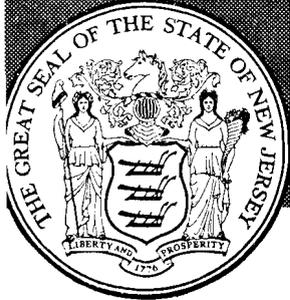


# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

**BRENDAN T. BYRNE, Governor**

**Howard H. Kestin, Director, Office of Administrative Law**

**G. Duncan Fletcher, Director of Administrative Procedure**

**Norman Olsson, Editor**

**Richard Dana Krebs, Rules Analyst**

**VOLUME 13 • NUMBER 2**

**Feb. 5, 1981 • Indexed 13 N.J.R. 53-112**

**(Includes rules filed through January 14, 1981)**

## INDEX OF RULES IN THIS ISSUE

	<u>Cite</u>	
<b>OFFICE OF ADMINISTRATIVE LAW</b>		
Agency rulemaking: Proposed amendments and notice of hearing .....	54(a)	
Prop. amend applicability of rules .....	60(a)	
Prop. amend hearings: Intervention standards .....	61(a)	
<b>BANKING</b>		
Prop. rules on savings banks and credit cards .....	61(b)	
Prop. rules on reserve requirements .....	61(c)	
Correction notice: Multiple-party accounts .....	62(a)	
Amend use of home repair license number .....	62(b)	
Sale of unsecured days funds by savings banks ..	62(c)	
Asset valuation of common trust fund .....	62(d)	
Emerg. amend loan interest rates .....	62(e)	
<b>CIVIL SERVICE</b>		
Prop. amend Employee Advisory Service .....	63(a)	
Prop. amend disciplinary actions .....	63(b)	
Prop. amend demotional rights (local) .....	64(a)	
Prop. repeal career development rules (State) ..	64(b)	
Prop. rules on Employee Advisory Service (State) ..	65(a)	
Emerg. rules on pregnancy leave (State) .....	66(a)	
Repeal emergency and special leave rules (State) ..	67(a)	
<b>COMMUNITY AFFAIRS</b>		
Prop. amend eviction and relocation rules .....	67(b)	
Prop. amend condominium conversion .....	70(a)	
Prop. readopt planned real estate full disclosure ..	70(b)	
Prop. rules on State Housing Code .....	70(c)	
Prop. rules on review of tax collector test .....	70(d)	
Emerg. amend rooming and boarding house rules ..	71(a)	
Emerg. amend deferred compensation (local) ....	71(b)	
Bank collection of local taxes .....	73(a)	
Amend capital budgets and improvement programs ..	73(b)	
<b>ENVIRONMENTAL PROTECTION</b>		
Prop. amend Waterfront Development permits ...	73(c)	
Prop. amend CAFRA procedural rules .....	75(a)	
Prop. amend coastal development policies .....	76(a)	
Prop. amend NJPDES permit exemptions .....	89(a)	
Notice of Regulatory Calendar .....	89(b)	
Notice of NPDES Permits .....	90(a)	
Amend map of Swimming River Natural Area ....	91(a)	
Amend Green Acres Program .....	91(b)	
Amend Mullica River flood plain delineation .....	91(c)	
Amend Cedar Creek flood plain delineation .....	91(d)	
Pinelands Comprehensive Management Plan .....	91(e)	
<b>HEALTH</b>		
Prop. amend hospital construction and fire safety ..	91(f)	
Amend excluded health care services .....	92(a)	
<b>HUMAN SERVICES</b>		
Prop. amend uniform billing of hospital services ..	93(a)	
Prop. amend Physician's Services: X-rays .....	94(a)	
Prop. amend Physician's Services Manual .....	95(a)	
Prop. amend Independent Laboratory Services ...	95(b)	
Prop. amend long-term care certification .....	95(c)	
Prop. amend ASH: Exempt resources .....	96(a)	
Prop. amend GAM: Local assistance board .....	96(b)	
Prop. amend FSM: Student eligibility .....	96(c)	
Prop. amend adoption agency practices .....	99(a)	
Amend GAM: Recipients in residential facilities ..	100(a)	
Emerg. rule on Home Energy Assistance .....	100(b)	
Amend medical assistance recipient controls ....	100(c)	
Amend GAM: Repayment by SSI recipients .....	100(d)	
Emerg. amend Food Stamp Manual .....	100(e)	
Amend ASH: Emergency assistance .....	101(a)	

(Continued on Back Cover)

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## OFFICE OF ADMINISTRATIVE LAW

### Proposed Amend Rules for Agency Rulemaking Notice of Public Hearing

Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14B-7(g) and 52:14F-5f, proposes to amend N.J.A.C. 15:15 concerning rules for agency rulemaking and recodify it as N.J.A.C. 1:30.

These amendments modify the rules for agency rulemaking, implementing the Administrative Procedure Act (APA - P.L. 1968, C 410) and were written in response to:

1. the critical analysis of the Administrative Procedure Act and the Division of Administrative Procedure contained in the 1977 report, *Eye on the Executive*, issued by the Legislative Oversight Committee of the General Assembly;

2. changes in the Administrative Procedure Act and in the enforcement mechanisms brought about by P.L. 1978, C 67;

3. a recently issued recommendation on rulemaking requirements by the National Conference of Commissioners on Uniform State Laws.

Over the last forty-five years, administrative rulemaking has become a major governmental activity. Where, once, occasional rules were promulgated to aid in the implementation of statutes, the New Jersey Administrative Code now rivals the New Jersey Statutes in size. Legislative and public concern over the growth of the size and scope of agency rulemaking has resulted in the enactment of the APA, and in current proposals for legislative oversight of agency rulemaking.

The Office of Administrative Law has been entrusted with the obligation to oversee agency compliance with the APA. (N.J.S.A. 52:14F-5f) The primary mode of public participation in the rulemaking process established by the APA is through "notice" of proposed rulemaking and an "opportunity to be heard" (52:14B-4). With specific, limited exceptions, the public must be afforded reasonable notice of a proposed rulemaking, and reasonable opportunity to comment on the proposed rules. Any such comments must be considered fully by the rulemaking agency. These amendments are a product of that statutory obligation as viewed in the light of developing practices in the field.

In general these amendments do three things:

A. adjust the rules to correspond with the establishment of the Office of Administrative Law (OAL) and to related changes in the Administrative Procedure Act (APA);

B. crystallize, with greater clarity and precision some of the notice and hearing requirements of the APA;

C. consolidate various provisions and repeal certain rules which either repeat statutory language or should more appropriately appear as prefatory material in the Administrative Code or as inter-agency statements.

Authority for these proposed amendments is based on the Administrative Procedure Act, as amended. The 1978 amendments transferred "all the functions, powers and duties" of the former Division of Administrative Procedure to the Office of Administrative Law. The 1978 amendments also broadened the enforcement powers of the OAL in the area of agency rulemaking and gave OAL a more active oversight and regulatory role than the Division possessed.

Specifically, the 1978 law repealed N.J.S.A. 52:14B-6, which defined the powers and duties of the Division of Administrative Procedure. Simultaneously OAL was given the same duties, with augmented powers. N.J.S.A. 52:14F-5. For example, where the Division was charged to "advise" agencies on the "consideration, publication and interpretation" of their rules, 52:14B-6(e)(2), the OAL is more imperatively required to "assist" them on these matters. 52:14F-5i. Where the Division was given access to agency information which might generally "assure the proper promulgation" of rules, 52:14B-6(e)(7), the OAL is more specifically directed to use agencies' information to ensure that "they promulgate all rules required by law." 52:14F-5k. Where the Division was directed to formulate rules "for the prompt, proper and coordinated promulgation" of agency rules, 52:14B-6(e)(6), the OAL is required to promulgate rules to ensure the broader goal of "prompt implementation and co-ordinated administration" of the APA. 52:14F-5f. And, where the Division was given authority to promulgate rulemaking rules, 52:14B-6, the OAL is also specifically given the authority to "enforce" its rulemaking rules. 52:14F-5f.

The amendment to N.J.A.C. 1:30-1.1 (Short Title) and to N.J.A.C. 1:30-1.2 (Definitions) are technical adjustments required by P.L. 1978, C 67. Documents which were formerly directed to the Division of Administrative Procedure should be directed to Publications and Filings, Office of Administrative Law. The amendments to N.J.A.C. 1:30-

## 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.*

*Material published in the New Jersey Register is the property of the State of New Jersey. However, it may be copied, reproduced or republished by any person for any purpose whatsoever without the permission of the Director of Administrative Procedure, providing that no such reproduction or republication shall bear the title "New Jersey Register" or Official Rules Publication" without the written permission of the Director, Office of Administrative Law.*

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

*POSTMASTER: Send address changes to: New Jersey Register, CN 301, Trenton, New Jersey 08625. Controlled Circulation Postage paid at Trenton, New Jersey.*

*The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 30-volume, regularly-updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Department coverage desired.*

1.3, 1.4, 1.5 and 1.7 are technical. N.J.A.C. 1:30-1.3 contains the current address for Publications and Filings.

The new rule, N.J.A.C. 1:30-1.6, recognizes that common usage does not always follow formal legal requirements.

The amendment to N.J.A.C. 1:30-3.1 implements the notice requirements of N.J.S.A. 52:14B-4, and clarifies N.J.A.C. 15:15-4.2 and 4.3, which are repealed.

The cornerstone of the statutory notice requirement and of the previous rule, is the publication of a proposed rule in the New Jersey Register. N.J.S.A. 52:14B-4(a)(1). The amended rule retains this provision. The amended rule also requires that the statutory notice which is sent by the agencies to interested persons be identical to that accepted by the OAL for publication in the Register. This reflects past practice, and is the only way to assure that all members of the public receive the same notice of intention whether it comes via the Register or via agency correspondence. As a consequence of the increased legislative interest in rulemaking and of legislative requests for copies of proposed rules, the amendment requires that appropriate committees of the legislature be sent copies of the notice as a matter of course.

The amendment to N.J.A.C. 1:30-3.1 also specifies what must be included in a notice of intention before the notice may be considered adequate, or acceptable. 52:14B-4(a)(1). The key changes in the rule are the requirements that there be a specific explanation of a proposed rule, citing specific statutory authority, its subject matter, practical applications and expected impact on the public. Such information is necessary to a proper notice enabling "interested persons" to "present their views thereon." 52:14B-4(a)(1).

The amendments to N.J.A.C. 1:30-3.2 and 3.3 implement the "opportunity to be heard" requirement of N.J.S.A. 52:14B-4, and clarify, elaborate and consolidate the repealed N.J.A.C. 15:15-4.6. N.J.A.C. 1:30-3.2 also clarifies the required methods of notice for the various types of "opportunity to be heard" which may be afforded.

