16:26-1.1	Traffic signal information	R.1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal control of traffic and parking on NJDOT property	R.1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	R.1981 d.150	13 N.J.R. 372(c)
16:28-1.3	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28-1.15	Speed limits along Route 13	R.1981 d.152	13 N.J.R. 372(d)
16:28-1.17	Speed limits on Route 147	R.1981 d.196	13 N.J.R. 451(a)
16:28-1.18	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28-1.23	Emergency amend speed limit on Route 18	R.1981 d.34	13 N.J.R. 158(b)
16:28-1.49	Emergency amend speed zone along Route 35	R.1981 d.59	13 N.J.R. 243(a)
16:28-1.49	Speed limits on Route 35	R.1981 d.333	13 N.J.R. 612(a)
16:28-1.67	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28-1.111	Speed limits for Route 87	R.1981 d.334	13 N.J.R. 613(a)
16:28A-1.2	Amend restricted parking on U.S. Routes 1 and 9	R.1980 d.413	12 N.J.R. 675(a)
16:28A-1.2	Parking on Routes 1 and 9	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.4	Emergency amend restricted parking along Route 4	R.1981 d.35	13 N.J.R. 159(a)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.77	13 N.J.R. 244(a)
16:28A-1.7	Route US 9 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	Parking on U.S. 9	R.1981 d.195	13 N.J.R. 453(a)
16:28A-1.7	Parking on U.S. 9	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.335	13 N.J.R. 613(b)
16:28A-1.13	Route US 22	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.14	Restricted parking along Route U.S. 22 alternate	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	R.1981 d.337	13 N.J.R. 613(d)
16:28A-1.16	Restricted parking along Route 24	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.18	Restricted parking along Route 27	R.1981 d.312	13 N.J.R. 613(f)
16:28A-1.19	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.19	Route 28 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	R.1981 d.193	13 N.J.R. 453(a)
16:28A-1.19	Parking on Route 28	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.22	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.23	Route 33 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.25	Route 35 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.26	Parking on Route 36	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.29	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.32	Parking on Route U.S. 46	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route U.S. 46	R.1981 d.194	13 N.J.R. 454(b)
16:28A-1.33	Emerg. amend restricted parking on Route 47	R.1980 d.414	12 N.J.R. 675(b)
16:28A-1.33	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.34	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.37	Restricted parking along Route 70	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.37	Restricted parking along Route 70	R.1981 d.339	13 N.J.R. 614(a)
16:28A-1.44	Route 88 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.55	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.55	Restricted parking along Routes 15, 18 and U.S. 202	R.1981 d.75	13 N.J.R. 243(e)
16:28A-1.55	Parking along Route U.S. 202	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.57	Restricted parking along U.S. 206	R.1981 d.77	13 N.J.R. 244(a)
16:28A-1.57	Route US 206 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.57	Parking along U.S. 206	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.64	Route 41 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.65	Route 15 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.65, 1.66	Restricted parking along Routes 15, 18, and U.S. 202	R.1981 d.75	13 N.J.R. 243(e)
16:28A-1.66	Parking on Route 18	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.68	Route 93 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.69	Parking on Route 124	R.1981 d.191	13 N.J.R. 453(a)
16:29-1.22	No passing zones	R.1981 d.78	13 N.J.R. 244(b)
16:29-1.23	No passing zones on Route 179	R.1981 d.79	13 N.J.R. 244(c)

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

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

16:30-3.6	Readopt HOV lanes along Route 444	R.1981 d.323	13 N.J.R. 614(b)
16:30-7.2	Amend limited access prohibition along U.S. 9 and Route 444	R.1981 d.73	13 N.J.R. 243(d)
16:30-8	No trespassing zones	R.1981 d.36	13 N.J.R. 159(b)
16:31-1.4, 1.7	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31-1.10	Turns along Route U.S. 30	R.1981 d.340	13 N.J.R. 614(c)
16:31-1.15	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31A	Amend prohibited right turns on red signals	R.1980 d.518	13 N.J.R. 44(c)
16:41-16	Amend permits for use or occupancy of State-owned railroad property	R.1981 d.103	13 N.J.R. 244(d)
16:54	Licensing of aeronautical facilities	R.1981 d.141	13 N.J.R. 374(c)
16:56-3	Repeal aircraft registry logs	R.1981 d.341	13 N.J.R. 616(b)
16:65-1.1	Amend definition of "prequalification committee"	R.1981 d.72	13 N.J.R. 243(b)
16:71	Recodified from 16:41-16	R.1981 d.103	13 N.J.R. 244(d)
16:72	N.J. Transit procurement policies and procedures	R.1981 d.176	13 N.J.R. 374(d)

(Title 16, Transmittal 14 dated September 18, 1980)

**TREASURY-GENERAL — TITLE 17**

17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-1.15	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-2.2	Alternate Benefit Program	R.1981 d.239	13 N.J.R. 458(a)
17:1-2.6	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-2.18	Alternate Benefit Program	R.1981 d.240	13 N.J.R. 458(b)
17:1-2.34	Alternate Benefit Program	R.1981 d.213	13 N.J.R. 458(c)
17:1-2.35	Alternate Benefit Program	R.1981 d.241	13 N.J.R. 458(d)
17:1-4.2	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-4.11	Purchase terms and employee liability	R.1981 d.343	13 N.J.R. 617(a)
17:1-4.22	Amend availability of medical records	R.1981 d.86	13 N.J.R. 247(d)
17:1-4.32	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-7.3	Administrative fees and investment earnings	R.1981 d.291	13 N.J.R. 525(a)
17:1-8.1	Repeal responsibility of director for Social Security	R.1981 d.1	13 N.J.R. 111(c)
17:1-8.3	Emergency rule on Social Security referendum	R.1980 d.467	12 N.J.R. 728(b)
17:1-8.13, 8.14	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-11.9	Repeal dental insurance coverage for covered dependents	R.1980 d.487	12 N.J.R. 729(a)
17:2-2.1, 2.3	Amend Public Employees' Retirement System: Enrollment	R.1981 d.58	13 N.J.R. 247(b)
17:2-5.1, 6.2	PERS—retirement and purchases	R.1981 d.274	13 N.J.R. 525(b)
17:2-6.4	PERS loan repayments	R.1981 d.303	13 N.J.R. 618(a)
17:2-6.6	PERS revisions	R.1981 d.274	13 N.J.R. 525(b)
17:3-4.1	Amend creditable salary	R.1981 d.30	13 N.J.R. 162(a)
17:3-6.6	Teachers' Pension and Annuity Fund: Retirement credit	R.1981 d.140	13 N.J.R. 376(a)
17:4-2.6	Amend enrollment dates	R.1981 d.57	13 N.J.R. 247(a)
17:4-3.6, 5.1, 6.2, 6.6, 6.14	Insurance purchases and retirement	R.1981 d.292	13 N.J.R. 525(c)
17:5	Administration, insurance and death benefits, purchases, retirement and transfers	R.1981 d.361	13 N.J.R. 708(e)
17:5-5.2, 5.6, 5.12	Effective dates, retirement credits, disability retirants	R.1981 d.360	13 N.J.R. 708(f)
17:6-3.2, 3.6	Police-Firemen's Pension Fund	R.1981 d.201	13 N.J.R. 462(a)
17:7-3.2	Prison Officers' Pension Fund	R.1981 d.302	13 N.J.R. 620(b)
17:8-1.6	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:8-2.10, 2.11	Repeal Supplemental Annuity reports and remittances	R.1980 d.419	12 N.J.R. 678(b)
17:8-3.3	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:9-2.16	Policy provisions adoption for State Health Benefits Program	R.1981 d.138	13 N.J.R. 376(b)
17:9-5.9	Medicare refunds	R.1981 d.139	13 N.J.R. 376(c)
17:10-5.3	Judicial Retirement System	R.1981 d.244	13 N.J.R. 462(b)
17:16-41	Amend Cash Management Fund	R.1980 d.443	12 N.J.R. 679(a)
17:20-5.10	Emergency amend agent's compensation	R.1980 d.460	12 N.J.R. 681(a)
17:21-8.1	Emergency amend unclaimed prize money	R.1980 d.459	12 N.J.R. 680(b)
17:21-11	Emergency rules on 10th Anniversary instant lottery	R.1981 d.11	13 N.J.R. 112(a)
17:21-11	Emergency adoption: Baseball instant lottery	R.1981 d.136	13 N.J.R. 312(a)
17:21-11	Readopt "Baseball" instant lottery game	R.1981 d.269	13 N.J.R. 529(a)
17:21-11	Emergency adoption: Super Bingo	R.1981 d.171	13 N.J.R. 376(d)
17:21-11	"Super Bingo" lottery	R.1981 d.236	13 N.J.R. 529(b)
17:21-12.1, 13.1	Emergency amend Pick-It and Pick-4 Lotteries	R.1980 d.458	12 N.J.R. 680(a)
17:21-15	Emergency amend Pick-6 (Lotto) lottery	R.1980 d.496	12 N.J.R. 730(a)
17:21-16	Emergency rules on Jersey Jackpot Lottery	R.1980 d.507	13 N.J.R. 45(a)

(Title 17, Transmittal 15 dated September 18, 1980)

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

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

**TREASURY-TAXATION — TITLE 18**

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

(Title 18, Transmittal 15 dated July 17, 1980)

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

19:1-5	Home improvement loan program	R.1981 d.268	13 N.J.R. 528(c)
19:8-2.11	Garden State Arts Center	R.1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	R.1981 d.115	13 N.J.R. 315(a)
19:8-3.1	Tolls on Garden State Parkway	R.1981 d.170	13 N.J.R. 378(b)
19:8-8	Special permits for oversize vehicles	R.1980 d.476	12 N.J.R. 732(c)
19:9-3.1	Amend towing rates	R.1981 d.37	13 N.J.R. 165(c)
19:12	PERC: Negotiations and impasse procedures	R.1981 d.357	13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations and impasse procedures	R.1981 d.357	13 N.J.R. 625(a)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-8	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(b)
19:25-15	Amend public financing of General Election for Governor	R.1981 d.54	13 N.J.R. 248(b)
19:25-16	Amend public financing of primary election for Governor	R.1980 d.491	12 N.J.R. 732(b)
19:25-19.1-19.6	Interim public financing of gubernatorial primary elections	R.1980 d.411	12 N.J.R. 681(b)
19:30-2.1—2.3	Economic Development Authority fees	R.1981 d.245	13 N.J.R. 465(e)
19:30-4.4	EDA: Targeting of Authority assistance	R.1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	R.1981 d.167	13 N.J.R. 378(d)

(Title 19, Transmittal 15 dated July 17, 1980)

**TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION**

19:41-9	Amend license fees	R.1980 d.483	12 N.J.R. 732(a)
19:41-9.1, 9.4, 9.19, 12.5	Casino assessments	R.1981 d.367	13 N.J.R. 709(a)
19:43-1.8	Casino service industry licenses	R.1981 d.273	13 N.J.R. 534(a)
19:45	Amend casino accounting and internal controls	R.1980 d.504	13 N.J.R. 48(a)
19:45-1.3, 1.8, 1.24, 1.44	Casino accounting and internal controls	R.1981 d.272	13 N.J.R. 541(a)
19:47-2.6, 2.8, 2.13	Emergency Blackjack surrender rule	R.1981 d.301	13 N.J.R. 629(a)
19:47-2.6, 2.8, 2.13, 5.7	Blackjack minimum and maximum wagers	R.1981 d.368	13 N.J.R. 709(b)
19:52-1.3	Nightly entertainment	R.1981 d.369	13 N.J.R. 709(c)

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

(Continued from Page 666)

window, signs describing the foods as "Kosher....." and "Non-Kosher ....." must be posted over the foods.

**Social Impact**

The preparation of Kosher foods involves certain slaughtering and sanitary procedures and often results in a more expensive food product. This rule makes it illegal to falsely represent foods as Kosher or Kosher for Passover and thus will protect the consumer who, for reasons of religion, conscience, quality or health, intends to purchase Kosher foods. In addition, whenever both Kosher and Non-Kosher foods are sold or displayed by an establishment, a notice to that effect is required, thereby providing the consumer with full disclosure of the type of foods offered within.

**Economic Impact**

The proposal creates the limited economic impact of having to post signs whenever both Kosher and Non-Kosher foods are sold or displayed. This impact is minimal when contrasted with the benefits of full disclosure.

Full text of the proposed new rules follows.

**CHAPTER 45A**

**ADMINISTRATIVE RULES OF THE DIVISION OF CONSUMER AFFAIRS**

...

**SUBCHAPTER 18. REPRESENTATIONS CONCERNING KOSHER FOOD**

**13:45A-18.1 Definitions**

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

"Kosher" means a food product which is prepared in strict compliance with the laws and customs which are generally recognized as being among the Orthodox Hebrew religious requirements which must be followed in the preparation of Kosher food products.

"Kosher for Passover" means a Kosher food product which is also prepared in strict compliance with the laws and customs which are generally recognized as being among the Orthodox Hebrew religious requirements which must be followed in the preparation of food products for the Hebrew holiday of Passover.

**13:45A-18.2 Unlawful practices**

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., it shall be unlawful thereunder for any person to engage in any of the following practices:

1. Sell, offer for sale, expose for sale, or have in possession with intent to sell, in any restaurant, hotel, store, or other place where food or food products are sold, any food or food product which is falsely represented to be Kosher, Kosher for Passover, or as having been prepared under, and of a product or products sanctioned by, the Orthodox Hebrew religious requirements, by any of the following means:

- i. By direct statements, orally or in writing; or
- ii. By display of the word "Kosher" in English or Hebrew letters, or by display of any sign, emblem, insignia, six-pointed star, symbol or mark in simulation of the word Kosher; or
- iii. By inscription on any food or food product, or its package, container, or contents, the word "Kosher" in English or Hebrew letters, or by display of any sign,

emblem, insignia, six-pointed star, symbol or mark in simulation of the word Kosher; or

iv. By display on any menu, or otherwise, or by inscription on any food or food product, or its package, container, or contents, the words "Kosher-Type", "Kosher-Style", or "Jewish" or "Hebrew", either alone or in conjunction with the word "Type", "Style", or other similar expression, unless the word "Non-Kosher" is a conspicuously displayed or inscribed thereon or thereat.

2. Sell, offer for sale, expose for sale, or have in his possession with intent to sell, in any restaurant, hotel, store or other place where food or food products are sold, both Kosher and Non-Kosher food or food products, either raw or prepared for human consumption, unless said person shall indicate on his window signs and all display advertising, in block letters at least 4 inches in height, "Kosher and Non-Kosher Food Sold Here".

3. Display in any show window (interior or exterior) of any restaurant, hotel, store or other place where food or food products are sold, both Kosher and Non-Kosher food or food products, either raw or prepared for human consumption, unless he shall display over each such food or food product a sign, in block letters, at least four inches in height, stating either "Kosher (describe food or food product)" or "Non-Kosher (describe food or food product)", as the case may be.

**13:45A-18.3 Presumptions**

Possession of any Non-Kosher food or food product in any restaurant, hotel, store or other place where food or food products are sold which holds itself out as only selling Kosher food or food products, is presumptive evidence that the person is in possession of such food or food product with the intent to sell same.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Adam K. Levin, Director  
Division of Consumer Affairs  
1100 Raymond Boulevard, Room 504  
Newark, New Jersey 07102

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

The proposal is known as PRN 1981-244.

(b)

**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

**Servicing of Consumer Merchandise  
Delivery, Pick-Up, Inspection, Installation, or  
Repair of Consumer Merchandise**

**Proposed New Rules: N.J.A.C. 13:45A-19.1  
and 19.2**

Authorized By: James R. Zazzali, Attorney General  
of New Jersey

Authority: N.J.S.A. 56:8-4

The agency proposal follows:

**Summary**

The proposed rule makes it unlawful for a business to

fail to keep an appointment to deliver, pick-up, inspect, install, or repair merchandise at a consumer's home unless it has notified the consumer, by the end of the preceding business day, of the delay or cancellation of the appointment. When unexpected circumstances prevent the merchant from notifying the consumer by the end of the preceding business day, notice of the delay or cancellation must be given as soon as practicably possible. If the delay of the appointment is attributable to the consumer, the merchant will not be held responsible.

#### Social Impact

The rule will provide relief for the consumer who patiently waits at home for someone who never appears. Since the consumer is often forced to make special arrangements to do so, the rule will reduce the expenditure of time and money and minimize disruption of the consumer's daily schedule.

#### Economic Impact

The proposal is designed so that businesses will have to adhere to realistic appointment schedules. In the event they cannot, then the rule creates the limited economic impact of having to notify the consumer of the delay or cancellation of the appointment.

Full text of the proposed new rules follows.

#### CHAPTER 45A

#### ADMINISTRATIVE RULES OF THE DIVISION OF CONSUMER AFFAIRS

...

#### SUBCHAPTER 19. DELIVERY, PICK-UP, INSPECTION, INSTALLATION, OR REPAIR OF CONSUMER MERCHANDISE

##### 13:45A-19.1 Definitions

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

"Appointment" means a written or verbal agreement between a person and a consumer to either deliver, pick-up, inspect, install, or repair merchandise at the consumer's residence on a specific date.

"Inspection of consumer merchandise" includes, without limitation, an examination of merchandise for future repair, exchange or refund, or any activity incident to the offer of merchandise in the future (such as estimates, measurements, displays, etc.).

"Merchandise" shall include any objects, wares, goods, commodities, or services offered, directly or indirectly, to the public for sale.

"Person" shall include any natural person, partnership, corporation, company, business entity or association, and any agent, employee, salesman, partner, officer, director, or associate thereof.

##### 13:45A-19.2 Unlawful practices

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., it shall be unlawful thereunder for any person engaged in the delivery, pick-up, inspection, installation, or repair of merchandise at the consumer's residence to fail to either:

1. Keep an appointment to perform such services on the agreed upon date;
2. Provide the consumer with written or verbal notice of delay or cancellation of the appointment, which must be received by the consumer before the end of the preceding business day; or

3. When unexpected circumstances, such as a mechanical breakdown, a strike, or a natural disaster, preclude notification to the consumer by the end of the preceding business day, or when the consumer has requested same-day emergency service, the person provides written or verbal notice of the delay or cancellation of the appointment as soon as practicably possible.

(b) It shall not be an unlawful practice for any person engaged in the delivery, pick-up, inspection, installation, or repair of merchandise at the consumer's residence to fail to either keep an appointment to provide such services or provide the consumer with timely notice of the inability to keep such appointments when the consumer is responsible for the cancellation or delay.

(c) Any obligation and/or remedies imposed by this subchapter with respect to the delivery of "household furniture" are in addition to those obligations and/or remedies imposed by N.J.A.C. 13:45A-5.1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Adam K. Levin, Director  
Division of Consumer Affairs  
1100 Raymond Boulevard, Room 504  
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-245.