Two key changes are made in N.J.A.C. 1:30-3.3. One is the requirement that, for two years and in all instances, agencies retain a record of the public comments. The other is the obligation of the agency to establish a record of the reasons for accepting or rejecting the public comments. The purpose of the retention rule is to preserve the statutory rights of persons to contest a rule, whether on the ground of non-compliance with the procedural requirements of the APA or some other basis. N.J.S.A. 52:14B-4(a). Requiring agencies to explicitly respond on the record to public comments, implements as a matter of record the statutory requirement that agencies fully consider all public comments. (52:14B-4(a)(2)).

The amendment to N.J.A.C. 1:30-3.4 addresses on the effect of agency changes in a proposed rule prior to adoption. The central consideration is whether the changes are so substantial as to destroy the notice requirement of 52:14B-4(a)(1). If so, a new notice and opportunity to be heard is required by 52:14B-4(a)(1). The criteria for making this determination focus on whether the changes are likely to stimulate public interest in commenting on new features of the proposed rule.

The amendment to N.J.A.C. 1:30-4.1 consolidates the various requirements for filing an adopted rule with OAL. It includes a requirement to specify any changes between the rule as proposed and as adopted and to explain the rule in a manner similar to that required by N.J.A.C. 1:30-3.1(b)(4).

The amendment to N.J.A.C. 1:30-1.8, 4.2 and 4.3 are technical and nonsubstantive.

The amendment to N.J.A.C. 1:30-1.9 implements P.L.

1978, C 67, in keying the fees for copies of documents kept in OAL files to the Right to Know Law, N.J.S.A. 47:1A-2, rather than, as previously, to the fees for the Secretary of State's Office in N.J.S.A. 22A:4-1.

The amendment to N.J.A.C. 1:30-4.4 implements the waiver of notice and hearing requirements for emergency rules. 52:14B-4(c). Agencies have used the emergency rulemaking powers too frequently in the past where circumstances have not warranted.

It is essential that agencies retain the ability to act in furtherance of the public interest as necessary. Yet it must be recognized that members of the public have irrefutable, legislatively granted rights to participate in the rulemaking process. Every exercise of the emergency rulemaking power impairs these rights. Yet, there are times when such a result is required by an overriding public interest. A balanced approach must be achieved which will permit the agencies to act appropriately, but only where clearly warranted by genuinely emergent circumstances. The amendments require an agency to justify with specificity the use of the emergency rule exception. The certificate of emergency required by statute must cite operative facts to justify the use of this exception not merely conclusory statements or statutory language. Thus a proper record will be established. See N.J.S.A. 52:14B-4(d).

The amendment to N.J.A.C. 1:30-1.9 implements P.L. waiver of notice and hearing requirements for organizational and procedural rules. N.J.S.A. 52:14B-4(c). This exception has also been subject to some misconception and misuse. The amendment requires that an agency justify its use of this exception. The criteria which govern are taken from the two statutory provisions which define "the organization or procedure of an agency," 52:14B-3(1) and 52:14B-3(2), and the two key court opinions construing these provisions, *Brown v. Heymann*, 62 N.J. 1, 17 (1972) and *General Motors Corp. v. Blair*, 129 N.J. Super. 412, 424 (App. Div. 1974).

As one important way of promoting the fair notice requirements of the statute, the new rule under N.J.A.C. 1:30-2.1 requires that rules be written in plain language.

The amendments to N.J.A.C. 1:30-2.2 are technical and for reasons of clarity.

The new rule, N.J.A.C. 1:30-1.10, is for informational purposes only.

The new rule N.J.A.C. 1:30-1.11 implements the requirement of 52:14F-5f and 52:14B-7(g) that OAL enforce the APA and the requirement of 52:14B-4(d) that rules must comport with the APA in order to be valid. The standard of "substantial compliance" is taken from 52:14B-4(d). It should be noted that notice requirements of 52:14B-4(a) are not deemed satisfied unless the notice of intention is published by the OAL in the New Jersey Register. Under 52:14B-7(b), the Director is required to accept for publication only "such notices as have been submitted pursuant to this act."

Likewise, it should be noted that the New Jersey Constitution (Article V, Section IV, Paragraph 6) requires that a rule to be effective, must be "filed with the Secretary of State or in such other manner as may be provided by law." The law, N.J.S.A. 52:14B-5(c), provides that the Director may accept for filing only such rules which are "duly adopted and submitted by any agency pursuant to this act."

These "rules for agency rulemaking" are designed to implement statutory requirements. They are an effort to clarify for administrative purposes what is acceptable under the statute and what is not. Unacceptable documents will not be published or filed and will be returned

to the agencies for compliance with the law. The OAL will implement statutory requirements. They are in effort to comply with the law. (52:14B-7(f), 52:14F-5h and 52:14F-5i).

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

## TITLE 15

### [CHAPTER 15 ADMINISTRATIVE PROCEDURE]

#### TITLE 1

#### CHAPTER 30

#### RULES FOR AGENCY RULEMAKING

#### SUBCHAPTER 1. GENERAL PROVISIONS

The following rules in N.J.A.C. 15:15 are proposed for repeal:

15:15-1.3 through 1.7

15:15-2.1 through 2.4

15:15-3.1 through 3.6

15:15-4.2; 4.3; 4.6; 4.9; 4.10; 4.13; 4.16; 4.17; 4.18; 4.20; 4.22

15:15-5.1; 5.2; 5.4 through 5.15 and 5.17

15:15-6

15:15-7

15:15-8

15:15-9

[15:15-1.1] 1:30-1.1 Short title

The provisions of this [C]chapter shall be known as "The rules [of the Division of Administrative Procedure] for agency rulemaking."

[15:15-1.2] 1:30-1.2 Definitions

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

"Act" means the Administrative Procedure Act of 1968, P.L. 1968, C410, as amended and supplemented by P.L. 1978, C67 (N.J.S.A. 52:14B-1 et seq. and 52:14F-1, et seq.).

"Adopt" means the action whereby a rule is established by an authorized adopting agency or officer. [Each rule adopted is effective upon filing with the Division of Administrative Procedure.]

"Adopting agency" or "authorized adopting agency" means that agency or officer designated by statute as authorized to promulgate rules.

"Adopting officer" or "authorized adopting officer" means that person either designated by statute as authorized to promulgate rules or the principal executive officer of an authorized adopting agency.

["Agency" or "State agency" means each of the principle departments in the executive branch of the State Government, and all boards, divisions, commissions, agencies, departments, councils, authorities, offices or officers within any such departments now existing or hereafter established and authorized by statute to make, adopt or promulgate rules or adjudicate contested cases, except the office of the Governor, the Division of Workmen's Compensation in the Department of Labor and Industry, the Department of Defense, and any boards, divisions, commissions, councils, agencies, departments, authorities, offices or officers therein, and all agencies the primary responsibility of which is the management or operation of a State educational, medical, mental, rehabilitative, custodial, penal or correctional institution or program, insofar as the acts of such agency relate to the internal affairs of such institution or program.]

"Amend" means to modify, alter or revise a rule.

"Code" means the New Jersey Administrative Code, published pursuant to N.J.S.A. 52:14B-7(a).

"Codify" means to devise the form in which rules are published to achieve a logical and consistent arrangement of their provisions. The codification process shall not affect the substantive provisions of any rule.

"Director" means the Director of the [Division of Administrative Procedure] Office of Administrative Law.

["Division" means the Division of Administrative Procedure of the Department of State, established pursuant to N.J.S.A. 52:14B-6(a).]

"Document" means any writing submitted to the [Division] Office of Administrative Law by an agency for the purpose of filing, publishing, or other processing pursuant to law. The singular of this term refers to the entirety of each writing although such writing establishes or affects more than one rule or subject matter, or consists of more than one page or part.

"Exempt [A]gency" means any agency exempt under the definition of "agency" in [this Section] N.J.S.A. 52:14B-2(a).

"Exempt rule" means any rule of an exempt agency [, any statement which concerns the internal management or discipline of any agency, any interagency or intra-agency statement, any decision or finding in a contested case and any rule required to be adopted or specifically authorized to be adopted by judicial decision, opinion or order, by legislative act, or by order of the Governor].

"File" means the action whereby certified copies of [documents] adopted rules are [presented to the Division] submitted to Publications and Filings and accepted by the director to be stamped with the date and time of acceptance and entry into the registry.

["Formal hearing" means that proceeding of an agency conducted only after publication of the time and date, and during which participants are subject to previously established rules of practice.]

["Informal hearing" means that proceeding conducted by an agency without a prior publication of its time and date, and at which participants are not subject to the rules of practice applicable to formal hearings.]

"Notice of intention" means that document which must be submitted to the Office of Administrative Law for publication in the New Jersey Register, as part of any proposal for rulemaking action.

"Person" means any natural individual, association, board, venture, partnership, corporation, organization, institution and governmental instrumentality recognized by law for any purpose whatsoever.

"Private person" means any person except the State Government and any officer, agent, employee or agency thereof.

"Publications and Filings" means that section of the Office of Administrative Law to which documents shall be submitted, formerly the Division of Administrative Procedure of the Department of State.

["Quasi-judicial hearing" means that proceeding conducted by an administrative agency the objective of which is to determine the status, rights or obligations of a known person in accordance with the law and rules administered by the agency or to resolve a dispute among known persons pursuant to the law or rules administered by the agency.]

["Quasi-legislative hearing" means that proceeding conducted by an administrative agency the principal objective of which is the eliciting of information deemed by the agency to be of assistance in the establishment of a rule.]

"Register" means the "New Jersey Register" published pursuant to N.J.S.A. 52:14B-7(b).

"Registry" means the serial list of documents which are accepted for filing by the [Division] director.

"Repeal" means to declare void a rule, the effect of which is to terminate the legal effect of such rule prospectively only. Any rule so terminated shall continue thereafter to be enforced in and applied to all proceedings, formal or otherwise, initiated pursuant to rule or to law, prior to the effective date of such repeal.

"Rescind" means to declare void a rule, the effect of which is to terminate the legal effect of a rule both prospectively and retroactively as if the rule had never existed for any purpose.

["Rule" or "administrative rule" when not otherwise modified, means each agency statement of general applicability and continuing effect that implements or interprets law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes the amendment or repeal of any rule, but does not include: statements concerning the internal management or discipline of any agency; intraagency statements; and agency decisions and findings in contested cases. The singular of this term refers to the provisions of the Code, as provided in Sections 5.10 (Section) of this Chapter.]

["Secretary" means the Secretary of State of New Jersey.]

#### [15:15-1.9] 1:30-1.3 Offices

(a) [The offices of the Division of Administrative Procedure located at 10 North Stockton Street, Trenton, New Jersey 08608] Publications and Filings, Office of Administrative Law, is located at 88 East State St., Trenton, N.J. 08625.

(b) Hours during which documents may be submitted [filed] or reviewed [within the Division's offices] are from 9:00 A.M. to 4:00 P.M., Monday through Friday, holidays excepted.

#### [15:15-2.5] 1:30-1.4 Citations to the Code

(a) The New Jersey Administrative Code shall be cited as N.J.A.C.