(a)

## ENERGY

### THE COMMISSIONER

#### Energy Conservation

#### Seven-Day, Day-Night Thermostats in Public Buildings

Proposed Repeal: N.J.A.C. 14A:3-5

Authorized By: Joel R. Jacobson, Commissioner of the  
Department of Energy  
Authority: N.J.S.A. 52:27F-11q  
DOE Docket No. 009-81-10

The agency proposal follows:

#### Summary

In order to regulate heating and cooling of certain buildings regulations were enacted which required installation of seven-day, day-night thermostats or similar control equipment.

The proposed repeal will remove the requirement that the temperature in occupied buildings be maintained no higher than 68 degrees Fahrenheit during the heating season and no lower than 78 degrees Fahrenheit when air conditioning is in use. Similar temperature restrictions applicable to unoccupied buildings will also be repealed.

#### Social Impact

Repeal of the temperature restrictions will provide building owners and managers with more leeway to respond to the heating and cooling requirements of the particular location. Building owners will no longer be subject to the Department's directive. Rather, they will be re-

sponsible directly to the public for the public's comfort and, thus, more inclined to maintain building temperatures at levels acceptable to the public.

#### Economic Impact

The Department of Energy believes that temperature restrictions constitute a reasonable means of promoting energy conservation. However, the Department is experiencing difficulty maintaining the staff necessary to ensure compliance with the regulations in their present form.

A large proportion of the applications for variances which the Department receives request relief from the provisions of N.J.A.C. 14A:3-5.4. The time and financial resources expended to process such requests and attempt to administer the temperature restrictions could be used more profitably on other Department projects.

In addition, the Department is not presently convinced that the amount of energy savings is sufficient to justify continuation of the program.

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

#### SUBCHAPTER 5. [SEVEN-DAY, DAY-NIGHT THERMOSTATS IN PUBLIC BUILDINGS] (RESERVED)

##### 14A:3-51 Scope

The standards set forth in this subchapter shall apply to all buildings in the following Use Groups as defined by the Building Subcode of the Uniform Construction Code: Use Groups A, B, F, M, R, S and T. Use Groups, 1, R-3 and R-4 and residential portions of R-1 and R-2 are specifically exempted from the standards provided for in this subchapter.

##### 14A:3-5.2 Applicability

The requirements of this subchapter shall become effective for all buildings subject to the provisions of this subchapter of more than 4,000 square feet one year after adoption.

##### 14A:3-5.3 Requirements

Each building subject to the requirements of this subchapter shall have installed a seven-day, day-night thermostat(s) or other similar type control equipment which permits the thermostatic setting to be set consistent with the standards of N.J.A.C. 14A:3-5.4. Said thermostat shall be equipped with an interlock device which prohibits the simultaneous operation of both the heating and cooling systems.

##### 14A:3-5.4 Standards

(a) Each building subject to the requirements of this subchapter shall have its thermostat set according to the following standards:

1. During periods when the building is either occupied or otherwise open for public use; and

i. When heating equipment is in use, the maximum thermostatic setting shall be 68 degrees F, except for buildings in Use Group S and storage spaces in buildings in Use Groups A, B, F, M, R and T where the maximum thermostatic setting shall be 65 degrees F; or

ii. When air conditioning or cooling equipment is in use, the minimum thermostatic setting shall be 78 degrees F; and,

2. During all other periods when the building is unoccupied or otherwise not open for public use; and

i. When heating equipment is in use, the maximum thermostatic setting shall be 55 degrees F, except where a higher temperature is necessary to protect property; or

ii. When air conditioning or cooling equipment is in use, such equipment shall be turned off, if possible, and when not possible, the minimum thermostatic setting shall be 80 degrees F.

##### 14A:3-5.5 Exemptions and variances

(a) Notwithstanding the provisions of N.J.A.C. 14A:3-5.3 and 14A:3-5.4, the Commissioner may exempt buildings that utilize heat recovery systems from the standards provided for in this subchapter.

(b) If compliance with the provisions of this subchapter increases the amount of energy consumed by a building, a variance of the provisions of this subchapter may be requested from the Department.

##### 14A:3-5.6 Enforcement

The standards set forth in N.J.A.C. 14A:3-5.4 shall be the standards employed by the New Jersey Department of Community Affairs pursuant to its authority under the Uniform Construction Code N.J.A.C. 5:23-1.1 et seq. Said Department shall have primary authority to enforce said standards.]

Interested persons may submit in writing, data, views or arguments relevant to the proposed repeal on or before November 9, 1981. These submissions, and any inquiries concerning submissions and responses, should be addressed to:

Linda M. Scuzo  
Office of Regulatory and Governmental Affairs  
New Jersey Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-249.

(a)

## ENERGY

### THE COMMISSIONER

#### Energy Conservation Used Oil Recycling

#### Proposed Amendments: N.J.A.C. 14A:3-11.3 and 11.5

Authorized By: Joel R. Jacobson, Commissioner of the  
Department of Energy  
Authority: N.J.S.A. 52:27F-2 and 11o, q, and w  
DOE Docket No.: 008-81-10

The agency proposal follows:

#### Summary

The Department of Energy originally adopted N.J.A.C. 14A:3-11 concerning the recycling and use of used oil on June 25, 1980. The regulations were amended on November 21, 1980 to require certain persons, including all retailers of oil, to provide collection tanks on their premises for the return of used oil (see 13 N.J.R. 43(c)). Thereafter, this amendment was suspended temporarily. An amendment allowing oil retailers who do not have collection tanks on their premises to either install same or contract out to a used oil collection site was then proposed, but has not been adopted. The amendment deleted a requirement

that oil retailers post the location of at least one collection site (see 13 N.J.R. 449(b)).

The present amendments will make adoption of the contracting-out amendment, 13 N.J.R. 449(b), unnecessary. The amendments require certain locations to be designated as used oil collection sites. Included among these are oil retailers which presently have collection tanks on the premises. The amendments do not require installation of tanks by facilities which are not already so equipped.

In addition, the proposed amendments delete the requirement that oil retailers list at least one conveniently-located used oil collection site. Oil retailers are still, however, required to post a sign at or near the point of sale pursuant to N.J.A.C. 14A:3-11.5(a).

#### Social Impact

In order to encourage the rational use of oil resources, the Department of Energy believes that it is necessary to institute a program of collection and recycling of oil products. The proposed amendments further that end by requiring those who retail oil to provide the public with the information concerning the return of used oil. In addition, they require facilities with collection tanks to accept used oil from the public.

The amendments strike a balance between the benefit to the public by ensuring the existence of conveniently-located used oil disposal facilities and the cost to oil retailers of installing collection tanks on their premises.

#### Economic Impact

The proposed amendments will not have any economic effect of consequence on the Department. The Department will not be required to expend any funds beyond those being spent to administer the regulations in their present form.

The regulations currently in force affect mainly operators of stores that sell oil but do not possess on-site used oil collection facilities. Based on the comments received by the Department of Energy there does not appear to be a sufficient demand for additional collection sites beyond those already in existence. The volume of used oil which is presently being returned is not great enough to require all oil retailers to expend the funds necessary to install collection tanks.

The Department, however, intends to collect more data concerning the return and collection of used oil. Interested parties are invited to submit comments on the subject to the Department. Thereafter, the Department may re-evaluate its position on collection of used oil and consider promulgating additional regulations.

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

#### 14A:3-11.3 Definitions

“Used oil collection site” means any Division of Motor Vehicles reinspection station, oil retailer, or retail service station, which has a used oil collection tank(s) existing on the premises, [oil retailer] or any site which accepts used oil for recycling.

...

#### 14A:3-11.5 Posting requirements

(a) All oil retailers shall post and maintain, at or near the point of sale, a durable and legible sign, not less than 11 x 15 inches in size, informing the public of the importance of the proper collection and disposal of used oil, and how and where used oil may be properly disposed of [,

and listing at least one conveniently located used oil collection site].

(b) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed amendments on or before November 9, 1981. These submissions, and any inquiries concerning submissions and responses, should be addressed to:

Linda M. Scuzo  
Office of Regulatory & Governmental Affairs  
New Jersey Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102

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

This proposal is known as PRN 1981-248.

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Police and Firemen's Retirement System Purchases and Eligible Service

#### Proposed Amendments: N.J.A.C. 17:4-5

Authorized By: Board of Trustees of the Police and  
Firemen's Retirement System

Authority: N.J.S.A. 43:16A-13(7)

The agency proposal follows:

#### Summary

The proposed amendments delete the current text of subchapter 5, chapter 4 in Title 17 of the Code, and adopt new text therein concerning purchases and eligible service regarding pensions. The new rules attempt to standardize purchase and eligible service rules throughout all of the retirement systems.

#### Social Impact

Current and future members of the Police and Firemen's Retirement System plus the employers of such members may be affected by this proposal in the sense that a member's retirement benefits may be increased upon retirement and the member's and his employer's contributions toward the retirement system may also be increased while the member is employed.

#### Economic Impact

The member's and his employer's contributions to the retirement system may be increased in certain cases where the member is purchasing eligible past service. However, with such purchases, the member's retirement benefits may increase upon his retirement.

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

#### SUBCHAPTER 5. PURCHASES AND ELIGIBLE SERVICE

##### 17:4-5.1 Eligibility for purchase

(a) Only active contributing members of the system shall be eligible to make application for purchase of credit.

(b) In order to be eligible to purchase temporary service, a member must submit a written request to purchase

such service within one year from the date his initial pension contributions are certified to begin and such purchase must be authorized by the member before the expiration date indicated on the latter which quotes the terms of the purchase.

#### 17:4-5.2 New enrollment purchases

Members who file an application for enrollment and indicate they want to purchase the period between their regular appointment and their compulsory date of enrollment will have such purchase calculated on the basis of their pension rate of contribution and salary as of their date of their regular appointment. If more than one year has elapsed from the date of compulsory enrollment, the purchase of all service will be based on the member's current salary times the full pension rate of contribution.

#### 17:4-5.3 Optional purchases of eligible service

(a) Members, who purchase temporary service, must purchase all such service immediately preceding enrollment. The purchase will be calculated on the basis of the member's current salary multiplied by the factor established by the actuary. "Special Police" service cannot be purchased.

(b) The cost of purchase of former Police and Firemen's Retirement System membership credit will be calculated on the basis of the actuarial factor established for the member's age at the time of purchase multiplied by his current salary. All of the service from a former membership must be included in the purchase of such service.

#### 17:4-5.4 Methods of repayment

(a) Methods of repayment include:

1. Lump sum;
2. Partial lump sum of \$250.00 or more; balance by extra payroll deductions;
3. Extra deductions equal to at least  $\frac{1}{2}$  of the full regular pension deduction for a maximum period of 10 years. Compulsory and temporary service purchases must be liquidated by age 55; if such member has attained the age of 55 or more at the time of purchase, two years will be specified;
4. Extra payroll deductions will include regular interest for the term of the installment.

#### 17:4-5.5 Reinstatement of membership credit

(a) A member, whose account has been terminated by withdrawal of his contributions from the Annuity Savings Fund or whose account has been terminated because of a two-year lapse in contribution, may be reinstated to the system under the provisions of Chapter 199, P.L. 1967, or Chapter 303, P.L. 1969, provided that he meets the requirements of the Fund other than the age maximum:

1. A member reinstated under Chapter 199, P.L. 1967, shall be enrolled at a rate appropriate to his actual age at reenrollment.
2. A member reinstated under Chapter 303, P.L. 1969, shall reinstate the previous credit he had established in the Police and Firemen's Retirement System at enrollment. The reinstatement will result in a rate assignment appropriate to his age at original enrollment. The cost of reinstating the previous credit will be determined by applying the factor certified by the actuary.
3. All members reinstated and reenrolled under these acts will be required to prove insurability to resume insurance coverage.
4. Should a member reinstating such credit retire or die before the completion of his payments, pension credits will be recognized in proportion of the amount paid to the total arrearage.

## [SUBCHAPTER 5. PURCHASES

### 17:4-5.1 Temporary service

(a) Authorized purchase of temporary service will require the following:

1. Determine cost of purchase by a formula utilizing a table of factors prepared by the actuary.
  2. "Special police" service is not acceptable.
- (b) The cost of such a purchase may be made by one sum payment or by periodic payroll deduction equal to at least one-half the normal pension deduction at the time of purchase.

### 17:4-5.2 Leave of absence; elective position

(a) Leave of absence for the purpose of accepting an elective position cannot exceed the two year limit prescribed by the statutes.

(b) If such a member elects to purchase such time pursuant to the terms of N.J.S.A. 43:16A-3.4, the following will apply:

1. If such a member elects to make current payments while in such elective office, he may do so by paying to the system at his assigned rate and salaries he would have received if he remained a policeman or fireman, plus an equal amount representing normal payment by the employer. All such contributions will be credited to the member's account and establish credit for the time involved.

2. If such a member elects to purchase such time, he must register his intention and commence a payment program within two years of the employment change. A lump sum purchase will be the equivalent of twice the contribution required by his assigned rate and the highest salary he would have received as a policeman or fireman during the two year period, or he may purchase the credit by installment payments, the extra payments being equal to the regular deductions and the length of such amortization determined by the principal plus interest.

3. The credit for the time purchased will for retirement purposes reflect the actual salaries received or salaries he would have received.

4. There will be no retroactive application of the law except those instances cited in this Section.

### 17:4-5.3 Reinstatement of membership credit

(a) A member whose account has been terminated by withdrawal of his contributions from the Annuity Savings Fund or whose account has been terminated because of a two-year lapse in contribution, may be reinstated to the system under the provisions of Chapter 303, P.L. 1969 or Chapter 199, P.L. 1967 provided he meets the requirements of the Fund other than age maximum:

1. A member reinstated under Chapter 199 will be enrolled at a rate appropriate to his actual age at reenrollment with no credits for service rendered prior to his subsequent enrollment.

2. A member reinstated under Chapter 303, P.L. 1969, may elect to purchase the previous credit he had established in the Police and Firemen's Retirement System at enrollment. Such an election will result in a rate assignment appropriate to his age at original enrollment. The cost of purchasing the previous credit will be determined by applying the factors certified by the actuary and may be met by one sum payment or installments from salary equal to at least one-half the regular deduction at the time of reenrollment.

3. All members reinstated and reenrolled under these acts will be required to prove insurability to resume insurance coverage.

4. Should a member purchasing such credit retire or die before the completion of his purchase program, pension

credits will be recognized in proportion of the amount paid to the total arrearage.]

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Ferrazza, Secretary  
Police and Firemen's Retirement System  
Division of Pensions  
20 West Front St.  
Trenton, N.J. 08625

The Board of Trustees of the Police and Firemen's Retirement System may thereafter adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-229.

(a)

## TREASURY

### DIVISION OF PENSIONS

Police and Firemen's Retirement System  
Medical Examinations; Physicians

**Proposed Amendment: N.J.A.C. 17:4-6.13**

Authorized By: Board of Trustees of the Police and  
Firemen's Retirement System

Authority: N.J.S.A. 43:16A-13(7)

The agency proposal follows:

#### Summary

This proposal clarifies the procedures to be followed to expedite certain disability claims where the physician and medical records indicate that the member involved is facing an "imminent death" situation.

#### Social Impact

A disabled member facing a probable imminent death situation, the examining physicians and hospitals who have examined or treated such member and the Division of Pensions and appropriate boards or commissions of the retirement systems may be affected by this proposal.

#### Economic Impact

This proposal may increase expenditures of the Division of Pensions in order to expedite such claims. It may have no adverse economic effect upon the disabled member but may allow such members to receive eligible benefits earlier.

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

#### 17:4-6.13 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the fund to perform a medical examination, such physician shall be selected from the current membership directory of the Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, [in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the fund.] in the cases of those members whose personal physician has identified them as having

a probable abbreviated life expectancy, such "imminent death" cases may be processed without the necessity of an examination by a physician designated by the fund if corroborating medical evidence of the diagnosis can be obtained.

Interested persons may submit, in writing, data, views or arguments relevant to the proposed rule on or before November 9, 1981. These submissions and any inquiries about submissions and responses should be addressed to:

Anthony Ferrazza, Secretary  
Police and Firemen's Retirement System  
Division of Pensions  
20 West Front Street  
Trenton, N.J. 08625

The Board of Trustees of the Police and Firemen's Retirement System may thereafter adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-230.

(b)

## TREASURY

### DIVISION OF TAXATION

Corporation Business Tax  
Investment Company; Definition

**Proposed Amendment: N.J.A.C. 18:7-1.15**

Authorized By: Sidney Glaser, Director of the Division  
of Taxation

Authority: N.J.S.A. 54:10A-27

The agency proposal follows:

#### Summary

As a result of an opinion of the New Jersey Superior Court, Appellate Division, the Division of Taxation was advised to enact a rule defining investment companies or, in other words, to list the qualifications to be an investment company under the Corporation Business Tax Act, N.J.S.A. 54:10A-1, et seq.

#### Social Impact

There is no social impact since the rule regarding the definition of investment companies is being amended at the direction of the New Jersey Superior Court, Appellate Division, which will clarify the Division's requirements regarding what a taxpayer must meet to get the special treatment given to investment companies under the provisions of the Corporation Business Tax Act.

#### Economic Impact

The amended rule will not have any economic impact because the employees of the Division of Taxation will be given additional tests in the rule that follows for administrative determination as to whether or not a particular taxpayer meets the qualifications to be an investment company. Such a determination is necessary in order for the Division to administer the provisions of the Corporation Business Tax Act and the rules and regulations regarding the treatment of investment companies.

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

18:7-1.15 Investment company; definition

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

(c) In order for a corporation to qualify as an investment company, it must meet the three-part business test and the assets test:

1. Business test (three parts):

i. (Income adjusted): For purposes of the 90 percent requirement provided by (a) above, taxpayer, during the entire period covered by its report, must have derived 90 percent or more of its total income before deductions as reported for Federal income tax purposes, from cash and/or investment type assets. Total income before deductions as reported for Federal income tax purposes must be adjusted as follows:

(1) Add gross receipts or gross sales adjusted for gross profit (loss) reported for Federal income taxes;

(2) Add gross sales price from the disposition of assets adjusted for capital gain or loss or net gain or loss reported for Federal income taxes;

(3) Add interest on Federal, State, municipal and other obligations included in determining New Jersey net income, but not otherwise included in Federal total income;

(4) Do not add any capital loss carry back or carry forward in computing total income.

ii. (Income unadjusted): For purposes of the 90 percent requirement provided by (a) above, taxpayer, during the entire period covered by its report, must have derived 90 percent or more of its total income before deductions as

reported for Federal income tax purposes, plus interest on Federal, State, municipal and other obligations not otherwise included in Federal taxable income and exclusive of any capital loss carry back or carry forward.