(b) The citation of a particular section of the New Jersey Administrative Code shall include the numerical designations of the title, chapter, subchapter and section referred to, preceded by the initials N.J.A.C. Thus, this [S]section should be cited as N.J.A.C. 15:15-2.5.

#### [15:15-2.6] 1:30-1.5 Citations to the Register

(a) The New Jersey Register shall be cited as N.J.R.

(b) The citation to material appearing in the New Jersey Register shall include the volume number, page number and item letter, the volume and page numbers being separated by the initials "N.J.R." Thus, the third item on page 27 of the first volume of the Register would be cited as: 1 N.J.R. 27(c).

#### 1:30-1.6 Citations in the Code

Statutory citations will be "N.J.S.A." the New Jersey Statutes Annotated. This is for the convenience of the public, but the official copy of any statute will be found in the State's unpublished compilation of statutes or in the published yearly pamphlet laws.

#### [15:15-1.8] 1:30-1.7 Headings not to be used in construing

Title, [S]subtitle, [C]chapter, [S]subchapter, [S]section, article, group, part and division headings contained in the Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of any provision of the Code.

#### [15:15-4.14] 1:30-1.8 Access to documents

(a) Every document accepted [for filing] by the [Division] Office of Administrative Law shall be maintained [in a file] on record [in the order of its filing] by [the Division] Publications and Filings.

(b) Any person shall, upon request, be afforded opportunity to examine any document so maintained.

#### [15:15-4.15] 1:30-1.9 Copies of documents; fees

(a) [Except as provided at Section 3.6 (Judicial notice) of this Chapter] Any person shall be provided copies of filed documents [at a cost of \$1.00 per page.] pursuant to N.J.S.A. 47:1A-2.

(b) [Such copies will be certified upon payment of a fee of \$1.00 per document] The original of a filed document shall not be released from the custody of the Office of Administrative Law.

[(c) Under no circumstance will any filed document be released from the custody of the Division except upon court order or at the direction of the Secretary of State or the Governor.]

#### 1:30-1.10 Forms

From time to time the Office of Administrative Law may adopt as interagency statements the forms which shall be used in the submission of proposed and adopted rules.

#### 1:30-1.11 Compliance

The Office of Administrative Law may refuse to accept for publication or for filing any proposed or adopted rule which is not in substantial compliance with N.J.S.A. 52:14B-1 et seq. and the rules contained in this chapter. Such rule shall be returned to the agency with recommendations for compliance. The Office of Administrative Law will provide its good offices and technical assistance to assist any agency in complying with the law.

### SUBCHAPTER 2. RULEMAKING GENERALLY

#### 1:30-2.1 Clarity of rules

Any rule, as offered for notice and publication or for filing and publication, shall be written in a simple, clear, understandable and easily readable way so as to offer affected and other interested persons fair notice of the provisions of the rule.

#### [15:15-5.3] 1:30-2.2 Incorporation by reference

(a) [No document shall] Specifically designated sections of the following sources may be incorporated into the Code by reference: [except by order of the Director. Any agency will be authorized to incorporate by reference as an official rule adopted pursuant to statute, which rule shall be binding on every person and enforceable without recitation of the text in the Register or the Code, text adopted from any of the following kinds of publications:]

1. New Jersey Statutes Annotated;
2. United States Code;
3. New Jersey Session Laws;
4. Code of Federal Regulations;
5. Federal Register;
6. any uniform system of accounts published by the National Association of Regulatory Utility Commissioners;
7. any generally available standard published by any of the standardizing organizations listed in the United States Department of Commerce Miscellaneous Publication 288, issued August 1, 1967 or supplements thereto or reissues thereof; or
8. any other generally available publication approved by the [Division] director.

(b) Any [document] section of a source incorporated by reference [must] shall be made available for public in-

spection by the adopting agency and [must, in addition] shall be available in printed [or processed] form [either] from the adopting agency or [from] the original source [or both, either without charge or] for a reasonable fee.

(c) Any agency [requesting the incorporation of] incorporating any [document] section of a source by reference shall [prepare and submit at the time of such request the text of a notice to appear in the Code in lieu of the text or the document pursuant to Section 5.1(b)5 (Documents subject to codification) of this Chapter.] adopt and file as a rule appropriate language indicating:

1. what is incorporated including either:
  - i. the specific date or issue of the section of the source incorporated; or
  - ii. a statement indicating that the section incorporated includes future supplements and amendments.
2. where a copy of the section may be obtained pursuant to (b) above, and, except with respect to a section of a source indicated in (a)(1) through (a)(5) above, file with the Office of Administrative Law a copy of the section.

### SUBCHAPTER 3. PROPOSAL PROCEDURE

#### [15:15-4.1] 1:30-3.1 Notice of [I]ntention

[Each agency shall, prior to the adoption or change of a rule, request publication of a notice of its intention to so act in the Register. Such notice shall be prepared and presented by the adopting agency to the Division of Administrative Procedure in the form prescribed at Section 4.3 (Contents of notice) of this Chapter.]

(a) Where the law requires that an agency give notice of intended rulemaking action or rulemaking proceedings, notification shall include, at least 20 days prior to the proposed action or proceeding:

1. the publication of the notice of intention in the New Jersey Register, subject, however, to N.J.S.A. 52:14B-7(c);
2. the submission of the notice of intention, as accepted by the Director for publication, to those standing reference committees of both houses of the State Legislature to which the legislation authorizing the proposed rulemaking action was referred and which have subject matter jurisdiction over the area of the proposed rulemaking action;
3. the mailing of the notice of intention, as accepted by the Director for publication, to those persons who have made timely request of the agency for notice of its rulemaking actions.

(b) In order to be accepted by the Director for publication, the notice of intention shall include:

1. the name of the adopting officer and agency.
2. a citation of the specific legal authority authorizing the proposed rulemaking action. The citation shall identify the section or sections of law which particularly authorize this particular action. The citation shall not merely be the agency's enabling statute unless the agency is relying upon its residual or other general powers, and so states in the notice.
3. the text of the proposed rule, or a summary of the proposed rulemaking action detailed and specific enough to identify: who and what will be affected by the proposed action; how, when and where the affect will occur; what is being prescribed, proscribed or otherwise mandated; what enforcement mechanisms and sanctions may be involved; any other key provisions. The notice shall include the text of any existing rule that is being amended, specifically indicating additions and deletions, and the denomination of any rule being repealed or renumbered.
4. a brief statement for the proposed rule, which shall include:
  - i. its subject matter and purpose;
  - ii. how it implements its authorizing statute;

- iii. its expected impact on the public, particularly any segments of the public proposed to be regulated;
- iv. a proposed code citation for it, or the code citation of any rule affected, amended or repealed by it; and
- v. the agency through which it would be implemented.

5. A notice of the opportunity to be heard regarding the proposed rule, which shall include:

- i. when, where and how persons may present their views orally or in writing (see N.J.A.C. 15:15-4.4, Opportunity to be heard); and
- ii. when, where, how, and if persons may attend any formal rule adoption proceeding.

#### [15:15-4.4] 1:30-3.2 Opportunity to be heard

[(a) No rule, except an exempt rule shall be adopted without first affording to all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing.

(b) The nature and manner of such opportunity shall be at the election of the adopting agency.

(c) Such opportunity must, in any case, be preceded by notice in the Register pursuant to Section 4.3 (Contents of notice) of this Chapter and shall not be concluded before 20 days from the publication date of such notice.]

(a) Where law requires that an agency give interested persons opportunity to be heard prior to final rulemaking action, this shall in all cases include the opportunity to submit written material to the agency and may also include, as required by law or at the discretion of the agency, the opportunity to make oral presentation or any other method of submission.

(b) Notice of the opportunity to make written submissions shall be contained in the notice of intention of the proposed rulemaking action (see N.J.A.C. 15:15-4.1).

(c) Where law requires that an agency give interested persons opportunity to make oral presentations or other method of submission, notice thereof shall be contained in the notice of intention (see N.J.A.C. 15:15-4.1).

(d) Where opportunity to make oral presentation or other method of submission is at the discretion of the agency, the notice may be given in a manner reasonably calculated to reach the interested public.

(e) In both (c) and (d) above at least 10 days notice shall be given prior to the date any such opportunity is afforded.

#### [15:15-4.5] 1:30-3.3 Record of opportunity to be heard

(a) [Following termination of any proceeding according to the public] At the end of the period affording interested persons an opportunity to be heard, and prior to adoption of the rule [considered in such proceeding] under consideration, the agency shall prepare a [Record of Proceeding] record of any written, oral, or other submissions. [Such] The record shall include [information sufficient to establish the fact of the proceeding such as] the following:

1. A copy of any notices issued concerning the proposed rule and opportunity to be heard. [A description of the type of proceeding conducted;]
2. The date, time and place of any public proceeding [at] which was held, the name and title of the person before whom the proceeding was conducted[;], and a description of the nature of the proceeding.
3. A description of the public response to the proposed rule [such proceeding] including, if possible, the number or an estimate of the number of the persons responding to the [N]notice of intention by letter, telephone, personal visit, attendance at any hearing, or oral presentation[;].
4. The name, and if considered appropriate, the estimated membership, of any trade, craft or professional organization or association [participating in or represented at the proceeding;] making written or oral submissions.

5. Written submissions of any person [submitted] made in response to the [N]notice of [I]ntention, including any written answer of the agency[,] [if feasible, and if not feasible, a statement to the effect that retention of written submissions is impractical and a suggestion of the reason therefore, and either a listing of the names of persons submitting views with some description of the view of each, or a statement estimating the number and sentiment of persons submitting view];].

6. The certificate of the adopting officer attesting that all submissions were examined and that due consideration was given their merits prior to the adoption of the proposed rule];].

7. A description of the principal points of controversy revealed during the proceeding];].

8. [If practicable and at the election of the agency, a] A statement of the reasons for adoption of the public views accepted and a statement for rejection of the public views rejected.

(b) Each agency shall maintain for each rule adopted by it the record of the opportunity to be heard, including any attachments or exhibits thereto, for a period of not less than two years from the effective date of the subject rule.

(c) The record constitutes an official document of the administrative agency, is evidence of its compliance with legislative mandate to provide opportunity to be heard, and shall be available for public inspection at the agency.

[15:15-4.7] 1:30-3.4 [Due consideration; republication]

Variance between the rule as proposed and as adopted

[(a) Following any proceeding according to the public opportunity to be heard, the adopting agency shall consider fully all written and oral submissions, respecting the proposed rule.

(b) If upon such consideration, the agency shall determine to leave the text of the proposed rule as previously published, unchanged or to effect inconsequential or non-substantive changes in such text, it shall proceed to adopt the rule.

(c) If, however, the agency shall determine to revise the text of a rule previously published, which revision has the effect of enlarging its original purpose or of increasing the burden upon any person, the adopting agency shall request publication of a new notice of intention to adopt or change a rule and shall accord to the public further opportunity to be heard.

(d) If, however, the substantive change effected by such revisions shall not have the effect as described in this Section, it shall not be republished pursuant to this Subchapter, but the agency may proceed to adopt the rule as modified.]

(a) Where following the notice of intention of a proposed rule, an agency determines to make changes in the proposed rule so substantial as to effectively destroy the value of the notice, and to effectively create a new proposed rule, the agency shall give a new notice of intention and public opportunity to be heard.

(b) In determining whether the changes in the proposed rule are so substantial, consideration shall be given to the extent that they substantially:

1. enlarge who and what will be affected by the proposed rule;
2. change what is being prescribed, proscribed or otherwise mandated by the rule;
3. enlarge the scope of the proposed rule and its burden on those affected by it.

(c) Where the changes between the rule as proposed

and as adopted are not substantial, the change shall not prevent the adopted rule from being accepted for filing.

SUBCHAPTER 4. ADOPTION PROCEDURE

[15:15-4.8] 1:30-4.1 [Order of Adoption] Requirements for filing

[(a) A rule is adopted upon execution by an authorized adopting agency of an Order of Adoption pursuant to such formalities as may be prescribed for the adoption of rules by the adopting agency.

(b) An Order of Adoption shall be prepared by the agency and shall include:

1. The name of the adopting agency;
2. A reference to the statutory authority delegating to the authorized adopting agency the authority to adopt the rule;
3. Either:
  - i. The text of the rule being adopted;
  - ii. A reference to the text of the rule being changed, indicating insertions and deletions by underlining (or italics, as appropriate) and brackets respectively; or
  - iii. A statement of repealer, rescission or renumeration.
4. The effective date of the rule, if other than the date of filing; and
5. The original signature of the adopting officer, and the place and date of adoption, in the following form:

ORDERED, at Trenton, this.....day of....., 19...

/s/ SIGNATURE

.....  
Name and title of adopting officer

(c) Agencies shall use suggested forms or orders incorporating the information stated in this Section as distributed by the Division of Administrative Procedure when submitting rules to the Division.

(d) Such forms or orders may be amended from time to time as the Division deems necessary.

(e) This order constitutes an official document of the adopting agency and is evidence of the occurrence of an administrative act.

(f) The order should conform to the manner in which the business of an administrative agency is conducted (that is, its recitation in the minutes of an official meeting of a board or commission would necessarily be in the form different from that suggested here); the information itemized in this Section is deemed to be the minimum information sufficient to render the act effective.]

(a) With each rule submitted for filing there shall be included:

1. certification by the agency head that the rule was duly adopted according to law and that the requirements of the Administrative Procedure Act, P.L. 1968, C410, and of this chapter were complied with.
2. in the case of a rule preceded by a notice of intention containing the text of the proposed rule, the text of any changes between the rule as proposed and as adopted, specifically indicating insertions and deletions.
3. in the case of a rule not preceded by a notice of intention or where the notice of intention did not contain the text of the proposed rule, the text of the rule, including the text of any existing rule that is being amended, specifically indicating additions and deletions, and the denomination of any existing rule being repealed or renumbered.
4. the effective date of the rule, if later than the date of filing.
5. a brief statement for the rule, which shall include:
  - i. its subject matter and purpose;

- ii. how it implements its authorizing statute;
  - iii. its expected impact on the public, particularly any segments of the public proposed to be regulated;
  - iv. a proposed Code citation for it or the Code citation of any rule affected, amended or repealed by it; and
  - v. the agency through which it will be implemented.
6. a full and specific description of any changes between the rule as proposed and as adopted, and the reasons for the changes.

7. a brief description of the opportunity to be heard, including:

- i. type of opportunity to be heard afforded the public;
- ii. type of notice afforded the public;
- iii. where and how the record of the opportunity to be heard can be inspected.

8. date and occasion of adoption.

[15:15-4.11] 1:30-4.2 Time of filing

(a) Any document submitted for filing shall be filed by the [Division] Office of Administrative Law or, in lieu thereof, notice of refusal to file shall be delivered by the [Division] Office of Administrative Law to the adopting agency, not more than three business days following the receipt of the presented document by the [Division] Office of Administrative Law.

(b) If an agency has not adopted and submitted for filing a proposed rule [or rule change] within one year from the time such proposal was published in the New Jersey Register, the agency must thereafter resubmit such proposal for republication in the Register, subject if applicable to the 20 days' prior notice and opportunity to be heard requirements of the Act, before the proposed rule or rule change can be adopted.

[15:15-4.12] 1:30-4.3 Filing of document

(a) Upon acceptance of a document for filing there shall be stamped on its face the following:

- 1. The hour and date of acceptance for filing;
- 2. The word "filed"; and
- 3. The facsimile signature of the [Secretary] Director.

(b) A document number assigned by [the Division] Publications and Filings shall be endorsed on the face of the document. The document shall be entered in a registry maintained by [the Division] Publications and Filings for that purpose.

[15:15-4.19] 1:30-4.4 Certificate of [E]mergency

(a) Any agency adopting an emergency rule pursuant to [Section 4.20 (Ratification of emergency rule) of this Chapter] N.J.S.A. 52:14B-4(c) shall prepare and present to the [Division] Office of Administrative Law at the time of submitting the rule for filing, a certificate of emergency which shall include the following information:

- 1. The order adopting or changing the rule;
- 2. A written statement specifically describing the reasons for its finding that there is an imminent peril [necessitating] and that it necessitates emergency proceedings. The specific reasons shall include facts upon which a reasonable person could conclude the existence and nature of the imminent peril and not merely conclusory statements or repetition of statutory language;
- 3. A certificate of the adopting officer attesting to the facts set forth in the statement.

[15:15-4.21] 1:30-4.5 [Rules exempt from notice requirements] Procedural rule

[Any rule prescribing the organization or procedure of any agency may be adopted at any time without prior notice or hearing. Such rules shall be effective upon filing in accordance with this Subchapter or upon any later date specified by the agency.] No rule shall be accorded

the procedural rule exemption from the notice and opportunity to be heard requirements of N.J.S.A. 52:14B-4, as implemented by this chapter, unless the rule is in fulfillment of the requirements of either N.J.S.A. 52:14B-3(1) or N.J.S.A. 52:14B-3(2) and the rule does not operate directly upon members of the public or act as a substantive regulation governing the conduct of the public. These factors must be demonstrated in the statement accompanying the rule submitted for filing (see N.J.A.C. 15:14-4.8).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Burton D. Weltman, Esq.  
Assistant Director for Rules Development  
Office of Administrative Law  
88 East State Street  
Trenton, N.J. 08625

A public hearing on this proposal will be held at 10:00 A.M. on February 24, 1981 at 88 East State Street, Second Floor, Trenton, New Jersey. Persons wishing to testify should contact the person indicated above.

The Office of Administrative Law may thereafter adopt rules on this subject without further notice.

(a)

## OFFICE OF ADMINISTRATIVE LAW

### Proposed Amend Applicability of Rules

Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14F-5, proposes to amend N.J.A.C. 1:1-1.1 concerning the applicability of rules of the Office of Administrative Law.

The purpose of this amendment is to clarify for agency personnel and the public that the Office of Administrative Law contested case rules, like any agency rules, are subject to the supremacy of federal rules and federal and state statutes.

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

1:1-1.1(a) Subject to any superseding federal or state law, [T]his chapter shall govern the conduct of all contested cases in the Executive Branch of the State Government,<sup>1</sup> whether conducted by the Office of Administrative Law or by the agencies themselves pursuant to statute.<sup>2</sup> In the event of conflict between this chapter and any other agency rule, this chapter shall prevail. Procedural rules formerly adopted by the agencies shall continue to apply to the extent they are not inconsistent with this chapter, with statutory requirements or with constitutional standards. Under N.J.S.A. 52:14F-5(e) no agency other than the Office of Administrative Law may hereafter adopt any rules to regulate the conduct of contested cases and the rendering of administrative adjudications.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Burton D. Weltman, Esq.  
Assistant Director for Rules Development  
Office of Administrative Law  
88 East State Street  
Trenton, New Jersey 08625

The Office of Administrative Law may thereafter adopt rules concerning this subject without further notice.

(a)

# OFFICE OF ADMINISTRATIVE LAW

## Proposed Amend Administrative Hearings: Standards for Intervention

Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14F-1 et seq., proposes to amend N.J.A.C. 1:1-12.3 concerning standards for intervention in administrative hearings.

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

The purpose of this amendment is to clarify the application of the intervention standards, so as to help insure that necessary and proper parties appear in contested cases.

In certain cases, for example utility rate-making cases, the "public interest" is regularly represented by the Public Advocate. It is not the intent of the intervention rule to eliminate groups or members of the public solely because a state agency is already in the case as a representative of the "public" or "public interest."

Questions of sufficient interest, undue delay, unnecessary confusion and other appropriate matters will continue to be considered by judges in deciding intervention requests.

### 1:1-12.3 Standards for intervention

(a) (No change.)

(b) In cases where one of the parties is a state agency authorized by law to represent the public interest in a contested case, no movant shall be denied intervention solely because the movant's interest may be represented in part by said state agency.

(c) [(b)] Notwithstanding [N.J.A.C. 1:1-12.3] (a) above persons statutorily permitted to intervene shall be granted intervention.

Interested persons may present statements or arguments in writing relative to the proposed action on or before February 25, 1981 to:

Burton D. Weltman, Esq.  
Assistant Director for Rules Development  
Office of Administrative Law  
88 East State Street  
Trenton, New Jersey 08625

The Office of Administrative Law may thereafter adopt rules regarding this subject without further notice.

(b)

# BANKING

## DIVISION OF BANKING

### Proposed Rules on Savings Banks Participation in Credit Card Operations

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-182.1 and 182.2, proposes to adopt new rules to be cited as N.J.A.C. 3:11-10.1 and 10.2 concerning savings banks participation in credit card operations.

Full text of the proposed new rules follows.

## SUBCHAPTER 10. SAVINGS BANKS: CREDIT CARDS

### 3:11-10.1 Credit card operations

A savings bank may issue credit cards, extend credit in connection therewith, and otherwise engage in or participate in credit card operations.

### 3:11-10.2 Parity provisions

(a) This subchapter is issued in accordance with the authority granted to the Commissioner of Banking to place savings banks on a substantial competitive parity with federally chartered savings and loan associations which currently have the authority to participate in credit card operations.

(b) It is further provided that savings banks may operate such credit card programs upon the same terms and conditions as the Federal Home Loan Bank Board may prescribe from time to time for such federally chartered savings and loan associations.

Interested persons may present relevant written comments, statements, or arguments on or before February 25, 1981 to:

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

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

(c)

# BANKING

## DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

### Proposed Rules on Reserve Requirements

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-48(17) proposes to adopt a new rule to be cited as N.J.A.C. 3:30-2.1 concerning reserve requirements.

Full text of the proposed new rule follows.

## CHAPTER 30

### CAPITAL

...