(1) A gain resulting from the disposition of an asset and reported on the installment basis for Federal income taxes is considered income for purposes of the investment company statute in the year in which the installment is received under both (c)ii and iii above. Income reported on the installment basis is treated as investment type income only if it is generated by the sale of an investment type asset. Interest income received in conjunction with each installment is deemed investment type income.

iii. (Deductions): For purposes of the 90 percent requirement provided by (a) above, taxpayer, during the entire period covered by its report, must have incurred 90 percent or more of its total deductions as reported for Federal income tax purposes, for holding, investing and reinvesting in cash and or investment type assets.

2. Assets test: For purposes of the 90 percent requirement provided by (b)2i and ii above, at least 90 percent of the taxpayer's gross assets located in New Jersey, valued at cost, must consist of cash and/or investment type assets, during the period covered by its report.

**Corporation A**

**Adjusted Income Test:**

Sch. A6 Other Interest .....	\$ 56,205.92
Sch. A9(a) Capital Gain .....	18,947.33
Sch. A29 Interest on Exempt Securities .....	31,385.28
Total Income from Investments .....	\$106,538.53

Sch. A-11 Total Income .....	\$ 75,153.25
Sch. D \$71,000.00 Sale Price (\$18,947.33) Gain ...	52,052.67
Sch. A-29 Interest on Exempt Securities .....	31,385.28
Adjusted Gross Income .....	\$158,591.20

Ratio of Investment Income to Adjusted Gross Income = 67 percent

**Unadjusted Income Test:**

Sch. A6 Other Interest .....	\$ 56,205.92
Sch. A9(a) Capital Gain .....	18,947.33
Sch. A29 Interest on Exempt Securities .....	31,385.28
Total Income from Investments .....	\$106,538.53

Sch. A6 Other Interest .....	\$ 56,205.92
Sch. A9(a) Capital Gain .....	18,947.33
Sch. A29 Interest on Exempt Securities .....	31,385.28
Taxable Income .....	\$106,538.53

Ratio of Investment Income to Taxable Income = 100 percent

**Deductions Test:**

Sch. A17 Taxes .....	\$ 10,334.53
Sch. A27 Total Deductions related to investment income .....	\$ 10,334.53

Sch. A27 Total Deductions .....	\$ 10,334.53
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Ratio of Deductions Against Investment Income to Total Deductions = 100 percent

**Assets Test: - Schedule L (Col. B)**

Item #1 - Cash .....	\$ 21,558.00
Item #5 - Bonds, Notes & Mortgages .....	123,821.00
Item #6 - N.J. State & Local Governmental Obligations .....	27,140.00
Item #7 - All Other Governmental Obligations	1,067,874.00
Item #12 - Total Intangible Assets .....	\$1,240,393.00
Item #13 through #17 - Tangible Assets .....	-0-
Item #18 - Total Tangible Assets .....	-0-
Item #19 - Total Assets .....	\$1,240,393.00

Ratio of Total Intangible Assets to Tangible Assets = 100 percent

Corporation A does not qualify since it did not meet the Adjusted Income Test.



**Corporation B**

**Adjusted Income Test:**

Sch. A6 Other Interest .....	\$ 82,722.79	Sch. A6 Other Interest .....	\$ 82,722.79
Total Income from Investments .....	\$ 82,722.79	Sch. A-11 Adjusted Gross Income .....	\$ 82,722.79

Ratio of Investment Income to Adj. Gross Income = 100 percent

**Unadjusted Income Test:**

Sch. A6 Other Interest .....	\$ 82,722.79	Sch. A6 Other Interest .....	\$ 82,722.79
Total Income from Investments .....	\$ 82,722.79	Sch. A-11 Total Income .....	\$ 82,722.79

Ratio of Investment Income to Total Income = 100 percent

**Deductions Test:**

Sch. A-17 Taxes .....	\$ 1,709.98		
Sch. A-18 Interest Expenses .....	37.82		
	\$ 1,747.80	Sch. A-27 .....	\$ 1,747.80

Ratio of Investment Related Deductions to Total Deductions = 100 percent

**Assets Test: Sch. L (Col. B)**

Item #1 Cash .....	\$ 26,482.00
Item #5 Bonds, Notes & Mortgages .....	365,444.00
Item #7 All Other Governmental Obligations .....	499,254.00
Total Investment Type Assets .....	\$891,180.00
Item #18 Total Real & Tangible	
Personal Property .....	-0-
Item #19, Total Assets .....	\$891,180.00

Ratio of Investment Type Assets to Total Assets = 100 percent

Corporation B qualifies as an investment company since it met each separate test.

**Corporation C**

**Adjusted Income Test:**

Sch. A-5 Interest on Gov't Obligations .....	\$ 9,000	Sch. A-11 Total Income .....	\$ 32,000
Sch. A-6 Other Interest .....	5,000	Sch. A-2 Cost of Goods Sold .....	1,000
Sch. A-8 Gross Royalties .....	8,000	Sch. A-9(a) Sales Price .....	\$10,000
Sch. A-9(a) Capital Gain .....	2,000	Gain.....	2,000= 8,000
Sch. 29 Interest on Other Obligations .....	500	Sch. A-29 Interest on Other Obligations .....	500
Total Income from Investments .....	\$ 24,500	Adjusted Gross Income .....	\$ 41,500

Ratio of Investment Income to Adjusted Gross Income = 59 percent

**Unadjusted Income Test:**

Sch. A-11 Total Income .....	\$ 32,000	Sch. A-11 Total Income .....	\$ 32,000
Sch. A-3 Gross Profit .....	(1,000)	Sch. A-29 Interest on Other Obligations .....	500
Sch. A-7 Gross Rents .....	(7,000)		
Sch. A-29 Interest on Other Obligations .....	500		
Total Income from Investments .....	\$ 24,500	Total Income .....	\$ 32,500

Ratio of Investment Income to Total Income = 75 percent

**Deductions Test:**

Sch. A-12 Compensation of Officers .....	\$ 2,000		
Sch. A-13 Salaries & Wages .....	10,000		
Sch. A-17 Taxes .....	10,000		
Total Investment Related Deductions .....	\$ 22,000	Sch. A-27 Total Deductions .....	\$ 25,100

Ratio of Investment Related Deductions to Total Deductions = 88 percent

**Assets Test: Sch. L (Col. B)**

Item #1 - Cash .....	\$ 5,000
Item #5 - Bonds, Notes & Mortgages .....	50,000
Item #6 - N.J. State & Local Gov't Obligations..	10,000
Item #7 - All Other Gov't Obligations .....	100,000
Item #8 - Patents & Copyrights .....	1,000
<b>Total Investment Type Assets .....</b>	<b>\$166,000</b>
Item #13 - Land .....	50,000
Item #14 - Bldgs. & Improvements .....	200,000
Item #18 - Total Real & Tangible <b>Personal Property .....</b>	<b>\$250,000</b>
Item #19 - <b>Total Assets .....</b>	<b>\$416,000</b>

Ratio of Investment Type Assets to Total Assets = 100 percent  
Corporation C does not qualify as an investment company since it met only the Assets Test.

**Corporation D**

**Adjusted Income Test:**

Sch. A-4 Dividends .....	\$ 14,000
Sch. A-5 Interest on Gov't Obligations .....	12,000
Sch. A-6 Other Interest .....	11,000
Sch. A-8 Gross Royalties .....	11,000
Sch. A-9(a) Capital Loss .....	(10,950)
<b>Total Income from Investments .....</b>	<b>\$ 37,950</b>

Ratio of Investment Income to Adjusted Gross Income = 100 percent

**Unadjusted Income Test:**

<b>Total Income from Investments .....</b>	<b>\$ 37,950</b>	<b>Sch. A-11 Total Income .....</b>	<b>\$ 37,950</b>
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Ratio of Total Investment Income to Total Income = 100 percent

**Deductions Test:**

<b>Total Investment Related Deductions .....</b>	<b>\$ 30,250</b>	<b>Sch. A-27 Total Deductions .....</b>	<b>\$ 30,250</b>
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Ratio of Investment Related Deductions to Total Deductions = 100 percent

**Assets Test: Sch. L (Col B)**

Item #1 Cash .....	\$ 11,000
Item #2 Accounts & Notes Receivable .....	12,000
Item #4 Corporate Stocks .....	30,000
Item #5 Bonds, Mortgages & Notes .....	30,000
Item #6 N.J. State & Local Gov't Obligations ..	15,000
Item #8 Patents & Copyrights .....	20,000
Item #11 All Other Intangible Personality .....	60,000
<b>Total Investment Type Assets .....</b>	<b>\$178,000</b>
Item #13 Land .....	15,000
Item #18 Total Real & Tangible Property .....	\$ 15,000
Item #19 Total Assets .....	\$193,000

Ratio of Investment Type Assets to Total Assets = 92 percent

Corporation D qualifies as an investment company since it met each test.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:  
Jack Silverstein  
Chief Tax Counselor  
Tax Counselors Section

Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08646  
The Division of Taxation thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.  
This proposal is known as PRN 1981-233.

(a)

# TREASURY

## DIVISION OF TAXATION

### Corporation Business Tax Installment Payments

**Proposed Amendments:** N.J.A.C. 18:7-3.7, 3.9, 3.11, 11.12, 13.6 and 14.2  
**Proposed New Rules:** N.J.A.C. 18:7-3.13, 3.14, 3.15 and 3.16

Authorized By: Sidney Glaser, Director of the  
 Division of Taxation  
 Authority: N.J.S.A. 54:10A-27

The agency proposal follows:

#### Summary

After a transition period, intended to prevent disruption of the flow of State revenue, the Corporation Business Tax will move from a system of prepayment to a method of installment payments of estimated tax. The rules provide for an orderly transition, for extension of time to pay as appropriate, and for interest on underpayments.

#### Social Impact

The rules will affect corporation business taxpayers. The movement away from required prepayments will have the effect of putting the corporation business tax on a current basis more closely reflecting business conditions at the time of imposition and payment of the tax.

#### Economic Impact

The rules also impose interest payments at the rate of five percent above the average predominant prime rate as an addition to tax on an amount of underpayment which is more than 10 percent of the amount due for an installment. With respect to interest and penalty on underpayment of tentative tax, the law no longer incorporates by reference the State Tax Uniform Procedure Law but imposes interest at the rate of one and one-half percent per month or fraction thereof unless the tax is not paid within the extension period, and if the amount paid at the time of filing was less than 90 percent of the amount due, the taxpayer shall be liable for a penalty of five percent per month or fraction thereof on the amount of underpayment. This will result in the anticipated increase of revenues to be put at the disposal of the State.

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

- 18:7-3.7 Corporation tax prepayments; amounts due  
 (a) (No change.)  
 1. (No change.)  
 2. For accounting periods ending after February 28, 1969 but before June 30, 1974, a prepayment amounting to 50 percent of the tax liability reported;  
 3. For accounting periods ending on or after June 30, 1974 but before December 31, 1980, a prepayment amounting to 60 percent of the tax liability reported.

18:7-3.9 Investment company tax prepayments; amounts, dates due

A tax prepayment must also be made [for] by investment companies for accounting periods ending on and after March 31, 1968 [and thereafter,] but before December 31, 1980, computed as indicated in N.J.A.C. 18:7-3.7 [section 3.7] (Corporation tax prepayments; amounts due) [of this chapter].

18:7-3.11 Regulated investment company; tax prepayments, amounts and dates due

A tax prepayment must also be made by regulated investment companies for accounting periods ending on and after March 31, 1968 [and thereafter,] but before December 31, 1980, computed as indicated in N.J.A.C. 18:7-3.7 [section 3.7] (Corporation tax prepayments; amounts due) [of this chapter].

18:7-3.13 [(Reserved)] Estimated tax

(a) For any accounting period beginning on or after January 1, 1985, each taxpayer shall pay its estimated tax in four installments as follows:

1. Twenty-five percent on or before the fifteenth day of the fourth month, and
2. Twenty-five percent on or before the fifteenth day of the sixth month, and
3. Twenty-five percent on or before the fifteenth day of the ninth month; and
4. The balance on or before the fifteenth day of the twelfth month of its current accounting period.

(b) Where accounting periods had ended on or after December 31, 1980 but before January 1, 1985, each taxpayer shall make installment payments of its estimated tax for its current accounting period in accordance with the following schedule:

#### The Percent Payment Due on or Before Fifteenth of Month of Current Accounting Year is

Where Accounting Year Ended on or After	Where		
	First	Fourth	Sixth
12/31/80		60% PYT	
12/31/81	15% ET	45% PYT	
12/31/82	15% ET	45% PYT	
12/31/83		30% ET	AET 55%
	Ninth	Twelfth	
	AET 85%	Bal. ET	
	AET 85%	Bal. ET	
	AET 80%	Bal. ET	
	AET 80%	Bal. ET	

\*ET = ESTIMATED TAX LIABILITY FOR CURRENT ACCOUNTING YEAR.

PYT = TAX FOR PRIOR ACCOUNTING YEAR.

AET = AMOUNT OF PAYMENT NECESSARY IN CURRENT ACCOUNTING YEAR FOR CUMULATIVE PAYMENT OF THAT PERCENTAGE OF TAXPAYER'S ESTIMATED TAX LIABILITY FOR THAT YEAR.

- (a) % of ET Due on or before 15th of 1st Month of Current Accounting Year.
- (b) % of ET Due on or before 15th of 4th Month of Current Accounting Year.
- (c) % of ET Due on or before 15th of 6th Month of Current Accounting Year.
- (d) % of ET Due on or before 15th of 9th Month of Current Accounting Year.
- (e) % of PYT Due on or before 15th of 4th Month of Current Accounting Year.
- (f) % of AET Due on or before 15th of 6th Month of Current Accounting Year.
- (g) % of AET Due on or before 15th of 9th Month of Current Accounting Year.
- (h) Balance of ET Due on or before 15th of 12th Month of Current Accounting Year.

ACCOUNT PERIOD ENDED	PYT 60% (e)	AET 85% (g)	ET BALANCE (h)	ACCOUNT PERIOD ENDED	ET 25% (b)	ET 25% (c)	ET 25% (d)	ET BALANCE (h)
12/31/80	4/15/81	9/15/81	12/15/81	12/31/84	4/15/85	6/15/85	9/15/85	12/15/85
1/31/81	5/15/81	10/15/81	1/15/82	1/31/85	5/15/85	7/15/85	10/15/85	1/15/86
2/28/81	6/15/81	11/15/81	2/15/82	2/28/85	6/15/85	8/15/85	11/15/85	2/15/86
3/31/81	7/15/81	12/15/81	3/15/82	3/31/85	7/15/85	9/15/85	12/15/85	3/15/86
4/30/81	8/15/81	1/15/82	4/15/82	4/30/85	8/15/85	10/15/85	1/15/86	4/15/86
5/31/81	9/15/81	2/15/82	5/15/82	5/31/85	9/15/85	11/15/85	2/15/86	5/15/86
6/30/81	10/15/81	3/15/82	6/15/82	6/30/85	10/15/85	12/15/85	3/15/86	6/15/86
7/31/81	11/15/81	4/15/82	7/15/82	7/31/85	11/15/85	1/15/86	4/15/86	7/15/86
8/31/81	12/15/81	5/15/82	8/15/82	8/31/85	12/15/85	2/15/86	5/15/86	8/15/86
9/30/81	1/15/82	6/15/82	9/15/82	9/30/85	1/15/86	3/15/86	6/15/86	9/15/86
10/31/81	2/15/82	7/15/82	10/15/82	10/31/85	2/15/86	4/15/86	7/15/86	10/15/86
11/30/81	3/15/82	8/15/82	11/15/82	11/30/85	3/15/86	5/15/86	8/15/86	11/15/86
				12/31/85	4/15/86	6/15/86	9/15/86	12/15/86

ACCOUNT PERIOD ENDED	ET* 15% (a)	PYT* 45% (e)	AET 85% (g)	ET BALANCE (h)
12/31/81	1/15/82	4/15/82	9/15/82	12/15/82
1/31/82	2/15/82	5/15/82	10/15/82	1/15/83
2/28/82	3/15/82	6/15/82	11/15/82	2/15/83
3/31/82	4/15/82	7/15/82	12/15/82	3/15/83
4/30/82	5/15/82	8/15/82	1/15/83	4/15/83
5/31/82	6/15/82	9/15/82	2/15/83	5/15/83
6/30/82	7/15/82	10/15/82	3/15/83	6/15/83
7/31/82	8/15/82	11/15/82	4/15/83	7/15/83
8/31/82	9/15/82	12/15/82	5/15/83	8/15/83
9/30/82	10/15/82	1/15/83	6/15/83	9/15/83
10/31/82	11/15/82	2/15/83	7/15/83	10/15/83
11/30/82	12/15/82	3/15/83	8/15/83	11/15/83

ACCOUNT PERIOD ENDED	ET* 15% (a)	PYT* 45% (e)	AET 80% (g)	ET BALANCE (h)
12/31/82	1/15/83	4/15/83	9/15/83	12/15/83
1/31/83	2/15/83	5/15/83	10/15/83	1/15/84
2/28/83	3/15/83	6/15/83	11/15/83	2/15/84
3/31/83	4/15/83	7/15/83	12/15/83	3/15/84
4/30/83	5/15/83	8/15/83	1/15/84	4/15/84
5/31/83	6/15/83	9/15/83	2/15/84	5/15/84
6/30/83	7/15/83	10/15/83	3/15/84	6/15/84
7/31/83	8/15/83	11/15/83	4/15/84	7/15/84
8/31/83	9/15/83	12/15/83	5/15/84	8/15/84
9/30/83	10/15/83	1/15/84	6/15/84	9/15/84
10/31/83	11/15/83	2/15/84	7/15/84	10/15/84
11/30/83	12/15/83	3/15/84	8/15/84	11/15/84

ACCOUNT PERIOD ENDED	ET 30% (b)	AET* 55% (f)	AET 80% (g)	ET BALANCE (h)
12/31/83	4/15/84	6/15/84	9/15/84	12/15/84
1/31/84	5/15/84	7/15/84	10/15/84	1/15/85
2/29/84	6/15/84	8/15/84	11/15/84	2/15/85
3/31/84	7/15/84	9/15/84	12/15/84	3/15/85
4/30/84	8/15/84	10/15/84	1/15/85	4/15/85
5/31/84	9/15/84	11/15/84	2/15/85	5/15/85
6/30/84	10/15/84	12/15/84	3/15/85	6/15/85
7/31/84	11/15/84	1/15/85	4/15/85	7/15/85
8/31/84	12/15/84	2/15/85	5/15/85	8/15/85
9/30/84	1/15/85	3/15/85	6/15/85	9/15/85
10/31/84	2/15/85	4/15/85	7/15/85	10/15/85
11/30/84	3/15/85	5/15/85	8/15/85	11/15/85

1. For purposes of this schedule:  
 i. "Accounting year" means the fiscal or calendar accounting year on which the tax is computed.

ii. "AET" means:

(1) For an accounting period beginning on and after January 1, 1981 but before January 1, 1983, the amount of payment necessary to provide on or before the fifteenth day of the ninth month of the taxpayer's current accounting year for cumulative payments of 85 percent of its total estimated tax liability;

(2) For an accounting period beginning on or after January 1, 1984 but before January 1, 1985, the amount of payment necessary to provide on or before the fifteenth day of the sixth month of taxpayer's current accounting year for cumulative payments of 55 percent of its total estimated tax liability; and

(3) For accounting periods beginning on or after January 1, 1983 but before January 1, 1985, the amount of payment necessary to provide on or before the fifteenth day of the ninth month of the taxpayer's current accounting year for cumulative payments of 80 percent of its total estimated tax liability.

iii. "Current accounting year" means the fiscal or calendar accounting year during which the estimated tax payments or prepayments are due.

iv. "Estimated tax liability" means the total tax expected to be due on the corporation business tax return for the current accounting year and is to be computed before any prepayment, estimated tax or credit for taxes previously paid.