## SUBCHAPTER 2. RESERVE REQUIREMENTS

### 3:30-2.1 Reserve required

(a) Associations issuing accounts under the provisions of N.J.S.A. 17:12B-48(17) shall maintain cash balances against such accounts equal to three percent of the total amount of such accounts. The cash balances may consist of any of the following:

1. Lawful currency of the United States;
2. Demand deposits made:
  - i. In a reserve depository as defined in N.J.S.A. 17:9A-49;
  - or
  - ii. In a Federal Home Loan Bank of which the savings association is a member; or
  - iii. Subject to the approval of the commissioner, in any bank or trust company incorporated under the laws of any state of the United States or the District of Columbia, whether or not such bank or trust company is a member of the Federal Reserve System.

(b) The required cash balances in (a) above, to the

extent of not more than one percent of aggregate deposits other than capital deposits, may be made up of obligations of the United States maturing within one year.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(a)

## BANKING

### DIVISION OF CONSUMER COMPLAINTS LEGAL AND ECONOMIC RESEARCH

#### Notice of Correction: Multiple-Party Deposit Accounts

Take notice that, in the December 4, 1980 New Jersey Register at 12 N.J.R. 686(d) an error appeared respecting the effective date of adopted new rules concerning multiple-party deposit accounts. These rules are effective as of November 3, 1980 and NOT as of November 6, 1980 as originally noticed.

This Notice is published as a matter of public information.

(b)

## BANKING

### CONSUMER CREDIT BUREAU

#### Required Use of Home Repair Contractor's License Number

On December 17, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:19-1.6 concerning the required use of a home repair contractor's license number as proposed in the Notice published October 9, 1980, at 12 N.J.R. 566(a).

An order adopting this rule was filed and became effective on December 29, 1980 as R.1980 d.556.

(c)

## BANKING

### DIVISION OF BANKING

#### Sale of Unsecured Days Funds by Savings Banks

On December 26, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 9A:182.1 and 182.2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 3:6-10.1 and 10.2 concerning sale of unsecured days funds by savings banks as proposed in the Notice published October 9, 1980 at 12 N.J.R. 563(b) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

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

#### 3:6-10.2 Limitation on such investments

A savings bank may sell unsecured days funds (term federal funds) to any insured bank, as defined in N.J.A.C. 3:6-10.1, provided the total amount sold to any one insured bank does [in an amount] not [to] exceed 10 percent of the surplus of the savings bank as reported in the latest consolidated report of condition on file with the Department of Banking.

An order adopting this rule was filed and became effective on December 31, 1980 as R.1980 d.559.

(d)

## BANKING

### DIVISION OF BANKING

#### Asset Valuation of Common Trust Fund

On December 26, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-43 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 3:6-11.1 and 11.2 concerning asset valuation of the common trust fund as proposed in the Notice published October 9, 1980 at 12 N.J.R. 563(c).

An order adopting this rule was filed and became effective on December 31, 1980 as R.1980 d.560.

(e)

## BANKING

### THE COMMISSIONER

#### Emergency Amend Loan Interest Rates

On January 13, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 3:21-1.8 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 3:21-1.8 concerning loan interest rates.

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

#### 3:21-1.8 Loan interest rate

(a) Except as provided [herein] in this section or otherwise provided by law, the rate of interest charged on credit union loans to members shall not exceed 12 percent per year inclusive of all finance charges.

1. Subject to approval by the Commissioner, the board of directors of a credit union may authorize the taking of interest on loans to members at a rate in excess of 12 percent per year, to a maximum of [15 percent] 21 percent per year inclusive of all finance charges, if the following procedures are met:

- i. - iv. (No change.)
- 2. (No change.)

An order adopting this rule was filed and became effective on January 13, 1981 as R.1981 d.12 (Exempt, Emergency Rule).

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Amendments on Employee Advisory Service

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-2.1, 20.2, and 20.3, and proposes a new rule to be cited as N.J.A.C. 4:1-20.8 concerning the Employee Advisory Service.

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

#### 4:1-2.1 Words and phrases defined

“Employee Advisory Service” means a unit of state government employing trained counselors to arrange for the referral of State employees (or members of their households) for counseling or other professional services if the employees’ job performances are less than satisfactory because of personal or job related problems.

#### 4:1-20.2 Evaluation

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

(d) All unsatisfactory performance evaluations of State employees shall be referred to the Employee Advisory Service.

#### 4:1-20.3 Use of performance evaluations

(a) Performance evaluations shall be used in determining eligibility for salary increases and decreases, demotions, transfers, [and] removals and, if unsatisfactory, for Employee Advisory Service referrals and as a factor in layoffs.

(b) (No change.)

#### 4:1-20.8 Employee Advisory Service

(a) The Civil Service Commission shall establish rules and regulations for the referral of State employees for counseling or other professional services in order to encourage the continued employment of persons who have demonstrated a capability for satisfactory job performance but whose performance is not satisfactory or is cause for concern because of personal or job related problems.

1. All employees may use the services of the Employee Advisory Service.

2. All information concerning the employee shall be kept confidential unless released by the employee.

3. All counseling, whether self or agency referred, is by employee option.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Peter J. Calderone, Esq.  
Acting Director of Administrative Practices  
and Labor Relations  
Department of Civil Service  
215 East State Street  
Trenton, N.J. 08625

The Civil Service Commission may thereafter adopt rules concerning this subject without further notice.

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Amend Suspension, Fine And Demotion for Disciplinary Purposes

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-16.7 concerning suspension, fines and demotions for disciplinary purposes.

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

#### 4:1-16.7 Suspension, fine and demotion for disciplinary purposes

(a) An appointing authority may suspend without pay or with reduced pay, fine or demote an employee due to inefficiency, incompetency, misconduct, negligence, insubordination or for other sufficient cause; however:

[1. An employee who shall be suspended, fined or demoted more than three times in any one year (one year being from date of first suspension, fine or demotion to one year therefrom), or more than five days at one time, or for a period of more than 15 days in the aggregate in any one calendar year shall be served with written charges and have the right to appeal to the Civil Service Commission. The Commission shall have the power to revoke or modify the action of the appointing authority, except that removal from service shall not be substituted for a lesser penalty;

2. The appointing authority shall notify the employee and the Department of Civil Service of the reasons for the suspension, fine or demotion regardless of the extent or duration of the disciplinary action;

3. No suspension shall exceed six months.]

1. An employee who shall be suspended, fined or demoted more than five days at one time shall be served with written charges and have the right to appeal to the Civil Service Commission.

2. An employee who shall be suspended, fined or demoted more than three times in any one year (one year being from the date of the first suspension, fine or demotion to one year therefrom) or for a period of more than 15 days in the aggregate in any one year shall be served with written charges and have the right to appeal the latest disciplinary action to the Civil Service Commission.

3. The Commission shall have the power to revoke or modify the action of the appointing authority, except that removal from service shall not be substituted for a lesser penalty;

4. The appointing authority shall notify the employee and the Department of Civil Service of the reasons for the suspension, fine or demotion regardless of the extent or duration of the disciplinary action;

5. No suspension shall exceed six months.

(b) In State service any disciplinary suspension, fine, or demotion of less severity than those from which appeal may be made to the Commission may be the subject of a grievance within the departmental grievance procedures as provided in accordance with [subchapter 23 (Employer-Employee Relations) of this chapter.] N.J.A.C. 4:1-23.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Peter J. Calderone, Esq.  
Acting Director of Administrative Practices  
and Labor Relations  
Department of Civil Service  
215 East State Street  
Trenton, N.J. 08625

The Civil Service Commission may thereafter adopt rules concerning this subject without further notice.

**(a)**

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Amend Demotional and Reemployment Rights (Local Jurisdictions)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend Subpart 16-5.101 in the Civil Service Personnel Manual (Local Jurisdictions) concerning demotional and reemployment rights.

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

Subpart 16-5.101 Determination of Demotional and Reemployment Rights by the Department of Civil Service

16-5.101a-b (No change.)

16-5.101c Procedure: Positions in the Competitive Division:

1. Upon receipt of a 45 day layoff notice, the Director of Local Government Services shall act for the Chief Examiner and Secretary in determining the seniority, special reemployment and demotional rights of the employees.

a. First, the seniority rights of all permanent employees shall be calculated to determine if the 45 day notice was in order, if not, the notice will be returned to the appointing authority for correction.

[(3) If the person to be laid off or demoted is a veteran and has the same seniority as another employee on the same level, the employee holding veteran's status must be retained in favor of the non-veteran. If both employees are veterans, the disabled veteran shall be retained in favor of the veteran. If both have identical veteran's status, the appointing authority may select either of the two to be laid off or demoted.]

[(4) (3) If there are two or more permanent employees in the class from which layoff, or demotion in lieu of layoff, is to be made, the person with the least favorable performance rating for the twelve month period immediately preceding the date of layoff or demotion [must be issued the 45 day layoff notice first except that a veteran must be retained in favor of a non-veteran regardless of the rating.] shall be the first laid off or demoted. This criteria applies only to those jurisdictions whose performance rating systems have been approved by the Department of Civil Service.

(4) In situations where demotion or layoff rights as determined by permanent status, seniority or performance ratings result in a tie, the following factors shall be considered in their respective order.

(a) Veteran's status: A disabled veteran shall be considered more senior than the non-disabled veteran. A non-disabled veteran shall be considered senior to a non-veteran.

(b) The total length of service prior to a break in service, in a title on the same or higher class level;

(c) The total length of continuous permanent service, regardless of the title within the jurisdiction;

(d) Total length of non-continuous permanent service, regardless of the title within the jurisdiction;

(e) Prior standing (rank) on the employment list for the title, if information is available;

(f) Time served as a provisional in that title.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Peter J. Calderone, Esq.  
Acting Director of Administrative Practices  
and Labor Relations  
Department of Civil Service  
215 East State Street  
Trenton, N.J. 08625

The Civil Service Commission may thereafter adopt rules concerning this subject without further notice.

**(b)**

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Repeal Career Development: Employee Advisory Service (State Service)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to repeal Subpart 20-7.101 in the Civil Service Personnel Manual (State Service) concerning career development and the Employee Advisory Service.

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

[Part 20-7 CAREER DEVELOPMENT

Subpart 20-7.101 Employee Advisory Service

20-7.101a Subject:

This subpart describes the operation and regulations of the Employee Advisory Service established by the Department of Civil Service.

20-7.101b Purpose:

The purpose of the Employee Advisory Service is to provide a means of assisting employees in any department whose work has been rated unsatisfactory to again achieve a work performance which is satisfactory.

The Employee Advisory Service may be utilized by any state employee on a voluntary basis should an employee feel he or she has problems relating to work performance.

20-7.101c Procedure:

1. The names and titles of employees who have received EPEIS ratings of "unsatisfactory" will be referred to the Employee Advisory Service in the Department of Civil Service.

2. Any employee whose job performance is of such a nature as to cause concern will be referred by the line supervisor to the personnel office of his department and in turn to the Employee Advisory Service.

3. Any employee may utilize the Employee Advisory Service on a voluntary basis and may contact Employee Advisory Service directly.

4. The Employee Advisory Service will interview the referrals and in turn refer to community resources which will provide specific services.

5. The Employee Advisory Service will arrange with the personnel office of the employee's department to have the employee excused from work to keep specific appointments.

6. The Employee Advisory Service will maintain continuing follow-up on referrals to determine progress of the employee.

7. The Employee Advisory Service will also maintain follow-up concerning the employee's job performance.

8. The records, information and any material in the Employee Advisory Service Program will be strictly confidential.

9. State Employee Associations and Unions may refer to the Employee Advisory Service and their support of the program is solicited.

10. The Employee Advisory Service will function as a unit in the Bureau of Employee Services, Department of Civil Service.

11. In those situations where the client does not have a medical, mental health or personal problem, the client will be referred to the Chief, Bureau of Employee Services who will interview the client and then contact the personnel officer in the department where the client is employed.

12. No employee who is in process with the Employee Advisory Service will be dismissed before the Chief, Bureau of Employee Service, Department of Civil Service has conferred with the personnel officer of the employee's department.

13. An employee who is referred to the Employee Advisory Service and does not accept referral or an employee who does not keep referral appointments will be subject to disciplinary action. However, prior to taking disciplinary action for this reason against such employee the personnel officer will submit the matter to the Chief, Bureau of Employee Services, Department of Civil Service for review. If required, the matter will be submitted to the Chief Examiner and Secretary for presentation to the Civil Service Commission.

14. Should the Employee Advisory Service need to interview a supervisor concerning an employee's work performance, the personnel office or the individual who is responsible for the personnel function will arrange for the supervisor to report to the Employee Advisory Service.

15. Division Directors, Bureau Chiefs and other administrative and executive personnel will cooperate with the Employee Advisory Service in the rehabilitation of any employee.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Peter J. Calderone, Esq.  
Acting Director of Administrative Practices  
and Labor Relations  
Department of Civil Service  
215 East State Street  
Trenton, N.J. 08625

The Civil Service Commission may thereafter adopt rules concerning this subject without further notice.

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Rules on Employee Advisory Service (State Service)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to adopt new rules to be cited as Subpart 20-8.101 in the Civil Service Personnel Manual (State Service) concerning the Employee Advisory Service.

Full text of the proposed new rules follows.

#### PART 20-8 EMPLOYEE ADVISORY SERVICE

##### Subpart 20-8.101 Policy and Procedure

###### 20-8.101a Subject:

This subpart describes the operation and regulations of the Employee Advisory Service established by the Department of Civil Service.

###### 20-8.101b Purpose:

The purpose of the Employee Advisory Service is to provide a means of assisting State employees who have demonstrated a capability for satisfactory work performance but have been performing unsatisfactorily or in such a manner as to cause concern because of personal or job related problems.

###### 20-8.101c Policy:

It is the policy of the State of New Jersey to encourage and facilitate the continued employment of persons who have demonstrated a capability for satisfactory job performance. The Employee Advisory Service arranges for the referral of employees, or members of an employee's household, for counseling or other professional services if (a) the employee's job performance is less than satisfactory, or (b) if the employee is experiencing personal problems which are manifested on the job.

All appointing authorities and employees are encouraged to utilize the Employee Advisory Service. Appointing authorities should refer employees to the Service when an employee's job performance causes concern rather than relying on an unsatisfactory job report. State employee associations and unions may refer employees to the Employee Advisory Service. Their support of the program is welcomed.

###### 20-8.101d Composition:

The Employee Advisory Service, a unit in the Bureau of Employee Services in the Department of Civil Service, is composed of professional counselors who evaluate employees and refer them to community resources for medical, psychiatric or other professional assistance.

###### 20-8.101e Definitions:

1. Active Client Status: status of an employee when she/he, or a member of his/her household, is currently being counseled or is scheduled to undergo counseling with the Employee Advisory Service or referral agency.

2. Employee: a State employee or a member of his/her household.

3. Employer referrals: employees referred to the Service by management because of unsatisfactory job performance or problems manifested on the job.

4. Personnel officer: any individual authorized to be responsible for agency personnel functions.

5. Self-referrals: employees who, on their own initiative, contact the Employee Advisory Service.

20-8.101f Confidentiality:

1. All information concerning an employee, whether stated, written or known, in the Employee Advisory Service files or referral files, shall be confidential.

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

3. In order to release information:

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

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

(c) When a client signs a confidentiality release form she/he is allowing full disclosure of information. There is no provision for partial disclosure.

20-8.101g Procedure:

1. Referrals:

(a) The employing agency is to refer an employee to the Employee Advisory Service for evaluation as soon as problems are manifested or when the employer's job performance causes concern.

(b) An employee whose job performance is cause for concern may be referred by the line supervisor to the personnel officer in his/her department and in turn to the Employee Advisory Service.

(c) Any employee may contact the Employee Advisory Service directly at:

Newark (201) 648-3332

Trenton (609) 292-8543

Hammonton (609) 561-7201

(d) The names and titles of employees who have received job performance ratings of unsatisfactory will be referred to the Chief, Employee Service.

(e) If the Employee Advisory Service counselor determines that the client's situation is not within the scope of the Service, the counselor will refer the employee to the Chief, Employee Services, who will interview the client. The Chief, Employee Services, will contact the personnel officer in the client's department in an effort to work out a solution to the present problem.

(f) Concerns that precipitate an agency referral must be handled administratively by the agency when an employee does not keep or refuses referral appointments.

2. Interviews:

(a) The employee will be scheduled for an appointment through the personnel officer of his/her department.

(b) An appointment will be scheduled through the employee's personnel officer for the supervisor who rated the employee. Agency attendance at this appointment is mandatory.

3. Time off:

(a) Employees who are referred by their personnel officer to the Employee Advisory Service will be excused from work assignments for up to two visits.

(b) Employees will be charged vacation, sick leave or administrative leave for subsequent visits.

(c) Other arrangements are to be worked out between the employee and management with or without participation by the Employee Advisory Service.

4. Follow-up:

(a) The Employee Advisory Service will maintain follow-up concerning the employee's job performance for a period of at least one year.

(b) If the employee does not follow the course of action recommended by the Employee Advisory Service, or no

further follow-up services can be performed, the employee shall no longer remain in active client status. The appointing authority shall determine what course of action to take concerning said employee.

20-8.101h Removal:

Before seeking removal of an employee who is in active client status, the appointing authority shall consult with the Chief, Employee Services.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Peter J. Calderone, Esq.

Acting Director of Administrative Practices  
and Labor Relations

Department of Civil Service

215 East State Street

Trenton, N.J. 08625

The Civil Service Commission may thereafter adopt rules concerning this subject without further notice.

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Pregnancy Disability and Child Care Leave (State Service)

On December 15, 1980, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency new rules to be cited as Subpart 17-1.101 in the Civil Service Personnel Manual (State Service) concerning pregnancy disability and child care leave.

Full text of the adoption follows.

#### Part 17-1 GENERAL

#### Subpart 17-1.101 Granting of Pregnancy-Disability Leave and Child Care Leave

##### 17-1.101a Subject:

This subpart prescribes the Civil Service regulations concerning the use of sick leave, with or without pay, for pregnancy-disability purposes; and personal leave without pay for child care purposes. Pregnancy-disability leave with or without pay shall be granted in the same manner and under the same terms and conditions as sick leave. Child care leave, which is only granted as a leave without pay, shall be granted under the same terms and conditions as other personal leave.

##### 17-1.101b Pregnancy-disability leave with pay

1. Upon request, paid sick leave shall be granted by the appointing authority for pregnancy-disability purposes. The appointing authority may request acceptable medical evidence that the employee is unable to perform her work due to disability because of pregnancy. The utilization of accrued sick leave shall be limited only by the length of her disability due to pregnancy.

2. The granting of an individual's request for pregnancy-disability leave with pay shall not be handled differently than any other employee's request for paid sick leave. However, the granting of such is mandatory once acceptable medical evidence of disability due to pregnancy has been presented.

17-1.101c Pregnancy-disability leave without pay

1. Upon request, pregnancy-disability leave without pay shall be granted by the appointing authority upon the receipt of acceptable medical evidence that the employee is unable to perform her work due to disability because of pregnancy. The amount of pregnancy-disability leave without pay that an individual may take shall be governed by the length of her disability due to pregnancy except that it shall be no more than one year in duration.

2. The granting of an individual's request for pregnancy-disability without pay shall not be treated differently than any other employee's request for sick leave without pay. However, the granting of such leave is mandatory once acceptable medical evidence of disability due to pregnancy has been presented.

17-1.101d Child care leave without pay

Child care leave without pay may be granted by the appointing authority under the same terms and conditions applicable to all other personal leaves without pay.

17-1.101e Use of accrued leave time

An employee may use accrued leave time (e.g., sick, vacation, administrative) for pregnancy-disability purposes, however, (1) the employee shall not be required to exhaust accrued leave before taking a leave without pay for pregnancy-disability, (2) the employee must exhaust all her accrued sick leave prior to being eligible for New Jersey Temporary Disability Insurance.

17-1.101f Temporary employees, provisional employees and employees who have not completed their working test period

As provided by N.J.A.C. 4:1-17.2(b), leave without pay for a temporary employee, provisional employee or employee who has not completed the working test period is restricted to a maximum of 60 days. If the position is terminated prior to this time, the leave may not continue beyond the termination of the position. A temporary employee, provisional employee or employee who has not completed the working test period may not receive entitlements while on leave which she/he could not receive while in active employment. Any leave without pay for a temporary or provisional employee may be terminated by the appointing authority at any time.

Information about New Jersey Temporary Disability Insurance may be obtained from the Department Personnel Officer or the Disability Insurance Service, P.O. Box 825, Trenton, New Jersey 08625.

An order adopting this rule was filed and became effective on December 17, 1980 as R.1980 d.544 (Exempt, Procedural Rule). Take notice that these new rules are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

(a)

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Emergency and Special Leave (State Service)**

On December 15, 1980, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed Subpart 17-8.101 in the Civil Service Personnel Manual (State Service) concerning emergency and special leave.

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

**[PART 17-8 EMERGENCY AND SPECIAL LEAVE (STATE SERVICE)]**

**Subpart 17-8.101 Sick Leave, Vacation Leave, and Leave Without Pay for Maternity Purposes for Employees Having Permanent Status**

17-8.101a Subject:

This subpart will describe the extent to which various leave time may be used for maternity reasons.

17-8.101b Standards:

Leave With Pay

1. (a) Permanent employees who have completed their working test period may be granted earned and accumulated sick leave during the time prior to the expected date of confinement (date of delivery) and for one month after the actual date of confinement, on presentation of a doctor's certificate and on approval of departmental authorities. Additional time beyond the one month period may be granted upon presentation of a doctor's certificate setting forth the necessity therefore.

(b) Permanent employees who are without accrued vacation or sick leave may be granted leave of absence without pay not to exceed 6 months, subject to the same preconditions and limitations listed in 1(a) above.