"ET" means a taxpayer's estimated tax liability for its current accounting year. However, in the case of the payment which is due on or before the fifteenth day of the first month of each of its current accounting years ending on or after December 31, 1982 but before December 31, 1983, such payment may not be less than the last installment properly due for its previous accounting year, but need not be more than 25 percent of its estimated tax liability properly due for that previous accounting year. An amount is "properly due" when the amount of each installment which would have been made had the estimated tax for the immediate preceding accounting year been determined under these rules and their total equalled the tax shown on the return for that year. Where the period covered by the previous return is for a short period of less than a year, the tax shown on its return for the short period must be divided by the number of whole months covered by the return and multiplied by twelve. For the purpose of this computation, a fraction of a month is to be disregarded. Further, the "last installment properly due" is to be 15 percent of such annualized tax.

vi. "PYT" means a taxpayer's tax for the prior accounting year before any required prepayment or credit for taxes previously paid. Such tax must be determined with reference to the tentative return or final return which was filed or should have been filed on or before the original due date of such return.

Example 1: For the purpose of illustration, assume that a taxpayer is on a calendar year basis. To determine the due dates of its installments it prepares the following schedule:

Where its calendar year ended	Dates corresponding to the 15th day of its current accounting year			
	1st month	4th month	6th month	
12/31/80		4/15/81		
12/31/81	1/15/82	4/15/82		
12/31/82	1/15/83	4/15/83		
12/31/83		4/15/84	6/15/84	
	9th month	12th month		
	9/15/81	12/15/81		
	9/15/82	12/15/82		
	9/15/83	12/15/83		
	9/15/84	12/15/84		

It estimates its tax for its calendar year ended

December 31, 1981 to be \$2,000  
 December 31, 1982 to be 2,400  
 December 31, 1983 to be 2,000  
 December 31, 1984 to be 2,500  
 which, however, it revised on August 30, 1984 to be \$2,000

In fact, its tax for its calendar years ended  
 December 31, 1980 was \$1,000  
 December 31, 1981 was 2,000  
 December 31, 1982 was 2,800

It makes the following installment payments of estimated tax:

On 4/15/81—60 percent of the tax for its year ended 12/31/80	\$ 600	
9/15/85—85 percent of estimated tax for year ended 12/31/81	\$1,700	
Less prior payment	600	1,100
12/15/81—Balance of estimated tax		300
Estimated tax liability for calendar year ended 12/31/81		<u>\$2,000</u>
1/15/82—15 percent of estimated tax—(15 percent x \$2,400) \$360, which need not be more than 25 percent of prior year's estimated tax liability—\$500, but must be at least the amount which was due 12/15/81—\$300	\$ 360	
4/15/82—45 percent of the tax for its year ended 12/31/81 (45 percent x \$2,000)	900	
9/15/82—85 percent of estimated tax for year ended 12/31/82 (85 percent x \$2,400)	\$2,040	
Less prior payments	1,260	780
12/15/82—Balance of estimated tax		360
Estimated tax liability for calendar year ended 12/31/82		<u>\$2,400</u>
1/15/83—15 percent of estimated tax—\$300, which need not be more than 25 percent of prior year's estimated tax liability—\$600, but must be at least the amount which was due 12/15/82—\$360	\$ 360	

4/15/83—45 percent of the tax for its calendar year ended 12/31/82 (45 percent of \$2800)		1,260
9/15/83—80 percent of estimated tax for year ended 12/31/83	\$1,600	
Less prior payments	1,620	-0-
12/15/83—Balance of estimated tax		380
Estimated tax liability for calendar year ended 12/31/83		<u>\$2,000</u>
4/15/84—30 percent of estimated tax for year ended 12/31/84		\$ 750
6/15/84—55 percent of estimated tax for year ended 12/31/84	\$1,375	
Less prior payment	750	625
9/15/84—80 percent of revised estimated tax for year ended 12/31/84	\$1,600	
Less cumulative payments to date	1,375	225
12/15/84—Balance of estimated tax		400
Estimated tax liability for calendar year ended 12/31/84 as revised		<u>\$2,000</u>

Example 2: For the purpose of illustration, assume that a taxpayer has a fiscal year ending on April 30. To determine the due dates of its installments it prepares the following schedule:

Where its fiscal year ended	Dates corresponding to the 15th day of its current fiscal accounting year				
	1st month	4th month	6th month	9th month	12th month
4/30/81		8/15/81		1/15/82	4/15/82
4/30/82	5/15/82	8/15/82		1/15/83	4/15/83
4/30/83	5/15/83	8/15/83		1/15/84	4/15/84
4/30/84		8/15/84	10/15/84	1/15/85	4/15/85

It estimates its tax for its fiscal years ended

April 30, 1982 to be \$2,000  
 April 30, 1983 to be 2,400  
 April 30, 1984 to be 2,000  
 April 30, 1985 to be 2,500  
 which, however, it revised on September 30, 1984 to be 2,000  
 In fact, its tax for its fiscal years ended  
 April 30, 1981 was \$1,000  
 April 30, 1982 was 2,000  
 April 30, 1983 was 2,800

It makes the following installment payments of estimated tax:

On 8/15/81—60 percent of the tax for its fiscal year ended 4/30/81	\$ 600	
1/15/82—85 percent of estimated tax for fiscal year ended 4/30/82	\$1,700	
Less prior payment	600	1,100
4/15/82—Balance of estimated tax		300
Estimated tax liability for fiscal year ended 4/30/82		<u>\$2,000</u>
5/15/82—15 percent of estimated tax—\$360, which need not be more than 25 percent of prior year's estimated tax liability—\$500, but must be at least the amount which was due 4/15/82—\$300	\$ 360	

8/15/82—45 percent of the tax for its fiscal year ended 4/30/82 .....		900	
1/15/83—85 percent of estimated tax for fiscal year ended 4/30/83 .....	\$2,040		
Less prior payments .....	1,260	780	
4/15/83—Balance of estimated tax .....		360	
Estimated tax liability for fiscal year ended 4/30/83 .....		<u>\$2,400</u>	
5/15/83—15 percent of estimated tax—\$300, which need not be more than 25 percent of prior year's estimated tax liability—\$600, but must be at least the amount which was due 4/15/83—\$360 .....		\$ 360	
8/15/83—45 percent of tax for fiscal year ended 4/30/83 .....		1,260	
1/15/84—60 percent of estimated tax for fiscal year ended 4/30/84 .....	\$1,600		
Less prior payments .....	1,620	-0-	
4/15/84—Balance of estimated tax .....		380	
Estimated tax liability for fiscal year ended 4/30/84 .....		<u>\$2,000</u>	
8/15/84—30 percent of estimated tax for fiscal year ended 4/30/85 .....		\$ 750	
10/15/84—55 percent of revised estimated tax for fiscal year ended 4/30/85 .....	\$1,100		
Less preceding payment .....	750	350	
1/15/85—80 percent of revised estimated tax for fiscal year ended 4/30/85 .....	\$1,600		
Less cumulative payments to date .....	1,100	500	
4/15/85—Balance of estimated tax .....		400	
Estimated tax liability for fiscal year ended 4/30/85 as revised .....		<u>\$2,000</u>	

(c) When the tax liability for the preceding tax year is less than \$500.00 a taxpayer may, in lieu of making the installment payments otherwise required, discharge its entire obligation with respect to estimating its tax by making a single payment on or before the original due date for filing its return. The single payment:

1. For accounting years ending before December 31, 1981 is 60 percent of the tax shown on the face of its return; and

2. For accounting years ending on or after December 31, 1981 is 50 percent of the tax shown on the face of its return. Such tax must be determined with reference to the tentative return or final return which was filed or should have been filed on or before the original date of such return. The single payment should be computed by taking into account any payment which may have been made on the fifteenth day of the first month of its current tax year.

(d) For purposes of applying this rule, it is necessary that the preceding tax year be a full calendar or fiscal year, or where such return is for a short period of less than 12 months, the actual tax liability for such short period must be divided by the number of whole months covered by the return and multiplied by twelve to impute a tax for a full calendar or fiscal year. For the purpose of this computation a fraction of a month is to be disregarded.

1. For example, a taxpayer with a total tax liability of \$300.00 for its tax year ended December 31, 1980 which

was a complete year of 12 months, and which estimates \$600.00 tax liability for the tax year ended on December 31, 1981 may remit:

i. A single payment in lieu of estimated tax for 1981:  
 ii. 60 percent of \$300.00 = \$180.00  
 iii. No further installments will be due on account of the current year's estimated tax.

2. However, a taxpayer with a tax liability of \$200.00 for its short period July 13, 1981 to December 31, 1981 and which estimated a \$550.00 tax liability for its tax year ended December 31, 1982, must compute an imputed tax for a whole year as follows:

i. \$200.00 (tax for short period) ÷ 5 x 12 = \$480.00  
 ii. Since \$480.00 is less than \$500.00, this taxpayer may apply this special rule.

iii. Single payment in lieu of estimated tax for 1982:

iv. Fifty percent of \$480.00 = \$240.00

v. No further installments will be due on account of the current year's estimated tax.

(e) A taxpayer shall be entitled to a credit in the amount of the estimated tax payments made and shall be entitled to the return of any amount so paid which is in excess of the total tax payable under N.J.S.A. 54:10A-15(c) and N.J.A.C. 18:7-3.

(f) Any amount overpaid and appearing on the face of the return for the immediate preceding year may be applied in lieu of any payment of estimated tax otherwise due under this section where the taxpayer indicates on the face of such return that it elects to have such overpayment so applied.

(g) The term "taxpayer" as used in this section is defined at Rule 18:7-1.3 and includes corporations as defined in N.J.S.A. 54:10A-4(c), investment companies, regulated investment companies, real estate investment trusts, financial business corporations, banking corporations and limited partnership associations.

(h) The due date for any payment of estimated tax can not be extended.

**18:7-3.14 Equitable relief from certain otherwise mandatory installment payments of corporation business tax**

(a) Where a tax year ends on or after December 31, 1980 but before December 31, 1983, the installment payment which is due on the fifteenth day of the fourth month succeeding the end of each such year is normally determined as a percentage of the tax for that year without any estimating by the taxpayer. (See "PYT" N.J.A.C. 18:7-3.13.) Further, where tax years end on or after December 31, 1981 but before December 31, 1983, the installment payment which is due on the fifteenth day of the first month succeeding the end of each such year normally shall not be less than the last installment properly due for the previous tax year. (See "ET" N.J.A.C. 18:7-3.13.) Certain eligible taxpayers may apply for relief from these requirements.

(b) There are four classes of eligible taxpayers:

1. Taxpayers which are in bankruptcy. The phrase "in bankruptcy" includes taxpayers which have been made the subject of the application of a bankrupt, in a voluntary or involuntary proceeding under a bankruptcy law before any court of competent jurisdiction but not yet discharged or adjudicated a bankrupt.

2. Taxpayers in receivership. The phrase "in receivership" contemplates a court appointed receiver for the benefit of creditors.

3. Taxpayers which have realized a nonrecurring, extraordinary gain which would distort the amount of their installment payment. The recognition of such gain must cause that distortion, and the gain must have been non-recurring and extraordinary as those terms are used in

the application of generally accepted accounting principles. For example, such a gain may have resulted from a sale of a plant or business segment.

4. Taxpayers which estimate that they will conduct their business at a loss in the current tax year. Since there is no factual determination, such estimates must have been made in good faith and not for the purpose of avoiding or diminishing the magnitude of any installment otherwise due.

(c) Procedure for claiming relief:

1. An eligible taxpayer described at (b)1, (b)2 or (b)3 above should submit to the Director of the Division of Taxation on or before the due date of the installment:

i. Its installment payment as determined consistent with (d) below ("Installments to be paid");

ii. An affidavit setting forth facts which qualify the taxpayer as eligible; and

iii. A statement that the affidavit is intended as a basis for reliance by the director for granting equitable relief from the installment payments otherwise required.

2. An eligible taxpayer described at (b)4 above should submit to the Director of the Division of Taxation on or before the due date of the installment:

i. Its installment payment as determined consistent with (b) below ("Installments to be paid");

ii. A representation that the taxpayer estimates that it will conduct its business at a loss in its current tax year, accompanied by a profit and loss statement for that part of the current tax year as of the last day of the month preceding the due date of the installment;

iii. A statement that any increase in its estimated tax for the current tax year or any payment of tax in addition to its estimated tax will be treated as "unanticipated relief";

iv. A representation that, at the date of filing its return, it will redetermine each installment payment properly due and submit the details of its redetermination with its return; and

v. An agreement to pay, at the time of filing its return, interest on any such unanticipated relief on a per diem basis at an annual rate of five percent above the average predominant prime rate as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large businesses as of the first business day of the calendar quarter within which the payment was due. Unanticipated relief shall be attributable to the earliest installment and shall bear interest from the original due date until the date of payment and shall not be subject to any exception. This interest shall be in addition to any other amounts properly due.

3. Where each of the affidavits, statements and agreements required under this section are timely filed, the taxpayer may make its installment payments consistent with "Installments to be paid" as described in (d) below, provided, however, that any affidavit or statement may be evaluated by the director and where it shall appear to him to be unacceptable he may reject any claim for equitable relief and assert that the installment payment should have originally been made consistent with N.J.A.C. 18:7-3.13. Any underpayment resulting from such determination will be subject to full penalty and interest as provided by law.

(d) Installments to be paid:

1. All installments in accordance with the schedule set forth in N.J.A.C. 18:7-3.13 must be paid in accordance therewith unless application for relief under (c)1 above is made by the taxpayer prior to 15 days of the date an installment is due, and prior to 30 days of the date an installment is due where application for relief is made under (c)2 above. Where application is made

under (c)1 above more than 15 days of the date an installment is due and under (c)2 above more than 30 days of the date an installment is due, taxpayer shall in addition to the submission of all other data and information pay the installment amount it believes to be due under the circumstances described in its application. The Division shall advise the taxpayer as soon as possible with respect to the acceptance, rejection or modification of taxpayer's request for relief hereunder.

18:7-3.15 Interest on underpayment of installment payments

(a) N.J.S.A. 54:10A-15.4 imposes an addition to the tax on the amount of the underpayment of any installment of estimated tax by a corporation (with certain exceptions). This addition to the tax is imposed irrespective of any reason for the underpayment. The amount of the underpayment for any installment date is the excess of:

1. The amount of the installment payment which would be required to be paid if all installment payments were equal to 90 percent of the tax shown on the return for the accounting year or, if no return was filed, 90 percent of the tax for that year, over

2. The amount, if any, of the installment paid on or before the last day prescribed for such payment.

(b) Interest is determined at the annual rate referred to in (c) below based upon the amount of the underpayment of any installment of estimated tax for the period from the date such installment was required to be paid until the fifteenth day of the fourth month following the close of the tax year, or the date such underpayment was received by the director, whichever is earlier. For purposes of determining the period of the underpayment:

1. The date prescribed for payment of any installment of estimated tax may not be extended; and

2. A payment of estimated tax on any installment date, to the extent that it exceeds the amount of the installment determined under (a)1 above for such date shall be considered a payment of any previous underpayment.

(c) The rate to be used in (b) above is a per annum rate of five percent above the average predominant prime rate, as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large businesses as of the first business day of the calendar quarter within which the payment was due. Such amount shall be computed on a per diem basis.

1. For example, assume the average predominant prime rate for July 1, 1981 was 20 percent. Therefore, the applicable interest on underpayment pursuant to this subsection was 20 percent plus five percent or 25 percent on the amount of any underpayment of estimated tax due on or after July 1, 1981 but before October 1, 1981. The method prescribed for computing the addition to the tax may be illustrated by the following example:

Example: A corporation reporting on a calendar year basis estimated on its Statement of Estimated Tax for 1985, estimated tax in the amount of \$50,000.00. It made payments of \$12,500 each on April 15, 1985, June 15, 1985, September 15, 1985 and December 15, 1985. On April 15, 1986, it filed its tentative or final tax return showing a total tax of \$200,000.00. Since the amount of each of the four installments paid by the last date prescribed for payment thereof was less than 90 percent of the tax shown on the return, the addition to the tax under this rule is applicable and is computed as follows assuming that no exception applies:

Tax on return for 1985 .....	\$200,000
Ninety percent of item (1) .....	180,000
Amount of estimated tax required to be paid on each installment date (25 percent of \$180,000) ..	45,000

Deduct amount paid on each installment date . . . . .	12,500
Amount of underpayment for each installment date (item (3) minus item (4)) . . . . .	<u>\$ 32,500</u>

First installment: Period April 15, 1985 to April 15, 1986  
 Second installment: Period June 15, 1985 to April 15, 1986  
 Third installment: Period September 15, 1985 to April 15, 1986  
 Fourth installment: Period December 15, 1985 to April 15, 1986

2. Each such underpayment shall bear interest at the rate prescribed at (c) of this section.

(d) If there has been an underpayment of estimated tax as of the installment date prescribed for its payment and the taxpayer believes that one or more of the exceptions described in (e) below precludes the imposition of the addition to the tax, it should attach to its tentative or final tax return for the taxable year a rider showing the applicability of any exception upon which the taxpayer relied.

(e) Exceptions to imposition of interest on underpayment of an installment payment. The addition to the tax under this rule will not be imposed for any underpayment of any installment of estimated tax if, on or before the date prescribed for payment of the installment, the total amount of all payments of estimated tax made equaled or exceeded the amount which would have been required to be paid on or before such date if the estimated tax were the least of the following amounts:

1. An amount equal to the tax determined on the basis of the tax rates for the taxable year but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to such year. If the tax rates for the current taxable year with respect to which the underpayment occurs differ from the rates applicable to the preceding taxable year, the exception will only apply to installments due on or after the change in tax rates. If the preceding return was a short period return filed pursuant to N.J.A.C. 18:7-12, the tax computed on the basis of the facts shown on such return for purposes of determining the applicability of the exception shall be the tax appearing on such short period return multiplied by twelve and then divided by the number of whole months covered by such short period return; or

2. An amount equal to 90 percent of the tax determined by placing on an annual basis the taxable income and taxable net worth for:

i. The first three months of the taxable year, in the case of the installment required to be paid in the fourth month;

ii. Either the first three months or the first five months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid in the sixth month;

iii. Either the first six months or the first eight months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid in the ninth month;

iv. Either the first nine months or the first eleven months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid in the twelfth month; and

v. For the last three months of the preceding taxable year, in the case of the installment payment required to be paid in the first month of the current fiscal or calendar accounting year.

3. The tax so determined shall be placed on an annual basis by first multiplying it by twelve, and then dividing the resulting amount by the number of months in the taxable year.

### 18:7-3.16 Banking corporations and financial business corporations

(a) N.J.A.C. 18:7-3.13, 18:7-3.14, 18:7-3.15, 18:7-11.12 and 18:7-13.6 apply to banking corporations and financial business corporations. See N.J.S.A. 54:10A-34 et seq. regarding their general taxability under the Corporation Business Tax Act.

### 18:7-11.12 Extension of time to file return; interest and penalties

(a) (No change.)

1. (No change.)

2. Be accompanied by a remittance to cover the [full amount of estimated] unpaid balance of the estimated tax due for the [period] accounting year for which an extension of time to file the return is requested; and

3. [Must include a tax prepayment for the succeeding year, in the correct percentage of estimated tax as required by section 3.1 through 3.6 of this chapter, in the remittance submitted with the extension request.] In addition, taxpayer is required to make a payment on account of its current year's estimated tax which is due on or before the original due date for filing of the return for which an extension is requested.

(b) A request for an extension for a period not exceeding three months requires no reason and will receive automatic approval, provided that the taxpayer has complied with the instructions set forth on the tentative return form, and has paid [the full amount of the estimated] any unpaid balance of its estimated tax.

1. If extension for a period in excess of three months is desired, request [shall] may also be made on Tentative Return Form CBT-200T. [but the reasons therefor must be stated;] An additional extension of time not to exceed three months to file a final return shall be granted where a copy of the approved Federal extension is attached to the final return. In the event an additional Federal extension has not been requested or has been denied, an additional extension not to exceed three months may be granted if sufficient cause is submitted. Sufficient cause should be interpreted such that it is impossible or wholly impracticable to file a return within three months of the original due date of the return. In general, extension requests shall not be granted for any period exceeding six months from the original due date.

2. [All] Initial extensions will be confirmed in writing by the Division.

3. Where any extension is granted, any unpaid portion of the tax, including any unpaid portion of the required tax prepayment for the succeeding year, in excess of the amount estimated and remitted will bear interest on the rate of nine percent per annum if paid within the time fixed under the extension;

4. If paid after the time fixed for extension, interest will be charged at the rate of one and one-half percent per month, or per fraction of a month, from the date the tax was originally due;]

5.] 3. If the final return [as well as the balance of tax due thereon are] is not submitted within the extended period, penalties for delinquent filing [or payment] will be applied as if no extension [has] had been granted.

(c) [Sufficiency of Estimated Tax:] Interest and penalties:

1. The total amount of the tax [estimated to be] due must be paid [with the tentative return] on or before the original due date for filing the return.

2. [If total estimated tax remitted is less than 75 percent of the actual tax liability plus the amount of prepayment required (N.J.S.A. 54:10A-15(d) and (e)) as shown on the final return, and less than the amount of tax liability, plus prepayment on the preceding return, the

difference between the estimated tax and prepayment and the total tax including prepayment will be subject to a five percent penalty and an interest charge of one and one-half percent per month, or fraction thereof, from the date such tax was originally due, to the date of payment. Such remittance shall not in any event, be less than the applicable minimum tax of \$25.00 for a domestic corporation, \$50.00 for a foreign corporation or \$250.00 for an investment company, real estate investment trust or regulated investment company, plus the required prepayment.] Any unpaid portion of the tax on the final return which is in excess of the amounts paid shall bear interest at the rate of one and one-half percent per month, or fraction thereof, from the original due date of the return to the date of actual payment.

3. In addition, if the amount paid on or before the time of the filing of the return was less than 90 percent of the amount of tax due, the taxpayer shall be liable for a penalty of five percent per month, or fraction thereof, on the amount of underpayment. In this context, "filing of the return" means filing its tentative tax return on Form CBT-200T incident to its request for extension, "the time of the filing" means the original due date for filing the return.

(d) Warning:

1. No request for extension will be considered unless taxpayer has complied with all the requirements applicable to the filing of Tentative Return Form CBT-200T[;].

[2. A taxpayer which has not filed within time and which has failed to obtain an extension will be subject to assessment of estimated tax as well as interest charges and penalties.]

18:7-13.6 Time for payment of tax

(a) The annual franchise tax, including the required tax prepayment for accounting periods ending on and after March 31, 1968 [and thereafter,] but before December 31, 1980, must be paid to the director in full on or before the due date of the return. For accounting periods ending on or after December 31, 1980, the annual franchise tax, including any estimated or installment payments required to be made pursuant to section 3.13 (Estimated tax) of this chapter must be paid to the director in full on or before the due date of the return.

1. (No change.)
2. (No change.)

(b) Installment payments are due on or before the respective due dates as set forth in N.J.A.C. 18:7-3.13.

18:7-14.2 Extension of time; failure to file or pay on time

(a) [Where an extension to file a return or pay the tax is granted, any unpaid portion of the tax, including the required tax prepayment for accounting periods ending March 31, 1968 and thereafter, in excess of the amount estimated and remitted will bear interest at the rate of:

1. Nine per cent per annum if paid within the time fixed under the extension; or
2. If paid later, interest will be charged at one and one-half per cent per month or fraction thereof from the date the tax was originally due to the date of payment.

(b) If a final return is not filed within the extended period, penalties for delinquent filing will be applied as if no extension had been granted.]

See N.J.A.C. 18:7-11.12.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rules on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
Chief Tax Counselor  
Tax Counselors Section  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08646

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

This proposal is known as PRN 1981-234.

(a)

## HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

District Zoning Regulations  
Specially Planned Area Variances

Proposed Amendments: N.J.A.C. 19:4-5.17  
and 6.26

Public Hearing: November 24, 1981

Authorized By: Gary S. Rosensweig, Director of  
Administration

Authority: N.J.S.A. 13:17-6(i) and 11

The agency proposal follows:

### Summary

The proposed amendment amends the Commission's Zoning Regulations by permitting the submission of applications for variations from the 80 percent land ownership requirement specified in N.J.A.C. 19:4-5.16. The Commission has been advised by the Attorney General's office that such variations could not be applied for under existing regulations.

### Social Impact

No social impact is anticipated. The proposed amendment provides a procedural right that heretofore did not exist.

### Economic Impact

It is not anticipated that this amendment will have any significant economic impact. However, small landowners in specially planned areas may now be afforded an opportunity to seek a variation and, if approved, submit a site plan for approval. The submission of such site plans and the ultimate construction of the uses proposed would have a positive economic impact.

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

### 19:4-5.17 Variation of requirements by Development Board

(a) The applicant in his general plan or any individual landowner within a specially planned area may request the Development Board to vary the applicable specially planned area requirements including the 80 percent land ownership requirements specified in N.J.A.C. 19:4-5.16 if a General Plan application has not been submitted, by including in his general plan or by submitting, in writing, as the case may be the following information as well as such additional information as may be prescribed by rule of the Commission or Development Board:

1. The particular requirements [which the applicant wishes to vary,] sought to be varied.

2. The changes in the requirements that [the applicant feels] are necessary [;] in order to permit the proposed use or construction.

3. The reasons why such requirements should be varied.

4. As required by the Development Board, an Environmental Impact Assessment (EIA) in compliance with the HMDC guidelines.

5. In such cases where a landowner owns less than 20 percent of the property within a specially planned area and seeks to vary the 80 percent land ownership requirements specified in N.J.A.C. 19:4-5.16:

i. A site plan covering the landowner's property as specified in N.J.A.C. 19:4-4.134(b)5;

ii. Proof of written notice to all other landowners within the specially planned area informing them that a variance is being requested.

iii. Such information as specified in N.J.A.C. 19:4-5.8(a)2 regarding the characteristics of the property within the specially planned area and the subject property as shall be necessary for the Development Board to determine whether or not the subject property can be developed independently from the remaining property located within the specially planned area.

(b) The Development Board shall call a public hearing to consider a request for a variation within a specially planned area; provided however, that such a hearing may be held in conjunction with any hearing which may be required by N.J.A.C. 19:4-6.22.

[(b)] (c) The Development Board may vary any of the applicable specially planned area requirements [which the applicant has petitioned be altered] if [he] it finds that:

1.-3. (No change.)

4. In the case of a landowner who owns less than 20 percent of the property located within a specially planned area and seeks to vary the 80 percent land ownership requirement specified in N.J.A.C. 19:4-5.16, that the use proposed is compatible and consistent with the permitted uses of the specially planned area.

[(c)] (d) The Development Board may place such conditions on the alteration of requirements as [he] it deems necessary to protect the specially planned area[.], including but not limited to the requirement of a contribution by the applicant of a pro rata or proportional fair and reasonable share of the total specially planned area infrastructure costs, which can be attributed to the proposed development.

[(d)] (e) All decisions on variations shall be made [in the] by public order as required in N.J.A.C. 19:4-5.8 [Section 8 of this Subchapter]. The Development Board shall include findings of fact as to why the standards of (c) above [subsection (b) of this section] will be complied with. In the case of a landowner who seeks to vary the 80 percent land ownership requirement specified in N.J.A.C. 19:4-5.16, a written decision on an application for a variation from this requirement shall be rendered within eight weeks after the close of the hearing.

(f) In the case of a landowner who owns less than 20 percent of the property within a specially planned area and who obtains approval from the Development Board of a variance from the 80 percent land ownership requirement, such a landowner shall not comply with the requirements of N.J.A.C. 19:4-5.8 nor shall he be required to develop a specially planned area in accordance with the types and amounts of uses specified for the specially planned area; however he shall comply with the procedures set forth in N.J.A.C. 19:4-4 and 19:4-6 except that the following bulk and area standards shall apply.

Nature of Use Proposed	Applicable Bulk and Area Standards
Office	Research Park
Commercial	Highway Commercial
Industrial	Research Distribution Park
Residential	Low Density

19:4-6.26 Commission review of Development Board actions

(a) Immediately after approving, or approving with conditions, or disapproving, general, development and implementation plans, or variations from the 80 percent land ownership requirement specified in N.J.A.C. 19:4-5.16, the Development Board shall transmit forthwith to the Commission a copy of the public order containing such approval, a copy of the plan, and copies of reports of the Commission's staff and of the architectural design committee, if any, on the plan.

(b) (No change.)

A public hearing concerning this rule will be held on November 24, 1981 at or after 11:00 A.M. at:  
Hackensack Meadowlands Development Commission  
200 Murray Hill Parkway  
East Rutherford, N.J. 07073

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gary Rosensweig  
Director of Administration  
Hackensack Meadowlands Development Commission  
200 Murray Hill Parkway  
East Rutherford, N.J. 07073

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

This proposal is known as PRN 1981-228.

(a)

## ELECTION LAW ENFORCEMENT COMMISSION

Legislative Activity  
Financial Disclosure by Lobbyists and  
Legislative Agents

Proposed Amendments: N.J.A.C. 19:25-8

Authorized By: Scott Weiner, Executive Director,  
New Jersey Election Law Enforcement Commission  
Authority: P.L. 1981, Chapter 150, Section 5

The agency proposal follows:

### Summary

The proposed amendments will require public disclosure, in annual reports filed with the Commission, of the receipts and expenditures of lobbyists and legislative agents engaged in lobbying activity in New Jersey. The existing rules, adopted pursuant to N.J.S.A. 19:44A-1 et seq., were repealed by P.L. 1981, Chapter 151. The current amendments are promulgated under P.L. 1981, Chapter 150, which amended N.J.S.A. 52:13C-20 et seq.

**Social Impact**

These rules will affect all legislative agents and lobbying organizations in the state which receive or expend in excess of \$2,500 for direct, express and intentional communication with legislators or the Governor or his staff undertaken for the specific purpose of affecting legislation. Of those engaged in lobbying who meet the \$2,500 threshold, an annual report will be required, outlining the sources of the lobbyists' receipts and recipients of its expenditures.

It has been determined by the Legislature that such financial disclosure by those who attempt to directly influence the legislative process is an effective means by which to ventilate, and thus protect, the integrity, vitality and free functioning of the legislative process. In addition, the federal courts and the courts of this state have consistently held that there is a public interest in the disclosure of the sources and uses of money to affect legislation which is sufficiently compelling to outweigh any possible infringement on the activities of lobbyists. Disclosure of the significant flow of substantial wealth aimed at affecting the legislative process is of value to both the electorate and the legislators themselves in providing information as to the source of many of the motivating forces and special interests behind legislation in this state.

**Economic Impact**

While these rules will require recordkeeping by reporting lobbyists and legislative agents sufficient to permit audit by the Commission as to the correctness of the annual reports, the information required to be included in the reports is generally included in records which the reporting lobbyists or legislative agents would generally keep in the normal course of their business. It is, therefore, anticipated that the economic impact of the reporting requirements under these rules will be minimal.

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

**CHAPTER 25  
REGULATIONS**

...

**SUBCHAPTER 8. [LOBBYING DISCLOSURE]  
FINANCIAL DISCLOSURE BY  
LOBBYISTS AND LEGISLATIVE  
AGENTS**

**19:25-8.1 Scope of subchapter**

The provisions of subchapter 8 of this chapter, covering the financial disclosure obligations of certain political information organizations ("lobbyists") are promulgated pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act, L. 1973, c.83 as amended, N.J.S.A. 19:44A-1 and following ("the Act").

**19:25-8.2 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless a different meaning clearly appears from the context:

"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 stock-

holders and their families, or by a labor organization to its members and their families, or by an association to its members and their families.

"Contract lobbyist" shall mean and include any person, corporation, partnership or association, retained or designated by any other person, corporation, partnership or association, who, on behalf of such entity and pursuant to such retainer, or designation engages in lobbying or lobbying activities.

"Covered employee" shall mean and include any employee of a lobbyist or lobbyist organization who spends over the course of a reporting year, a total of 10 per cent of his time, or 180 hours, whichever is less, in lobbying activity on behalf of his employer.

"Political information organization", hereinafter referred to as "lobbyist", shall mean and include:

1. Any contract lobbyist;
2. Any two or more persons acting jointly, or any corporation, partnership or association which receives contributions or makes expenditures for lobbying activities. Lobbyist under this paragraph includes, but is not limited to, trade and business associations, clubs, political action committees, unions, public interest groups, and corporations whose salaried employees engage in lobbying activity for their employer or which retain contract lobbyists.
3. Any two or more persons acting jointly, or any corporation, partnership or association which receives contributions or makes expenditures for election-related activity (as defined in N.J.A.C. 19:25-1.7) shall be deemed a political committee, and its reporting and other obligations under the Act, if any, shall be those applicable to political committees.

"Legislator" means any member of the Senate or General Assembly of the State of New Jersey or a member-elect thereof, and any member of a committee or commission of the State Legislature or of either House; the term shall also include any staff member, assistant or employee (but excluding secretarial and clerical or similar employees) of the State Legislature, whether or not he received compensation from the State of New Jersey, and the Governor, Acting Governor, Secretary to the Governor, Counsel to the Governor and any other employee of the Chief Executive's Office, but excluding secretarial and clerical or similar employees.

"Legislation" includes all bills, resolutions, amendments, nominations or appointments, proposed but not yet introduced or pending in either House of the Legislature and all bills and resolutions which, having passed both Houses of the Legislature, are pending approval by the Governor.

"Direct, express and intentional communication with legislators undertaken for the specific purpose of affecting legislation," as used in sections 4 and 5 of this subchapter shall mean and include oral or written communications directed to or at a legislator (including telephone, correspondence, literature, advertising, or use of communication media), regardless of whether the communication is in person or through an agent, and having the effect of transmitting information, opinions, or ideas which reasonably can be said to be addressed to or connected with proposed or pending legislation for the purpose of lobbying. This shall include the preparation and distribution of material for such communication by a contract lobbyist or covered employee for the purpose of such lobbying.

**19:25-8.3 Other definitions**

(a) "The Act" means The New Jersey Campaign Contributions and Expenditures Reporting Act, L. 1973, c.83, as amended, N.J.S.A. 19:44A-1 and following.

(b) "Commission" means the New Jersey Election Law Enforcement Commission.

(c) The term "contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible, and paid personal services (but not including voluntary services provided without compensation) made to any lobbyist and any pledge or other commitment or assumption of liability to make such transfer. For purposes of subchapter 8, the term "contribution" shall include receipts of salary, fees, allowances, retainers or other similar compensation. Any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

(d) The term "expenditure" includes every loan, gift, advance, subscription or transfer of money or other thing of value, including any item of real or personal property, tangible or intangible and paid personal services (but not including volunteer services provided without compensation) made by any lobbyist and any pledge or other commitment or assumption of liability to make such transfer. Any such commitment or assumption shall be deemed to have been an expenditure upon the date when such commitment is made or liability assumed.

(e) The pronouns "its" and "his," used interchangeably throughout this subchapter, apply to lobbying organizations or lobbyist individuals of either gender, unless a different meaning clearly appears from the context.

(f) The term "principal" includes any person, corporation, partnership or association who or which employs or pays another person, corporation, partnership or association to engage in lobbying activities on its behalf.

(g) The term "unreimbursed travel expenses" means unreimbursed transportation expenses of individuals engaged in lobbying activities who are not compensated by a lobbyist or otherwise for such activities. A travel expense is deemed to be reimbursed if such cost is paid for by a lobbyist, returned to such individual in any way or if such cost is deducted, in any part, as a business expense on any state or federal tax return of the individual or a lobbyist.

#### 19:25-8.4 Exemptions from the Act

(a) The provisions of the Act regarding lobbying activity shall not apply to:

1. Any lobbyist who or which receives contributions or receipts of not more than \$2,500 and makes expenditures of not more than \$2,500 (exclusive of unreimbursed travel expenses) in any calendar year for direct, express and intentional communication with legislators, undertaken for the specific purpose of effecting legislation. In calculating its reporting threshold hereunder, the lobbyist shall include the receipts, contributions and expenditures set forth in section 5(b) of this subchapter.