2. Earned and accumulated vacation for the time worked during the current calendar year and for the previous calendar year may be approved.

3. Compensatory time resulting from overtime services as recorded and approved by the appointing authority may be used for maternity leave.

4. N.J.A.C. 4:1-17.11(c) will also apply:

"A permanent employee who returns from military service is entitled to full vacation allowance for the calendar year of return and for the year preceding, provided the latter can be taken during the year of return."

Leave Without Pay

1. On the expiration of earned and accumulated sick leave and vacation leave this department will consider for approval, if requested by the appointing authority, a leave of absence without pay for a period not to exceed six months. If additional leave is required, an extension of leave of absence without pay not to exceed six months will be considered for approval on the request of the appointing authority together with the reasons therefore. No further leave beyond the one year will be approved.

2. Upon expiration of the first leave of absence without pay under Leave With Pay 1(b) above, an appointing authority may request an additional leave without pay not to exceed 6 months, accompanied by the reasons therefore. No further leave beyond one year will be approved.]

An order adopting this rule was filed and became effective on December 17, 1980 as R.1980 d.545 (Exempt, Procedural Rule). Take notice that these rules are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

(b)

**COMMUNITY AFFAIRS**

**THE COMMISSIONER**

**Proposed Amend Eviction and Relocation**

Joseph A. LeFante, Commissioner of Community Affairs,

pursuant to authority of N.J.S.A. 2A:18-61.1 et seq., 20:4-1 et seq., and 52:31B-1 et seq., proposes to amend N.J.A.C. 5:11-7.1 through 7.5 concerning eviction and relocation.

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

**SUBCHAPTER 7. [REGULATIONS CONCERNING EVICTION AND RELOCATION] DISPLACEMENT THROUGH LANDLORD'S ACTION**

**5:11-7.1 [Responsibility; eligibility] General notice**

[Any person defined as eligible for relocation assistance pursuant to P.L. 1975, c. 311 (N.J.S.A. 2A:18-61.1 et seq.) who has not received such assistance may apply to the Department of Community Affairs, 363 West State Street, Trenton, New Jersey. The Department will determine if the person is eligible and which displacing agency is responsible for providing assistance.]

(a) Whenever a landlord intends to terminate a tenancy because of enforcement of building, housing, health or zoning codes, public acquisition of the premises or participation in a government-sponsored program of voluntary rehabilitation, including, without limitation new construction, the landlord shall give written notice of his intent to the tenant.

1. This notice shall specify in detail the reasons why the landlord wants the tenant to vacate the premises.

2. Unless N.J.A.C. 5:11-7.2 shall apply, the notice shall include the following statement in capital letters:

**I AM ASKING YOU TO MOVE BECAUSE OF GOVERNMENT ACTION. YOU MAY BE ELIGIBLE FOR FINANCIAL AND OTHER BENEFITS UNDER THE RELOCATION ASSISTANCE AND RESIDENTIAL EVICTION ACTS (N.J.S.A. 52:31B-1 et seq., N.J.S.A. 20:4-1 et seq., and N.J.S.A. 2A:18-61.1 et seq.). YOU MAY CALL THE RELOCATION OFFICE AT ..... (GIVING THE ACCURATE ADDRESS AND THE TELEPHONE NUMBER OF THE PERSON RESPONSIBLE FOR RELOCATION IN THIS AREA.)**

**5:11-7.2 [Application for relocation assistance laws to proceedings under N.J.S.A. 2A:18-61.1(g); notice requirements] Additional notice for proceedings under N.J.S.A. 2A:18-61.1(g)**

(a) [The Relocation Assistance Law of 1967, P.L. 1967, c. 79 (c. 52:31B-1 et seq.) and the Relocation Act, P.L. 1971, (c. 362, c. 20:4-1 et seq.) shall be complied with prior to the issuance of a warrant for possession pursuant to any of the grounds for eviction enumerated as g(1), g(2), g(3), and g(4) in Section 2 of P.L. 1974, c. 49 (c. 2A:18-61) as amended by P.L. 1975, c. 311.

1. At least three months before instituting a court action for eviction, the landlord shall have served a written demand and written notice for delivery of possession of the premises on each tenant. This notice shall specify in detail the cause of termination of the tenancy.]

In cases arising under N.J.S.A. 2A:18-61.1g(1) or g(3), the following statement shall be included in the notice in capital letters:

**I MUST GIVE YOU THIS NOTICE BECAUSE I PLAN TO SEEK EVICTION UNDER THE RESIDENTIAL EVICTION LAW (N.J.S.A. 2A:18-61.1) AND THE REGULATIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS. THE CAUSE FOR WHICH I WANT YOU TO LEAVE IS THE FOLLOWING:**

**g(1) THAT I WANT TO PERMANENTLY BOARD UP OR DEMOLISH THE UNIT YOU ARE LIVING IN BECAUSE IT HAS BEEN CITED FOR SUBSTANTIAL**

**VIOLATIONS AND IT IS ECONOMICALLY UNFEASIBLE FOR ME TO ELIMINATE THE VIOLATIONS OR,**

**g(3) THAT I HAVE BEEN CITED BY LOCAL OR STATE HOUSING INSPECTORS FOR ILLEGAL OCCUPANCY AND THE ONLY WAY TO CORRECT THIS VIOLATION IS TO REMOVE THE TENANT. I AM ENTITLED TO TRY TO EVICT YOU IN THE COURTS 90 DAYS AFTER THE DATE OF THIS NOTICE. IF YOU RECEIVE A SUMMONS TO APPEAR IN COURT AND FAIL TO APPEAR YOU ARE LIKELY TO LOSE YOUR CASE BECAUSE YOU AREN'T THERE. HOWEVER, IN NO CASE CAN THE JUDGE EVICT YOU AND ISSUE A WARRANT FOR POSSESSION UNLESS THE RELOCATION LAWS HAVE BEEN COMPLIED WITH.**

**YOU MAY BE ELIGIBLE FOR FINANCIAL AND OTHER BENEFITS UNDER THE RELOCATION ASSISTANCE AND RESIDENTIAL EVICTION ACTS. (N.J.S.A. 52:31B-1 et seq., N.J.S.A. 20:4-1 et seq., and N.J.S.A. 2A:18-61.1 et seq.) YOU MAY CALL THE RELOCATION OFFICE AT ..... (GIVING THE ACCURATE ADDRESS AND TELEPHONE NUMBER OF THE PERSON RESPONSIBLE FOR RELOCATION IN THIS AREA.)**

(b) In cases arising under N.J.S.A. 2A:18-61.1[g(1),] g(2) [or g(3)], the following statement shall be included in the notice in capital letters:

**I MUST GIVE YOU THIS NOTICE BECAUSE I PLAN TO SEEK EVICTION UNDER THE RESIDENTIAL EVICTION LAW (N.J.S.A. 2A:18-61.1) AND THE REGULATIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS. THE CAUSE FOR WHICH I WANT YOU TO LEAVE IS [THE FOLLOWING:**

**g(1) THAT I WANT TO PERMANENTLY BOARD UP OR DEMOLISH THE UNIT YOU ARE LIVING IN BECAUSE IT HAS BEEN CITED FOR SUBSTANTIAL VIOLATIONS AND IT IS ECONOMICALLY UNFEASIBLE FOR ME TO ELIMINATE THE VIOLATIONS OR,**

**g(2)] THAT I WANT TO COMPLY WITH LOCAL OR STATE HOUSING INSPECTORS WHO HAVE CITED ME FOR SUBSTANTIAL VIOLATIONS AND IT IS UNFEASIBLE TO COMPLY WITHOUT REMOVING THE TENANTS. [OR;**

**g(3) THAT I HAVE BEEN CITED BY LOCAL OR STATE HOUSING INSPECTORS FOR ILLEGAL OCCUPANCY AND THE ONLY WAY TO CORRECT THIS VIOLATION IS TO REMOVE THE TENANT.]**

**THE PROCEDURE WHICH IS FOLLOWED ONCE YOU HAVE RECEIVED THIS NOTICE FROM ME IS FOR THE DEPARTMENT OF COMMUNITY AFFAIRS TO UNDERTAKE AN INVESTIGATION OF THIS CAUSE FOR EVICTION TO FIND OUT IF IT IS JUSTIFIED BY THE VIOLATIONS OR CIRCUMSTANCES. THE DEPARTMENT OF COMMUNITY AFFAIRS WILL INFORM THE TENANTS AND THE ..... (FILL IN THE NAME OF THE LOCAL INSPECTION AGENCY), OF MY EFFORTS TO TRY TO EVICT YOU. THE DEPARTMENT WILL ASK FOR THEIR WRITTEN COMMENTS AND PREPARE A RECOMMENDATION WHICH WILL BE FORWARDED TO THE DISTRICT COURT WHICH WILL CONDUCT ANY EVICTION PROCEEDINGS, AS WELL AS TO THE ..... (FILL IN THE NAME OF THE LOCAL INSPECTION AGENCY), THE OWNER AND THE TENANTS. IF THE DEPARTMENT OF COMMUNITY AFFAIRS DECIDES THAT EVICTION FOR THE CAUSE STATED ABOVE IS JUSTIFIED, THE ..... (FILL IN THE NAME OF THE LOCAL INSPECTION AGENCY), WILL BEGIN PROVIDING FINANCIAL AND OTHER RELOCATION ASSISTANCE AS PROVIDED UNDER THE RELOCATION AND EVICTION LAWS. (N.J.S.A. 52:31B-1 et seq., N.J.S.A. 20:4-1 et seq., and N.J.S.A. 2A:18-61.1 et seq.) IF THE DEPARTMENT OF COM-**

MUNITY AFFAIRS DECIDES THAT EVICTION IS NOT JUSTIFIED, I AM STILL ENTITLED TO TRY TO EVICT YOU IN THE COURTS 90 DAYS AFTER THE DATE OF THIS NOTICE. IF YOU RECEIVE A SUMMONS TO APPEAR IN COURT AND FAIL TO APPEAR YOU ARE LIKELY TO LOSE YOUR CASE BECAUSE YOU AREN'T THERE. HOWEVER, IN NO CASE CAN THE JUDGE EVICT YOU AND ISSUE A WARRANT FOR POSSESSION UNLESS THE RELOCATION LAWS HAVE BEEN COMPLIED WITH.

[(c) In cases arising under N.J.S.A. 2A:16-61.1g(4), the following statement shall be included in the notice in capital letters:

THE AGENCY INTENDS TO START AN EVICTION ACTION IN COURT AFTER THREE MONTHS. YOU MAY BE ELIGIBLE FOR BENEFITS UNDER THE RELOCATION ASSISTANCE AND EVICTION ACTS. (N.J. S.A. 52:31B-1 et seq., N.J.S.A. 20:4-1 et seq., and N.J.S.A. 2A:18-61.1 et seq.)

YOU MAY CALL THE RELOCATION OFFICE AT ..... (GIVING THE ACCURATE ADDRESS AND TELEPHONE NUMBER OF THE PERSON RESPONSIBLE FOR RELOCATION IN THIS AREA.)]