2. The government of the United States or of the State of New Jersey or of any other state or of any of the political subdivisions of any of the foregoing, or any official, employee, counsel or agent of the government of the United States or of the State of New Jersey or of any other state or of any of the political subdivisions of any of the foregoing, when acting in such official capacity;

3. Any bona fide newspaper, magazine, radio or television station or other bona fide news medium and the owners and employees thereof, disseminating political information, advertising or comment in the normal course of its business; nor to any recognized school or institution of higher education, public or private, in conducting, sponsoring or subsidizing any classes, seminars, forums, discussions or other events, in the normal course of its business in which political information or discussion thereof or comment thereon is an integral part;

4. Any bona fide religious group acting solely for the

purpose of protecting the public right to practice the doctrine of such religious group;

5. Any duly organized national, state or local committee of a political party;

6. Any person who testifies before a legislative committee or commission or at a public hearing duly called by the Governor on legislative proposals or on legislation passed and pending his approval in behalf of a nonprofit organization incorporated as such in this State who receives no compensation therefor beyond the reimbursement of necessary actual expenses and who make no other communication to a legislator in connection with the subject of his testimony; and

7. Any person who communicates with a legislator if such communication is undertaken by him as a personal expression and not incident to his employment, even if it is upon a matter relevant to the interests of a person by whom or by which he is employed, and if he receives no additional compensation or reward, in money or otherwise, for or as a result of such communication.

#### 19:25-8.5 Threshold calculation

(a) Any lobbyist who or which receives contributions or receipts of more than \$2,500 or makes expenditures of more than \$2,500 exclusive of unreimbursed travel expenses) in any calendar year for direct, express and intentional communication with legislators, undertaken for the specific purpose of affecting legislation shall file with the Commission, not later than March 1st of each year, an annual report of contributions and expenditures for the previous calendar year, computed in accordance with the provisions below, on forms supplied by the Commission.

(b) In calculating its reporting threshold hereunder, the lobbyist shall include all contributions or expenditures related to direct, express and intentional communication with legislators for the specific purpose of affecting legislation. Such calculation shall include, without limitation, that portion of the following expenditures which relate to direct, express and intentional communication with legislators for the specific purpose of affecting legislation:

1. Costs of preparation and distribution of lobbying material by a contract lobbyist or covered employee;
2. Costs of purchase and preparation of media, including production expenses and expenses of time and space (e.g., billboards, newspapers, radio, television);
3. Entertainment;
4. Food and beverage;
5. Travel and lodging;
6. Honoraria;
7. Loans;
8. Gifts;
9. Overhead expenses of a contract lobbyist or of a lobbyist as defined in section 2(d)2 of this subchapter attributable to its covered employees (including among other things, rent, utilities, telephone and photocopying);
10. Salary, fees, allowances or other compensation paid to a contract lobbyist by its principal;
11. Compensation paid to a covered employee of a firm, association, partnership or corporation who engages in lobbying activity on behalf of his employer.

(c) The reporting threshold calculation shall also include, without limitation, that portion of the following contributions which relate to direct, express and intentional communication with legislators for the specific purpose of affecting legislation:

1. Salary, fees, allowances or other compensation received by a contract lobbyist from its principal;
2. Subject to the provisions of section 6(a)1ii of this subchapter, fees or dues contributed by its members to a lobbyist as defined in section 2(d)2 of this subchapter which engages in lobbying activity.

(d) A lobbyist retained by or representing more than one principal shall include in its annual report, and for purposes of determining aggregate threshold expenditure figures pursuant to this section, expenditures made on behalf of all of its principals.

#### 19:25-8.6 Annual report

(a) The annual report shall contain the following:

1. Name, business address, telephone number of lobbyist.  
2. Name, address and occupation or business of lobbyist's principal(s), if applicable.

3. Name of all legislative agents registered under the Legislative Activities Disclosure Act of 1971, (N.J.S.A. 52:13C-18 and following) who are employed by reporting lobbyist during a calendar year.

4. Description of the general subject or subjects in which the lobbyist engaged in lobbying.

5. Contributions to a lobbyist, including:

i. Fees, salary or other compensation in full, or that pro rata share attributable to lobbying activities, received by a contract lobbyist. Compensation required to be reported pursuant to this subparagraph shall be detailed as to amount, from whom received and for what purpose. A law firm, advertising agency, public relations firm, accounting firm or similar organization which spends only a portion of its time lobbying on behalf of a principal shall be required to report only that portion of its fees as are attributable to its lobbying activity on behalf of each principal.

ii. Contributions, loans (except for loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons) or membership fees or dues of an organization, association, or union. Such contributions, loans, membership fees or dues shall not be deemed to be contributions to influence legislation within the meaning of section 8 (N.J.S.A. 19:44A-8) and other reporting sections of the Act and of these regulations, unless made for the express purpose of lobbying, or made to a person or organization whose major purpose is to engage in lobbying activity. For purposes of this subparagraph, 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. Such contributions, loans, membership fees or dues (other than those made for the express purpose of lobbying) shall be reportable in the same proportion as the activities of the organization, association or union are for a lobbying purpose; such contributions, loans, membership fees and dues made for the express purpose of lobbying 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 for lobbying activities during the calendar year.

6. Expenditures of lobbyist, including:

i. Fees, salary or other compensation in full, or that pro rata share attributable to lobbying activities, paid to a contract lobbyist. Compensation required to be reported pursuant to this subparagraph shall be detailed as to amount, to whom paid and for what purpose

ii. Pro rata share of salary or other compensation attributable to lobbying or lobbying activities paid to a covered employee by his employer for lobbying activity on behalf of the employer.

iii. Contributions or membership fees or dues, or that pro rata share attributable to lobbying activity, paid by the lobbyist. This category shall include contributions or dues paid to an organization, association or union, and

shall be reportable in the same proportion as the activities of the organization, association or union are for a lobbying purpose. Contributions, fees or dues required to be reported pursuant to this subparagraph shall be reported in the aggregate, along with the name of any organization, association or union to whom the lobbyist made a contribution for lobbying activity in excess of \$100.00 for a calendar year as well as the date and amount of each such contribution, fees or dues.

iv. Preparation and distribution of materials by a contract lobbyist or covered employee for the purpose of lobbying, including all disbursements for preparation and distribution of printed materials, correspondence, newsletters, flyers, publications, films, slides, recordings and video tapes; but this category shall not include costs for internal communications by a corporation to its management employees or stockholders and their families, or by a labor organization to its members or their families, or by an organization to its members and their families.

v. Costs of purchase and preparation of media for the purpose of lobbying (e.g., billboards, newspapers, radio, television), including production expenses and expenses of time and space.

vi. Fees and allowances for the purpose of lobbying, including consulting, legal and other fees, for services performed or to be performed, as well as expenses incurred in rendering such services.

vii. Travel and lodging expenses for the contract lobbyist, or covered employee for the purpose of lobbying.

viii. Other expenses for the purpose of lobbying, attributable to a lobbyist or covered employee, or general office overhead, including rent, utilities, telephone, telegraph, postage and photocopying, incurred for the purpose of lobbying.

ix. The following expenditures, when made by a lobbyist required to report pursuant to the Act, to or on behalf of a legislator or the immediate family of a legislator, shall be presumed to be made for the purpose of influencing the content, introduction, passage or defeat of legislation. An expenditure is deemed to be made by a lobbyist if such cost is reimbursed by or to the lobbyist or if such cost is deducted as a business expense on any state or federal tax return of the lobbyist.

(1) Entertainment, including, but not limited to, disbursements for sporting, theatrical and musical events provided to legislators, paid for by a lobbyist as well as the cost of entertainment for a contract lobbyist or covered employee when in the company of the legislator.

(2) Food and beverages provided to legislators, paid for by a lobbyist as well as food and beverages for the contract lobbyist or covered employee when in the company of the legislator, and payments by lobbyists of food or beverages of legislators at conferences, conventions, banquets, or other similar functions.

(3) Travel and lodging expenses paid for by a lobbyist on behalf of a legislator.

(4) Honoraria paid to a legislator by a lobbyist.

(5) Loans to a legislator from a lobbyist, except for loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

(6) Gifts, including, but not limited to, material goods, entertainment, food, beverage, travel and lodging, given or paid by the lobbyist to a legislator.

7. Expenditures required to be reported pursuant to paragraph 6i through 6viii of this subsection shall be listed in the aggregate by category.

8. Expenditures required to be reported pursuant to paragraph 6ix of this subsection shall be listed in the aggregate by category, and shall be detailed as set forth below.

i. Where expenditures required to be reported pursuant to paragraph six of this subsection in the aggregate on behalf of a legislator, exceed \$25.00 per day, they shall be detailed separately as to name of legislator, date and type of expenditure, amount of expenditure, and to whom paid.

ii. Where expenditures required to be reported pursuant to paragraph six of this subsection in the aggregate on behalf of any one legislator exceed \$100.00 per year, such expenditures, together with the name of such legislator, shall also be detailed in the same manner as in subparagraph i of this paragraph.

iii. With respect to any public event, such as a reception, to which a majority of all members of the Legislature or of either House of the Legislature is invited, the report shall include the date, purpose, place and total cost of the public event. The costs of any public event need not be allocated among the legislators present at the event for inclusion in the daily or annual calculations under subparagraphs i. and ii. of this paragraph.

iv. For the purposes of calculation for subparagraphs i. and ii. of this paragraph, such expenditures made on behalf of staff and assistants assigned to a legislator shall also be counted towards the aggregate of such expenditure for such legislator.

9. Where a contribution of goods or services is made to a lobbyist for the purposes of lobbying, the value of the contribution shall be the reasonable commercial value of the goods to the lobbyist receiving them. Where an expenditure of goods or services, including travel, is made by a lobbyist to a legislator, the value of the expenditure shall be the reasonable commercial value of the goods or services to the legislator.

10. The Treasurer, designated pursuant to Section 9 of this subchapter, of any lobbyist required to file an annual report hereunder shall certify to the correctness of such report.

#### 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.

#### 19:25-8.8 Audit by commission; recordkeeping

(a) All annual reports of lobbyists required to be filed pursuant to the Act and these Regulations shall be subject to review and audit by the Commission.

(b) Every lobbyist subject to reporting under this Act shall maintain for a period of three years all records and documents relating to its lobbying activity in New Jersey including but not limited to checks, bank statements, contracts and receipts, so as to provide evidence to support statements in reports filed with the Commission and to permit an adequate basis for auditing by the Commission.

#### 19:25-8.9 Responsibilities for filing annual reports

(a) The lobbyist and its designated Treasurer shall have the responsibility of filing annual reports.

(b) Every principal which itself has a filing obligation pursuant to this subchapter is not relieved of that obliga-

tion by virtue of the fact that a contract lobbyist employed by it has a filing obligation as a lobbyist. Every lobbyist which has a filing obligation pursuant to this subchapter is not relieved of that obligation by virtue of the fact that its principal has or may have a filing obligation as a lobbyist.

(c) The covered employee of a corporation or other principal shall not have an obligation of filing an annual report; the obligation to file the annual report will be that of the corporation or other principal.

#### 19:25-2.10 Appointment of treasurer and depository

(a) Every lobbyist required to file an annual report pursuant to section 5 of this subchapter, or which reasonably anticipates making expenditures requiring it to report pursuant to section 8 of this subchapter, shall appoint a treasurer and name a depository and file the names and addresses of such with the Commission on forms designated by the Commission on or before January 31 of each year or as soon thereafter as the obligation to report becomes known to such lobbyist.

(b) Nothing in the Act or these regulations shall be construed to require designation of a corporate treasurer or chief financial officer as treasurer hereunder, or be interpreted to impose depository requirements prohibited by the Commissioner of Banking or the Supreme Court of New Jersey as to the Canons of Ethics for attorneys, of the Public Utilities Commission for utility companies, or of other regulatory agencies.

(c) Every treasurer appointed pursuant to this section shall either be a resident of the State of New Jersey or, in the alternative, the lobbyist must file with the Commission a consent to service of process and submission to jurisdiction in a form satisfactory to the Commission.

(d) In naming a depository pursuant to this section, a lobbyist may designate a separate account for lobbying contributions, receipts and expenditures or it may designate its normal business account for such purpose; provided, however, in either case, a lobbyist must keep records sufficient to permit the Commission to identify and audit such contributions, receipts and expenditures.

(e) The treasurer of a lobbyist may appoint deputy treasurers as may be required and may designate additional depositories. Such lobbyist shall promptly file the names and addresses of deputy treasurers and additional depositories with the Commission.

(f) In the case of the death, resignation or removal of a treasurer, the lobbyist shall appoint a successor as soon as practicable and shall file his name and address with the Commission within three days of such appointment.

#### 19:25-8.11 Advisory opinions

The Commission is authorized, pursuant to section 6 of the Act, to render advisory opinions as to the applicability of the Act to a given specific set of facts and circumstances.

#### 19:25-8.12 Investigations by the commission

(a) The Commission may, pursuant to N.J.S.A. 19:44A-6(b), on its own motion or on the application of any person, conduct investigations to determine the extent to which any candidate, committee, organization or other person or group of persons is complying with the Act.

(b) In the conduct of such investigations, all investigatory powers granted by N.J.S.A. 19:44A-6(b) shall be available to the Commission.

#### 19:25-8.13 Severability clause

If any regulation, or sentence, paragraph or section of these regulations, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any regulation shall lose its force and effect, such judgment

or action shall not affect, impair or void the remainder of these regulations.]

#### 19:25-8.1 Authority

The provisions of this subchapter, covering the financial disclosure obligations of certain lobbyists and legislative agents, are promulgated pursuant to the Legislative Activities Disclosure Act (P.L. 1971, c. 183), as amended, N.J. S.A. 52:13C-20, and following ("the Act").

#### 19:25-8.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless a different meaning clearly appears from the context.

"Commission" means the New Jersey Election Law Enforcement Commission.

"Communication to the Legislature" or "to the Governor or his staff" shall mean any communication, oral or in writing or any other medium, addressed, delivered, distributed or disseminated to the Legislature or the Governor or his staff or to any part thereof or member thereof as distinguished from the general public, including but not limited to the Legislature or the Governor or his staff. If any person shall obtain, reproduce or excerpt any communication or part thereof which in its original form was not a communication to the Legislature or the Governor or his staff and shall cause such excerpt or reproduction to be addressed, delivered, distributed or disseminated to the Legislature or the Governor or his staff or any part thereof or member thereof, such communication, reproduction or excerpt shall be deemed a communication to the Legislature or the Governor or his staff by such person.

"Compensation," for the purposes of this subchapter, shall be included within the definition of the term "receipt."

"Contribution," for the purposes of this subchapter, shall be included within the definition of the term "receipt."

"Direct, express and intentional communication with legislators or the Governor or his staff undertaken for the specific purpose of affecting legislation" (hereinafter sometimes referred to as "direct communication") shall mean any oral or written communication initiated by a lobbyist or legislative agent for such lobbyist to the Legislature or the Governor or his staff (including telephone, correspondence, radio, advertising or use of other communications media), regardless of whether the communication is in person or through an agent, having the effect of transmitting information, opinions or ideas which reasonably can be said to be intended to influence legislation.

"Expenditure" includes every loan, gift, fee, salary, contribution, subscription, advance or transfer of money or other thing of value, including any item of real or personal property, tangible or intangible, and paid personal services (but not including volunteer services provided without compensation) made or paid by any legislative agent or lobbyist, and any pledge or other commitment or assumption of liability to make such transfer. Any such commitment or assumption shall be deemed to have been an expenditure upon the date when such commitment is made or liability assumed.

"Governor or his staff" includes the Governor or the Acting Governor, the members of the Governor's Cabinet, the Secretary to the Governor, the Counsel to the Governor, and all other employees of the Chief Executive's Office.

"Influence legislation" shall mean to make any attempt, whether successful or not, to secure or prevent the initiation of any legislation or to secure or prevent the passage, defeat, amendment or modification thereof by the Legislature, including efforts to influence the preparation, drafting, content, introduction and consideration of any bill, resolution, amendment, report, nomination or other legislative matter, or the approval, amendment or disapproval

thereof by the Governor in accordance with his constitutional authority.

"Its" and "his," used interchangeably throughout this subchapter, apply to lobbyists or legislative agents of either gender, unless a different meaning clearly appears from the context.

"Legislation" includes all bills, resolutions, amendments, nominations and appointments, pending or proposed, in either House of the Legislature, and all bills and resolutions which, having passed both Houses, are pending approval by the Governor.

"Legislative agent" shall mean any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value (including reimbursement of his expenses where such reimbursement exceeds \$100.00 in any three-month period), to influence legislation by communication, personally or through any intermediary, to the Legislature or the Governor or his staff, or who holds himself out as engaging in the business of influencing legislation by such means, or who incident to his regular employment engages in influencing legislation by such means; provided, however, that a person shall not be deemed a legislative agent who, in relation to the duties or interests of his employment or at the request or suggestion of his employer, communicates to the Legislature or the Governor or his staff concerning any legislation, if such communication is an isolated, exceptional or infrequent activity in relation to the usual duties of his employment.

1. Except as hereinafter provided below, for the purposes of the definition of "legislative agent" and of reporting under the Act, a person's communication or communications shall not be deemed to be "isolated, exceptional or infrequent activity" if, in relation to the usual duties of his employment, he spends, over the course of a reporting year, a total of three percent of his time or 50 hours, whichever is less, in such activity on behalf of his employer.

2. Notwithstanding the above, if the employee of any organization which has reportable receipts or expenditures of more than \$2,500 in any calendar year, makes a Direct Communication in such calendar year, then the activity of such employee, regardless of the amount of time spent, shall be deemed not to be "isolated, exceptional or infrequent activity" for purposes of reporting under the Act and these regulations. Solely for purposes of determining whether the employer of such employee is a lobbyist as defined below, such employee shall be deemed to be a legislative agent.

"Legislature" includes the Senate and General Assembly of the State of New Jersey, the members and members-elect thereof and each of them, all committees and commissions established by the Legislature or by either House and all members of any such committee or commission, and all staff assistants and employees of the Legislature whether or not they receive compensation from the State of New Jersey.

"Lobbyist" shall mean any person, partnership, committee, association, corporation, labor union, or any other organization that employs, retains, designates, engages or otherwise uses the services of any legislative agent to influence legislation. If any person, partnership, committee, association, corporation, labor union or other organization has in its employ more than one regular employee engaged in the activities of attempting to influence legislation on behalf of such organization, which activities, if done by one employee, would qualify that employee as a legislative agent, the organization employing such employees shall be deemed to employ a legislative agent for purposes of reporting under this Act.

"Person" includes any individual, partnership, commit-

tee, association, corporation, and any other organization or group of persons.

"Receipt" includes every loan, gift, contribution, fee, subscription, salary, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible, and paid personal services (but not including voluntary services provided without compensation) made to any legislative agent or lobbyist and any pledge or other commitment or assumption of liability to make such transfer. Any such commitment or assumption shall be deemed to have been a receipt upon the date when such commitment is made or liability assumed.

1. For purposes of this subchapter, the term "receipt" shall include, but not be limited to, compensation by way of salary, fees, allowances, retainers, reimbursement of expenses, or other similar compensation, when received by a legislative agent. For purposes of this subchapter, the term "receipt" shall also include, but not be limited to, contributions by way of fees, dues, gifts or other similar contributions when received by a lobbyist.

#### 19:25-8.3 Exemptions from the Act

(a) The provisions of the Act regarding attempts to influence legislation shall not apply to the following activities.

1. The acts of the government of the United States or of the State of New Jersey or of any other state or of any of the political subdivisions of any of the foregoing, or any interstate authority or commission, or any official, employee, counsel or agent of any of the above when acting in his official capacity.

2. The publication or dissemination, in the ordinary course of business, of news items, advertising, editorials, or other comments by a newspaper, book publisher, regularly published periodical, radio or television station or similar media, including an owner, editor or employee thereof, nor the acts of a recognized school or institution of higher education, public or private, in conducting, sponsoring or subsidizing any classes, seminars, forums, discussions or other events, in the normal course of its business in which political information or discussion thereof or comment thereon is an integral part.

3. The acts of bona fide religious groups acting solely for the purpose of protecting the public right to practice the doctrine of such religious group.

4. The acts of a duly organized national, state or local committee of a political party.

#### 19:25-8.4 Reporting threshold

(a) Any lobbyist or legislative agent who or which receives receipts of more than \$2,500 or makes expenditures of more than \$2,500 in any calendar year for the purpose of direct, express and intentional communication with legislators, or the Governor or his staff, undertaken for the specific purpose of affecting legislation, shall file with the Commission, not later than February 15th of each year, an annual report of receipts and expenditures for the previous calendar year pursuant to N.J.A.C. 19:25-8.9 or forms supplied by the Commission; however, the initial reports required by the Act for the calendar year 1981 shall be filed not later than February 1, 1982. In calculating its reporting threshold hereunder, the lobbyist or legislative agent shall include the receipts and expenditures set forth in N.J.A.C. 19:25-8.5.

(b) A legislative agent retained by or representing more than one lobbyist shall, for purposes of determining aggregate threshold expenditure figures pursuant to this section, include expenditures made on behalf of all of the lobbyists by whom it is employed.

#### 19:25-8.5 Reporting calculation

In calculating its reporting threshold hereunder, and for

the purposes of reporting under N.J.A.C. 19:25-8.9, the lobbyist or legislative agent shall include all receipts or expenditures related to direct, express and intentional communication with legislators or the Governor or his staff for the specific purpose of affecting legislation.

#### 19:25-8.6 Calculation of receipts

(a) The above calculation shall include, without limitation, the following receipts which relate to direct, express and intentional communication with legislators or the Governor or his staff for the specific purpose of affecting legislation.

1. Fees, salary, allowances or other compensation in full, or that pro rata share related to Direct Communication received by a legislative agent. Receipts required to be reported pursuant to (a)1 of this section shall be detailed as to amount, from whom received and for what purpose. A law firm, advertising agency, public relations firm, accounting firm or similar organization which spends only a portion of its time in legislative activity on behalf of a lobbyist shall be required to report only that portion of its fees as are related to Direct Communication.

2. Contributions, loans (except for loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons) or membership fees or dues received by a lobbyist, except that such receipts by a lobbyist shall not be deemed to be related to Direct Communication for the purpose of affecting legislation, for the purpose of reporting under the Act and these regulations, unless made to a lobbyist expressly for such purpose, or unless made to a lobbyist whose major purpose is to engage in such communication. For purposes of (a)2 of this section, a lobbyist shall be deemed to engage in Direct Communication as its major purpose for any calendar year in which expenditures related to such activity constitute more than 50 percent of its total expenditures. Such contributions, loans, membership fees or dues (other than those expressly made for the purpose of Direct Communication) received by the lobbyist shall be reportable hereunder in the same proportion as the activities of the lobbyist are related to Direct Communication. Contributions, loans, membership fees and dues made expressly for the purpose of Direct Communication shall be reported in full. Contributions, fees or dues required to be reported pursuant to this paragraph 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, whose contribution(s), allocated as outlined above, aggregate more than \$100,00 during the calendar year.

#### 19:25-8.7 Calculation of expenditures

(a) The reporting calculation shall also include, without limitation, the following expenditures which relate to direct, express and intentional communication with legislators or the Governor or his staff for the specific purpose of affecting legislation.

1. Fees, allowances, retainers, salary or other compensation in full, or that pro rata share related to Direct Communication paid to a legislative agent. Compensation required to be reported pursuant to this subparagraph shall be detailed as to amount, to whom paid and for what purpose and shall include consulting, legal or other fees, for services performed or to be performed, as well as expenses incurred in rendering such services.

2. Pro rata share of salary or other compensation paid to an employee of any organization whose activities on behalf of that organization qualify him as a legislative agent.

3. Contributions or membership fees or dues paid by the

lobbyist, except that such contributions or fees shall not be deemed to be related to Direct Communication for the purpose of reporting under the Act and this subchapter unless made to a lobbyist or legislative agent expressly for such purpose, or unless made to a lobbyist or legislative agent whose major purpose is to engage in such communication. For the purpose of (a)3 of this section, a lobbyist or legislative agent shall be deemed to engage in Direct Communication as its major purpose for any calendar year in which expenditures related to such activity constitute more than 50 percent of its total expenditures. Such contributions, fees and dues (other than those made expressly for the purpose of Direct Communication) made by a lobbyist to an organization, association or union, shall be reportable hereunder in the same proportion as the activities of the organization, association or union are related to Direct Communication. Contributions, fees or dues made expressly for the purpose of Direct Communication shall be reported in full. Contributions, fees or dues required to be reported pursuant to this paragraph shall be reported in the aggregate, along with the name of any organization, association or union to whom the lobbyist made a contribution in excess of \$100.00 for the calendar year (when allocated as set forth above) as well as the date and amount of each such contribution, fee or dues.

4. Costs of preparation and distribution of material by a lobbyist or legislative agent, including all disbursements for preparation and distribution of printed materials, correspondence, newsletters, flyers, publications, films, slides, recordings and video tapes.

5. Costs of purchase and preparation of media (e.g., billboards, newspapers, radio, television) including production expenses and expenses of time and space.

6. Travel and lodging for the legislative agent.

(b) The following expenditures shall be deemed to be related to direct, express and intentional communication with legislators or the Governor or his staff for the specific purpose of affecting legislation if the lobbyist or legislative agent makes such a communication within the same reporting year as the expenditure is made and if the cost of such expenditure is reimbursed by or to the lobbyist or legislative agent or if such cost is deducted as a business expense on any state or Federal tax return of the lobbyist or legislative agent.

1. Entertainment, including, but not limited to, disbursements for sporting, theatrical and musical events provided to legislators or the Governor or his staff, and paid for by a lobbyist or legislative agent, as well as the cost of entertainment for a legislative agent when in the company of the legislator.

2. Food and beverages provided to legislators or the Governor or his staff, paid for by a lobbyist or legislative agent, as well as food and beverages for the legislative agent when in the company of the legislator, and payments by lobbyists or legislative agents of food or beverages of legislators at conferences, conventions, banquets or other similar functions.

3. Travel and lodging expenses paid for by a lobbyist or legislative agent on behalf of a legislator or the Governor or his staff.

4. Honoraria paid to a legislator or to the Governor or his staff by a lobbyist or legislative agent.

5. Loans to a legislator or to the Governor or his staff from a lobbyist or legislative agent except for loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

6. Gifts to a legislator or to the Governor or his staff including, but not limited to, material goods or other things of value.

7. For purposes of reporting under the Act or this subchapter, when an expenditure included in (b) of this section is made to a member of the immediate family of a legislator or of the Governor or member of his staff, such expenditure shall be deemed to be made on behalf of the legislator or the Governor or member of his staff.

#### 19:25-8.8 Valuation of contributions and expenditures

Where a contribution of goods or services is made to a lobbyist or legislative agent for the purposes of direct, express and intentional communications with legislators or the Governor or his staff for the specific purpose of affecting legislation, the value of such receipt shall be its reasonable commercial value to the lobbyist or legislative agent receiving it. Where an expenditure of goods or services, including travel, is made by a lobbyist or legislative agent to a legislator, the value of the expenditure shall be its reasonable commercial value to the legislator receiving it.

#### 19:25-8.9 Annual report

(a) The annual report shall contain the following.

1. Name, business address, telephone number of the reporting lobbyist or legislative agent;

2. Name, address and occupation or business of legislative agent(s) engaged by reporting lobbyist, or name, address and occupation or business of lobbyist(s) engaging the reporting legislative agent, whichever is applicable;

3. The particular items of legislation and any general category or type of legislation regarding which the legislative agent or lobbyist engaged in Direct Communication during the calendar year and any particular items or general types of legislation which the legislative agent or lobbyist actively promoted or opposed during such year;

4. Receipts received by the legislative agent or lobbyist as set forth in N.J.A.C. 19:25-8.6;

5. Expenditures made by the lobbyist or legislative agent, as set forth in N.J.A.C. 19:25-8.7.

(b) Expenditures required to be reported pursuant to N.J.A.C. 19:25-8.7(a) shall be listed in the aggregate by category.

(c) Expenditures required to be reported pursuant to N.J.A.C. 19:25-8.7(b) shall be listed in the aggregate by category, and shall be detailed as set forth below.

1. Where expenditures required to be reported pursuant to N.J.A.C. 19:25-8.7(b) in the aggregate on behalf of a legislator or Governor or his staff exceed \$25.00 per day, they shall be detailed separately as to name of legislator or Governor, date and type of expenditure, amount of expenditure, and to whom paid.

2. Where expenditures required to be reported pursuant to N.J.A.C. 19:25-8.7(b) in the aggregate on behalf of any one legislator or Governor or one of his staff members exceed \$200.00 per year, such expenditures, together with the name of such legislator or Governor, shall also be detailed in the same manner as in (c)1 above.

3. With respect to any specific event, such as a reception, where expenditures required to be reported pursuant to N.J.A.C. 19:25-8.7(b) in the aggregate exceed \$100.00, the report shall include the date, type of expenditure, amount of expenditure and to whom paid. The costs of any specific event need not be allocated among the legislators or Governor or his staff present at the event for inclusion in the daily or annual calculations under (c)1 and 2 above.

4. For the purposes of calculation for (c)1 and 2 above, such expenditures made on behalf of staff and assistants assigned to a legislator or the Governor shall also be counted toward the aggregate of such expenditure for such legislator or the Governor; however, expenditures made on behalf of members of the Governor's cabinet shall not be included in such aggregate, but shall be cal-

culated separately and reported separately with regard to such cabinet members.

(d) A legislative agent retained by or representing more than one lobbyist shall include in its annual report receipts received from and expenditures made on behalf of all lobbyists by whom it is employed.

**19:25-8.10 Audit by commission; recordkeeping**

(a) All annual reports of lobbyists or legislative agents required to be filed pursuant to the Act and this subchapter shall be subject to review and audit by the Commission.

(b) Every lobbyist and legislative agent subject to reporting under this Act shall maintain for a period of three years all records and documents relating to its activity in influencing legislation in New Jersey, including but not limited to checks, bank statements, contracts and receipts, so as to provide evidence to support statements in reports filed with the Commission and to permit an adequate basis for auditing by the Commission.

**19:25-8.11 Responsibilities for filing annual reports; certification**

(a) The lobbyist and the legislative agent shall have the responsibility of filing annual reports.

(b) Every organization which itself has a filing obligation as a lobbyist pursuant to this subchapter is not relieved of that obligation by virtue of the fact that a legislative agent engaged, designated or employed by it has a filing obligation; except that a lobbyist required to file a report pursuant to the Act may designate a legislative agent in its employ or otherwise engaged or used by it to file a report on its behalf, provided such designation is made in writing by the lobbyist, is acknowledged in writing by the designated legislative agent and is filed with the Commission on or before the date on which the report of the lobbyist is due for filing, and further provided that any violation of the Act shall subject both the lobbyist and the designated legislative agent to the penalties provided by the Act and this subchapter.

(c) Every legislative agent which has a filing obligation pursuant to this subchapter is not relieved of that obligation by virtue of the fact that the organization engaging, retaining or employing it has or may have a filing obligation as a lobbyist or that the legislative agent has been designated by such organization to file a report for it; except that any two or more legislative agents retained, engaged or employed by the same lobbyist may file jointly reports required under N.J.A.C. 19:25-8.9 on forms provided by the Commission regarding their reportable activity on behalf of such lobbyist.

(d) Every report filed with the Commission by a lobbyist or legislative agent shall be certified as to the correctness of the report.

**19:25-8.12 Advisory opinions**

The Commission may render advisory opinions as to the applicability of the Act and this subchapter to a given specific set of facts and circumstances.

**19:25-8.13 Complaint proceedings; investigations; penalties**

(a) Upon receiving evidence of any violation of the Act, the Commission shall have the power to make investigations and bring complaint proceedings, to issue subpoenas for the production of witnesses and documents and to hold or cause to be held, by the Office of Administrative Law, hearings upon such complaint.

(b) In addition to any other penalty provided by law, any person who is found to have violated the Act shall be liable for civil penalty of up to \$1,000, which penalty may be collected in a summary proceeding pursuant to N.J.S.A. 2A:58-1 et seq.

**19:25-8.14 Foreign agents**

Any legislative agent or lobbyist not a resident of this State, or not a corporation of this State or authorized to do business in this State, shall file with the Election Law Enforcement Commission, before attempting to influence legislation, its consent to service of process at an address within this State, or by regular mail at an address outside this State.

**19:25-8.15 Severability clause**

If any regulation or sentence, paragraph or section of these regulations, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any regulation shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this subchapter.

A public hearing concerning this rule will be held on October 28, 1981 at 10:00 A.M. at:

New Jersey Assembly Chambers  
State House  
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposed rules on or before November 9, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Scott Weiner, Executive Director  
New Jersey Election Law Enforcement Commission  
National State Bank Building, Suite 1114  
28 West State Street  
Trenton, New Jersey 08608

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

This proposal is known as PRN 1981-250.

## MISCELLANEOUS NOTICES

(a)

### LAW AND PUBLIC SAFETY

#### DIVISION OF MOTOR VEHICLES

##### Notice of Bulk Commodities Application

Take notice that Joan H. Wishowski, Director, Division of Motor Vehicles pursuant to the authority of N.J.S.A. c39:5-E.11, hereby list the names and address of applicants who have filed an application for a common carrier's certificate of public convenience and necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

##### COMMON CARRIERS (NON-GRANDFATHER)

Trezza Trucking  
403 S. Livingston Ave.  
Livingston, N.J. 07039

John P. Landolfi Trkng. Co.  
Box 247 RD 2  
Sewell, N.J. 08080  
Bob & Dick Trucking Co., Inc.  
Cohawkin Road  
Mickleton, N.J. 08056  
Robert J. Cappello  
49 Finnigan Ave., Apt. H-2  
Saddlebrook, N.J. 07662  
Suydam Petroleum Carriers, Inc.  
32 North Ave.  
Fanwood, N.J. 07023

**CONTRACT CARRIERS (NON-GRANDFATHER)**

Caledonia Lines, Inc.  
P.O. Box 48  
Caledonia, N.Y. 14423

Any or all the above applications may be inspected in full by interested parties at the office of the Division of Motor Vehicles Bureau of Motor Carriers, 137 E. State Street, Trenton, New Jersey 08666, on business days between 9:00 A.M. and 4:00 P.M. Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

This Notice is published pursuant to the requirements of N.J.A.C. 39:5E-11a.

# ADOPTED RULES

**(a)**

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING

#### Hotels and Multiple Dwellings Maintenance

**Adopted Amendments: N.J.A.C. 5:10-1.3, 2.2  
and 25.3**

Proposed: July 9, 1981 at 13 N.J.R. 387(b)  
Adopted: September 4, 1981, James A. Sinclair,  
Deputy Commissioner  
Filed: September 4, 1981 as R.1981 d.363, with substantive  
changes not requiring additional public notice and com-  
ment  
Authority: N.J.S.A. 55:13A-6(e), 7 and 7.1

Effective Date: October 8, 1981

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

5:10-1.3 Administration and enforcement

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

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

**27. Any municipality or county acting under an author-  
ization granted by the Bureau pursuant to this subsection**

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

i.-ii. (No change from proposal.)

(c)-(d) (No change from proposal.)

5:10-2.2 Definitions

“Common area” means all areas accessible to, and which may be utilized by, \*either\* occupants of a building \*or the general public,\* \*or both\* including, but not limited to, vestibules, hallways, stairways, landings and common space and occupiable room or space, as hereinafter defined, which is not part of any dwelling unit.

**(b)**

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING

#### Planned Real Estate Development Full Disclosure Act

**Adopted Amendments: N.J.A.C. 5:26-2.4, 3.1  
and 10.5**

Proposed: August 6, 1981 at 13 N.J.R. 474(a)  
Adopted: September 9, 1981, Philip B. Caton, Director of  
the Division of Housing  
Filed: September 10, 1981 as R.1981 d.365, Without Change  
Authority: P.L. 1981, c. 190 and N.J.S.A. 45:22A-35(a)  
Effective Date: October 8, 1981

**(c)**

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING

#### Rooming and Boarding Houses

**Adopted Amendments: N.J.A.C. 5:27-1.2, 1.6,  
2.1, 4.6, 5.1, 5.3, 7.1, 7.3, 7.4, 8.1 and 9.5**

Proposed: July 9, 1981 at 13 N.J.R. 393(a)  
Adopted: August 24, 1981, James A. Sinclair, Deputy  
Commissioner of the Department of Community Affairs  
Filed: September 1, 1981 as R.1981 d.359, with Substantive  
Change Not Requiring Additional Public Notice and  
Comment

Authority: N.J.S.A. 55:13B-4(a)

Effective Date: October 8, 1981

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

5:27-4.6 Heating

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

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

5:27-5.1 Egress requirements

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

(c) Means of egress:

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

2. (No change from proposal.)

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

i. (No change from proposal.)

ii. Stairs shall have a minimum width of 36 inches with risers not more than eight inches in height and treads not less than nine inches in width and shall not have more than 17 risers unless an intermediate platform at least 40 inches wide and 36 inches long is provided. \*[Stringers must be the closed type at least three inches thick. Treads shall be two inches thick and properly supported. All platforms shall be at least three inches thick and supported by upright not less than four inches properly braced and anchored with concrete footings.]\* \*Exterior stairways shall be constructed to support a live load of 100 pounds per square foot.\*

iii. (No change from proposal.)

iv. (No change from proposal.)

5:27-7.1 Housekeeping

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

(c) This section shall \*not\* apply to \*[boarding]\* \*rooming\* house\*[s only]\* \*units for which the lease or other occupancy agreement expressly excludes such services\*.

**(a)**

**ENVIRONMENTAL PROTECTION**

**DIVISION OF WATER RESOURCES**

**Water Quality Management**

**Industrial Waste Management Facilities**

**Adopted New Rules: N.J.A.C. 7:14A-4**

Proposed: October 9, 1980 at 12 N.J.R. 569(f)

Adopted: September 3, 1981, Jerry Fitzgerald English,

Commissioner of Environmental Protection

Filed: September 14, 1981 as R.1981 d.373, with substantive changes not requiring additional public notice and comment

Authority: N.J.S.A. 13:1D-9 and N.J.S.A. 13:1E-6

Effective Date: October 8, 1981

DEP Docket No.: 052-80-09

**(b)**

**ENVIRONMENTAL PROTECTION**

**THE COMMISSIONER**

**Water Policy and Supply Council**

**Privileges to Divert Water and Obtaining**

**Water Supply Allocation Permits**

**Adopted Organizational Amendments:**

**N.J.A.C. 7:21**

Filed: September 10, 1981 as R.1981 d.366

(See N.J.S.A. 52:14B-4(b))

Authorized By: Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection

Authority: P.L. 1981, c. 262 and N.J.S.A. 13:1D-9k

Effective Date: September 10, 1981

DEP Docket No.: 049-81-09

A Summary of the adopted organizational amendments follows.

In response to P.L. 1981, c. 262 which, among other things, repealed the Water Policy and Supply Council, all references in N.J.A.C. 7:21 to the "Water Policy and Supply Council" are changed to read "Department." N.J. A.C. 7:21 will be renamed "Water Resource Management."

**(a)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH, GAME AND WILDLIFE**

#### **Shellfisheries Council Hard Clam Harvest Penalties**

**Adopted Amendment: N.J.A.C. 7:25-9.2**

Proposed: July 9, 1981 at 13 N.J.R. 404(b)  
Adopted: September 3, 1981, Jerry Fitzgerald English,  
Commissioner of the Department of  
Environmental Protection

Filed: September 4, 1981 as R.1981 d.362, without change  
Authority: N.J.S.A. 50:1-5

Effective Date: October 8, 1981  
DEP Docket No.: 028-81-06

**(b)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF ENVIRONMENTAL QUALITY**

#### **Solid Waste Administration Hazardous Waste Management**

**Adopted Amendments: N.J.A.C. 7:26-1  
Adopted New Rules: N.J.A.C. 7:26-9, 11 and 12**

Proposed: September 4, 1980 at 12 N.J.R. 511(a)

Adopted: September 3, 1981, Jerry Fitzgerald English,  
Commissioner of Environmental Protection

Filed: September 14, 1981 as R.1981 d.370, with substantive  
changes not requiring additional public notice and com-  
ment

Authority: N.J.S.A. 13:1D-9 and N.J.S.A. 13:1E-6

Effective Date: October 8, 1981  
DEP Docket No.: 049-80-08

N.J.A.C. 7:26-11 was originally proposed as part of N.J.  
A.C. 7:26-9. N.J.A.C. 7:26-12 was originally proposed as  
N.J.A.C. 7:26-8.

**(c)**

## **HEALTH**

### **DRUG UTILIZATION REVIEW COUNCIL**

#### **Interchangeable Drug Product List Adopted Amendment: N.J.A.C. 8:71**

Proposed: May 7, 1981 at 13 N.J.R. 269(a)

Adopted: August 4, 1981, Robert G. Kowalski, Chairman,  
Drug Utilization Review Council

Filed: September 9, 1981 as R.1981 d.364, with substantive  
changes not requiring additional public notice and com-  
ment.

Authority: N.J.S.A. 24:6E-6d

Effective Date: October 8, 1981  
Operative Date: January 1, 1982

A summary of the changes in the rule between proposal  
and adoption follows.

The following four medicines, originally proposed for  
deletion, will be retained on the List of Interchangeable  
Drug Products.

Nitroglycerin ointment 20 mg/g	Kremers-Urban
Sulfacetamide sodium ophth. solution 10%	Allergan, SMP, Schering, Steri-Med
Sulfacetamide sodium ophth. solution 30%	Allergan, Steri-Med, Schering
Sulfacetamide sodium ophth. ointment 10%	Bvk-Gulden, Ketchum, Schering

**(d)**

## **HUMAN SERVICES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Physicians and Psychologists Manual Prior Authorization for Services in LTC Facilities and Boarding Homes**

**Adopted Amendments: N.J.A.C. 10:54-1.5  
and 10:67-1.8**

Proposed: November 6, 1980 at 12 N.J.R. 662(a)  
Adopted: September 9, 1981, Timothy Carden,  
Commissioner of Human Services  
Filed: September 15, 1981 as R.1981 d.374, without change

Authority: N.J.S.A. 30:4D-6a(5) and b(10), and  
N.J.S.A. 30:4D-7 and 7b

Effective Date: October 8, 1981  
Operative Date: January 1, 1982

**(a)**

## **HUMAN SERVICES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Medical Supplier Manual Purchase Policy: Vaporizers and Cool Mist Humidifiers**

**Adopted Amendment: N.J.A.C. 10:59-1.9**

Proposed: July 9, 1981 at 13 N.J.R. 430(c)

Adopted: September 10, 1981, Timothy Carden,  
Commissioner of Human Services

Filed: September 15, 1981 as R.1981 d.376, with substantive changes not requiring additional public notice and comment

Authority: N.J.S.A. 30:4D-7 and 7b

Effective Date: October 8, 1981

Operative Date: November 1, 1981

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

#### **10:59-1.9 Purchase policy**

(a) (No change from proposal.)

(b) (No change from proposal.)

(c) **When purchase of a vaporizer or cool mist humidifier is \*[authorized:]\* \*prescribed:\***

1. Only one vaporizer or cool mist humidifier per household will be eligible for reimbursement.

#### **\*i. Exceptions:**

(1) If medical necessity warrants the need for additional vaporizers or cool mist humidifiers;

(2) In the event such equipment is broken and needs replacement, a statement from the provider and a new prescription must be attached to the claim form.\*

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

Renumber (c) as (d) as proposed.

**(b)**

## **HUMAN SERVICES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Long Term Care Services Manual Long Term Care Per Diem Rates**

**Adopted Rescission: N.J.A.C. 10:63-3.21**

Proposed: August 6, 1981 at 13 N.J.R. 498(a)

Adopted: September 10, 1981, Timothy Carden,  
Commissioner of Human Services

Filed: September 15, 1981 as R.1981 d.375, without change

Authority: N.J.S.A. 30:4D-7

Effective Date: October 8, 1981

**(c)**

## **LAW AND PUBLIC SAFETY**

### **BOARD OF DENTISTRY**

#### **Dental Hygiene Application Fees for Dental Hygienists and Registered Dental Assistants**

**Adopted New Rule: N.J.A.C. 13:30-2.18**

Proposed: August 6, 1981 at 13 N.J.R. 518(b)

Adopted: September 9, 1981 New Jersey State  
Board of Dentistry

Filed: September 15, 1981 as R.1981 d.378, without change

Authority: N.J.S.A. 45:6-50(h)

Effective Date: October 8, 1981

**(d)**

## **LAW AND PUBLIC SAFETY**

### **BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

#### **Forms Uniform Penalty Letter**

**Adopted Repeal: N.J.A.C. 13:31-2.1**

Proposed: July 9, 1981, Earle H. Harder, Chairman

Filed: September 14, 1981 as R.1981 d.372, without change

Authority: N.J.S.A. 45:5A-6

Effective Date: October 8, 1981

**(a)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **Pharmacy**

#### **Advertising and Sale of Prescription Drugs**

**Adopted New Rule: N.J.A.C. 13:39-9.17**

Proposed: July 9, 1981 at 13 N.J.R. 445(a)

Adopted: September 10, 1981, Adam K. Levin, Director of the Division of Consumer Affairs

Filed: September 15, 1981 as R.1981 d.377, without change

Authority: N.J.S.A. 24:6E-2

Effective Date: October 8, 1981

**(b)**

## **LAW AND PUBLIC SAFETY**

### **BOARD OF VETERINARY MEDICAL EXAMINERS**

#### **Forms**

#### **Uniform Penalty Letter**

**Adopted Repeal: N.J.A.C. 13:44-3.1**

Proposed: June 4, 1981 at 13 N.J.R. 371(a)

Adopted: August 26, 1981, David Eisenberg, D.V.M., President

Filed: September 14, 1981 as R.1981 d.371, without change

Authority: N.J.S.A. 45:16-9.9

Effective Date: October 8, 1981

**(c)**

## **ENERGY**

### **THE COMMISSIONER**

#### **Reporting of Energy Information**

#### **Selected Retail Dealers of Motor Fuel**

**Adopted New Rules: N.J.A.C. 14A:11-4**

Proposed: March 5, 1981 at 13 N.J.R. 151(a)

Adopted: September 8, 1981, Joel R. Jacobson, Commissioner of the Department of Energy

Filed: September 16, 1981 as R.1981 d.379, without change

Authority: N.J.S.A. 52:27F-18

Effective Date: October 8, 1981

**(d)**

## **ENERGY**

### **THE COMMISSIONER**

#### **Reporting of Energy Information**

#### **Selected Retail Fuel Merchants**

**Adopted New Rules: N.J.A.C. 14A:11-5**

Proposed: March 5, 1981 at 13 N.J.R. 152(a)

Adopted: September 8, 1981, Joel R. Jacobson, Commissioner of the Department of Energy

Filed: September 16, 1981 as R.1981 d.380, without change

Authority: N.J.S.A. 52:27F-18

Effective Date: October 8, 1981

**(e)**

## **TREASURY**

### **DIVISION OF PENSIONS**

#### **State Police Retirement System**

#### **Administration, Insurance and Death**

#### **Benefits, Purchases, Retirement and Transfers**

**Adopted New Rule: N.J.A.C. 17:5-2.4**

**Adopted Amendments: N.J.A.C. 17:5-1.1, 1.3, 1.4, 2.2, 4.1, 5.7, 5.10, 5.12, 5.13 and 6.1**

Proposed: July 9, 1981 at 13 N.J.R. 459(b)

Adopted: August 27, 1981, Board of Trustees of the State Police Retirement System

Filed: September 2, 1981 as R.1981 d.361, Without Change

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

Effective Date: October 8, 1981

**(f)**

## **TREASURY**

### **DIVISION OF PENSIONS**

#### **State Police Retirement System**

#### **Effective Dates, Retirement Credits and Disability Retirants**

**Adopted Amendments: N.J.A.C. 17:5-5.2, 5.6 and 5.12**

Proposed: July 9, 1981 at 13 N.J.R. 461(a)

Adopted: August 27, 1981, Board of Trustees of the State Police Retirement System

Filed: September 2, 1981 as R.1981 d.360, Without Change

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

Effective Date: October 8, 1981

**(a)**

**CASINO CONTROL COMMISSION**

**Applications  
Casino Assessments**

**Adopted Amendments: N.J.A.C. 19:41-9.1, 9.4,  
9.19 (Alternative 1) and 12.5**

Proposed: August 6, 1981 at 13 N.J.R. 531(b)  
Adopted: September 9, 1981, Martin B. Danziger,  
Acting Chairman, Casino Control Commission  
Filed: September 11, 1981 as R.1981 d.367, Without Change  
Authority: N.J.S.A. 5:12-139  
Effective Date: October 8, 1981

Filed: September 11, 1981 as R.1981 d.368, but with substantive changes not requiring additional public notice and comment. The proposal concerning N.J.A.C. 19:45-1.1, 1.12, 1.15, 1.18, 1.24, 1.25, 1.27, 1.29, 1.31, 1.33, 1.34, 1.39, 1.40, 1.41, 1.43, 19:46-1.3, 1.11, 1.26, 19:47-1.2, 1.4, 2.12, 5.2 and 19:45-1.46 were not adopted and are still pending.

Authority: N.J.S.A. 5:12-70(f) and 5:12-100(e)

Effective Date: N.J.A.C. 19:47-2.6, 2.8 and 2.13: September 11, 1981; N.J.A.C. 19:47-5.7: October 8, 1981

A summary of the changes in the rules between proposal and adoption follows.

1. N.J.A.C. 19:47-5.7: Deleted the Foreword
2. N.J.A.C. 19:47-5.7(a)4iv: Insertion of an opening bracket before "iv. 'Peak periods' means. . ."

**(b)**

**CASINO CONTROL COMMISSION**

**Rules of the Games  
Blackjack  
Minimum and Maximum Wagers**

**Readopted Repeal: N.J.A.C. 19:47-2.8  
Readopted Amendments: N.J.A.C. 19:47-2.6  
and 2.13  
Adopted Amendment: N.J.A.C. 19:47-5.7**

Proposed: August 6, 1981 at 13 N.J.R. 534(b)  
Adopted as Emergency: N.J.A.C. 19:47-2.6, 2.8, 2.13:  
13 N.J.R. 629(a)  
Adopted: September 10, 1981, Martin B. Danziger,  
Acting Chairman, Casino Control Commission

**(c)**

**CASINO CONTROL COMMISSION**

**Entertainment  
Nightly Entertainment**

**Adopted Amendment: N.J.A.C. 19:52-1.3  
(Alternative 1)**

Proposed: August 6, 1981 at 13 N.J.R. 543(a)  
Adopted: September 9, 1981, Martin B. Danziger  
Acting Chairman, Casino Control Commission  
Filed: September 11, 1981 as R.1981 d.369, Without Change.  
Proposed amendment to N.J.A.C. 19:52-1.4 is still pending.

Authority: N.J.S.A. 5:12-70(p)

Effective Date: October 8, 1981

**(d)**

**LAW AND PUBLIC SAFETY**

**STATE BOARD OF OPTOMETRISTS**

**Minimum Examination Requirement**

**Public Hearing: N.J.A.C. 13:38-2.1 (Proposal  
PRN 1981-58 at 13 N.J.R. 370(b))**

The Board of Optometrists will hold a public hearing to provide the opportunity for public comments and statements on the proposed amendment. The hearing will be held on October 28, 1981 at 10:00 A.M. at:

744 Broad Street  
6th Floor, Courtroom No. 12  
Newark, N.J.

Full text of the proposed changes, along with the agenda for the hearing, will be provided to interested parties up to the day of hearing upon request presented by phone or in writing to the Executive Secretary of the Board.

Any persons who wish to make presentations to the State Board of Optometrists at the hearing should contact the Executive Secretary of the Board no later than October 21, 1981, at the following address:

Jan C. Flanagan, Executive Secretary  
State Board of Optometrists  
1100 Raymond Boulevard, Room 501  
Newark, New Jersey 07102  
(201) 648-2012

**NEW JERSEY REGISTER**

## INDEX FOR THIS ISSUE

(Continued from front cover)

<b>TREASURY-TAXATION</b>	
Proposed investment company rules .....	684(b)
Proposed installment payments for corporation tax	688(a)
<b>OTHER AGENCIES</b>	
Proposed Meadowlands variances .....	694(a)
Proposed financial disclosure of lobbying activities	695(a)
<b>MISCELLANEOUS NOTICES</b>	
<b>LAW AND PUBLIC SAFETY</b>	
Bulk commodities applicants .....	703(a)
<b>ADOPTED RULES</b>	
<b>COMMUNITY AFFAIRS</b>	
Hotels and multiple dwellings .....	704(a)
Planned real estate full disclosure .....	704(b)
Rooming and boarding houses .....	704(c)
<b>ENVIRONMENTAL PROTECTION</b>	
Industrial waste management .....	705(a)
Water policy and supply .....	705(b)
Hard clam harvest penalties .....	706(a)
Hazardous waste management .....	706(b)
<b>HEALTH</b>	
Interchangeable drug products .....	706(c)
<b>HUMAN SERVICES</b>	
Long-term care and boarding home services .....	706(d)
Medical Supplier Manual .....	707(a)
Rescission: Long-term care per diem reduction ..	707(b)
<b>LAW AND PUBLIC SAFETY</b>	
Application fees for dental personnel .....	707(c)
Repeal: Electrical examiners penalty letter .....	707(d)
Advertising and sale of prescription drugs .....	708(a)
Repeal: Veterinary examiners penalty letter .....	708(b)
<b>ENERGY</b>	
Energy reporting by gas retailers .....	708(c)
Energy reporting by home fuelers .....	708(d)
<b>TREASURY—GENERAL</b>	
State Police retirement changes .....	708(e)
State Police retirement changes .....	708(f)
<b>OTHER AGENCIES</b>	
Casino assessments .....	709(a)
Blackjack wagering .....	709(b)
Nightly casino entertainment .....	709(c)

### Filing Deadlines

<b>November 2 issue:</b>	
Proposals .....	October 8
Adoptions .....	October 19
<b>November 16 issue:</b>	
Proposals .....	October 22
Adoptions .....	October 30

## NOTICE TO OUR READERS

The Office of Administrative Law has recently completed the first phase of a review of the New Jersey Register, with the goal of revising the format of the Register to make it easier to publish and to use. As a result of this review, several changes appear in this issue of the Register and further changes are anticipated in the future.

First, beginning with this issue, the Register will be divided into three sections — proposals, miscellaneous notices, and adoptions. As is presently the case with the Register as a whole, each of these sections will be divided into subsections by Departments and listed in alphabetical order. Within each subsection, material will be listed serially according to code citation numbers.

Since the publication deadlines for the submission of adoptions to the Office of Administrative Law are later than those for proposals, this change should make editing the Register easier and more efficient. The change should also make the Register easier to use as an update of the New Jersey Administrative Code.

Second, beginning with this Register, proposals and adoptions will appear in a new format which should better highlight and clarify the essential elements and information of each notice, and eliminate unnecessary and cumbersome boilerplate. Adoption notices will be contained in a series of headings, without the previous boilerplate. Where there are changes to the rule between the proposal and the adoption, these changes will be clearly noted, and either reproduced in codified form or explained and described in paragraph form. Proposal notices will be streamlined by deleting the introductory paragraph and incorporating this material into a more detailed series of headings.

Third, beginning in November, 1981, the Register will appear on a twice-monthly publication schedule. This change should streamline the time schedule for the rule-making process, which was recently revised by Public Law 1981, chapter 27 (C52:14B-4.1 et seq.), and should better accommodate the new materials required to be published under the new law. Publication will be on the first and third Monday of each month.

Fourth, beginning with the November 2, 1981 Register, the full text of each proposed rule will be published, unless there are exceptional circumstances which preclude full-text publication. This change will relieve interested persons of having to secure copies of a proposed rule from the proposing agency, which all-too-frequently occurred in the past.

Fifth, beginning with the November 2, 1981 Register, the Register will be available via first class mail for an additional \$35.00 per year. For current subscribers this charge would be prorated over the balance of the subscription term. This option will enable persons significantly interested in or affected by rules changes to obtain notice of these changes more quickly.

The Office of Administrative Law hopes that these changes will better enable the Register to serve the public. Your comments on these changes and any suggestions as to further changes would be greatly appreciated.

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