[(d)] (c) Landlords may obtain copies of this required statement from the Bureau of Landlord-Tenant Relations, Department of Community Affairs, P.O. Box 2768, Trenton, N.J. 08625. Spanish speaking tenants shall be provided with this statement in Spanish, and such statement is also available at the same address.

5:11-7.3 Landlord's obligations regarding notice to the Department of Community Affairs

(a) The landlord shall, simultaneously with service of notice of the tenants in cases arising under N.J.S.A. 2A:18-61.1[g(1),] g(2), [and g(3),] provide to the Department of Community Affairs the following information and documentation.

- 1. A copy of the notice given to the tenants.
2. The names and addresses of all the tenants to be evicted under N.J.S.A. 2A:18-61.1[g(1),] g(2) [, or g(3)], specifying for each tenant which of these causes is the basis for the eviction of such tenant].

(b) (No change.)

[(c) In the case of an eviction pursuant to N.J.S.A. 2A:18-61.1g(1), the owner shall provide:

- 1. An income and expense statement on an accrual basis for each of three previous years including the annual gross rental income, vacancies, accounts receivable, annual operating expenses in line item form excluding depreciation and reserves for replacement, accounts payable, debt service for each mortgage, and taxes;
2. A statement from the municipal tax collector showing the current status of real estate taxes ("tax search");
3. Two independent estimates on the cost of repairs;
4. A statement certifying that rents cannot be raised to make it economically feasible to pay for the cost of repairing the dwelling unit to comply with the violation notices;
5. A statement as to whether the premises are subject to local rent control; and
6. A signed dated certification by the owner stating as follows:

I hereby certify that I have examined the foregoing financial and cost statements and repair estimates and to the best of my knowledge and belief the same are true statements as of .....

(Date)

..... (Signature)

..... (Typed name)

(d) In a case arising under N.J.S.A. 2A:18-61.1g(3), the landlord shall provide the following:

- 1. A copy of the lease, if any, between tenant and landlord;
2. A copy of any written rules and regulations given to the tenant at the beginning of the lease term; and
3. A statement describing the specific violation and the reason that eviction is necessary under this cause to correct it.]

[(e)] (c) In cases arising under N.J.S.A. 2A:18-61.1 [g(1),] g(2) [or g(3),] in which the Department of Community Affairs was not the inspection agency, the landlord shall provide the Department of Community Affairs with a copy of the official inspection report which shows all cited violations and a copy of any applicable local ordinance.

5:11-7.4 Responsibilities of the Department of Community Affairs

(a) The following actions shall be taken by the Department of Community Affairs in each instance in which a landlord invokes N.J.S.A. 2A:18-61.1[g(1),] g(2) [or g(3)]:

- 1. Upon receipt of the landlord's materials, the Department shall acknowledge receipt of such materials and, if necessary, request submission of any additional required information. Such additional information shall be submitted within 15 days of such request.

(b)-(f) (No change.)

5:11-7.5 [Requirement for Workable Relocation Assistance Plan] Availability of funds

[(a) Any State Agency or unit of local government intending to evict under N.J.S.A. 2A:18-61.1g shall provide a Workable Relocation Assistance Plan to the Bureau of Housing and Renewal Services.]

[1.] (a) In the event that the displacing agency receives a notice of the conclusion of the Department that compliance cannot be effected without removal of the tenant, the appropriate displacing agency shall determine whether sufficient funds and an appropriate WRAP are available to provide timely relocation payments and assistance.

[2.] (b) In the event the displacing agency has insufficient funds to provide the relocation required, it shall within three days notify the Department of Community Affairs of this fact so that appropriate notice can be included in the notice of determination made to the court and all affected parties.

[3.] (c) If adequate relocation resources are not found, then the displacing agency shall submit an amended Workable Relocation Assistance Plan (WRAP), with adequate provision for such funding, within 30 days.

[4.] (d) The displacing agency shall proceed to obtain the necessary funds as quickly as possible.

[5.] (e) The Department of Community Affairs will advise the District Court of its obligation to stay any warrant for possession until the relocation payments and assistance can be provided.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1981 to:

Mary Ellen Marino, Chief
Bureau of Landlord/Tenant Relations
Department of Community Affairs
CN 800
Trenton, New Jersey 08625

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

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amend Condominium And Cooperative Conversion

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 2A:18-61.12, proposes to amend N.J.A.C. 5:24-1.3 concerning condominium and cooperative conversion.

The purpose of this amendment is to conform more closely to the regulations promulgated by authority of N.J.S.A. 45:22A-21 et seq.

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

#### 5:24-1.3 Documents required

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

(e) Any material change in the full plan of conversion or amendment to the Public Offering Statement (POS) under N.J.S.A. 45:22A-21 et seq. and N.J.A.C. 5:26-1.1 et seq. shall require the submission of a new 60-day notice of intent to convert, the appropriate extension of the 90-day exclusive right to purchase and the three year notice of intent to institute proceedings to evict.

1. The new notice periods shall be calculated from the date of receipt of the amended full plan or POS.

2. A material change shall include, but not be limited to any significant change in the size or character of the development or interest being offered or anything having a significant effect on the rights, duties or obligations of the developer or purchaser.

3. A change shall be deemed "material" for the purpose of (e) if so deemed by the Division of Housing pursuant to N.J.A.C. 5:26-3.3.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1981 to:

Mary Ellen Marino, Chief  
Bureau of Landlord/Tenant Relations  
Department of Community Affairs  
CN 800  
Trenton, New Jersey 08625

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

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Readopt Planned Real Estate Development Full Disclosure Regulations

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 45:22A-21 et seq., proposes to readopt N.J.A.C. 5:26 concerning planned real estate development full disclosure.

The current text of this chapter is scheduled to expire on April 1, 1981, pursuant to action taken for rule "sunset" under Executive Order No. 66 (1978). The proposed re-

adoption does not include any changes to the current text other than those previously noted in the November 6, 1980 New Jersey Register at 12 N.J.R. 631(b).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Joseph Feinberg, Chief  
Bureau of Housing Services  
CN 804  
Trenton, N.J. 08625

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

(c)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Rules on State Housing Code

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 2A:42-76, proposes to adopt new rules to be cited as N.J.A.C. 5:28 concerning the New Jersey State Housing Code (1980 Revision). Upon adoption by the Department of Community Affairs, and to implement N.J.S.A. 2A:42-74 and 2A:42-85, the Code will be available for adoption by reference by municipalities in the State pursuant to N.J.S.A. 40:49-5.1 et seq. Adoption of the Code will also facilitate compliance with N.J.A.C. 8:51.

Copies of the New Jersey State Housing Code (1980 Revision) may be obtained from the Division of Housing, CN 804, Trenton, New Jersey 08625.

Interested persons may present statements or arguments in writing relevant to the proposed promulgation on or before February 25, 1981 to William M. Connolly, Deputy Director of the Division of Housing, at the above address.

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

(d)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Proposed Rules on Tax Collector Examinations

The Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10, proposes to adopt new rules to be cited as N.J.A.C. 5:30-9.3 concerning the review of examinations of applicants for certification as tax collector pursuant to P.L. 1979, c. 384.

Full text of the proposed new rules follows.

#### 5:30-9.3 Examination previews: Tax collector certification

(a) Review of a particular examination will be permitted only for those applicants who were not successful in passing such an examination.

(b) All examination reviews will be conducted in the offices of the Division of Local Government Services, 363 W. State Street, Trenton, New Jersey 08625.

(c) Requests for examination reviews must be made in writing within two months of the date which appears on the notice of the mailing of the examination results. To arrange an examination review, an unsuccessful applicant must make a written request to the Division of Local Government Services, CN 803, 363 West State Street, Trenton, New Jersey 08625, setting forth several alternative dates and times which would be convenient to attend such a review. One of the dates will be selected and the applicant will be advised of the appointment date and time.

(d) Examination reviews will be conducted by a representative or representatives of the Division of Local Government Services. No one other than representatives of the Division of Local Government Services and the unsuccessful applicant for whom the review is being conducted shall be present at the examination review.

(e) The examination review will consist of the following:

1. Informing the applicant of his grade and explaining the manner in which the grade has been calculated.
2. Informing the applicant of the grade required for passage of the examination.
3. Specifying the categories of questions covered in the examination and informing the applicant how he fared category by category.
4. In limited circumstances, the representative of the Division conducting the review may discuss and review a specific question with the applicant.

(f) No applicant will be permitted to copy any questions or answers.

(g) No applicant will be permitted more than one review of a particular examination.

(h) The availability of examination reviews and instructions for requesting such a review are to be announced by proctors at examination centers before each examination commences.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Alice Ann Hauck  
Division of Local Government Services  
Department of Community Affairs  
CN 803  
Trenton, New Jersey 08625

The Local Finance Board may thereafter adopt rules concerning this subject without further notice.

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Emergency Amend Rooming And Boarding Houses

On December 18, 1980, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13B-1 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 5:27-5.2 and 5.8 concerning rooming and boarding houses.

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

5:27-5.2 Fire detection equipment

(a) (No change.)

(b) The following requirements shall apply to detection systems:

1. All rooming and boarding houses occupied or intended to be occupied by six or more residents which do not comply fully with the minimum life safety requirements of the Uniform Construction Code shall be required to have an approved early warning smoke detection system in all areas other than sleeping rooms. Detection systems shall be powered by a [concealed] hard wired, constantly active electric circuit which cannot be deactivated by the operation of any inter-connected switching device and shall be connected to a central alarm system that will notify the fire department or company having jurisdiction. All detectors shall be interconnected so that the activation of any one detector alarm will also simultaneously activate the individual alarms of all other detection units in the system. All detection units, wiring and systems installations shall conform to latest U.L. 217, NFPA No. 72E and No. 74 standards.

i.-v. (No change.)

2. (No change.)

(c) (No change.)

5:27-5.8 Sprinkler systems

Every boarding house operating with a Class B or Class C license and occupied by at least 21 residents, which is greater than two stories [or 30 feet] in height, and in which residents have access to rooms above the second story, shall be equipped with an approved sprinkler system in all [rooms] interior areas other than sleeping rooms and bathrooms. All materials and installations shall comply with the latest NFPA 13 standards.

An order adopting this rule was filed and became effective on December 18, 1980 as R.1980 d.546 (Exempt, Emergency Rule).

(b)

## COMMUNITY AFFAIRS

### DIVISION OF LOCAL GOVERNMENT SERVICES

#### Emergency Amend Deferred Compensation

On December 18, 1980, Barry Skokowski, Director of the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of P.L. 1980, c. 78 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 5:37 concerning the municipal and county employees deferred compensation program.

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

5:37-4.5 No personal liability

The employer, including the person or group appointed as Administrator, shall not be held personally liable, individually or collectively, for any negative returns on investment of program funds which is less than any Participant or group of Participants expected. It is urged that Employers require hold harmless provisions in contracts with contractors. Also, the named fiduciary shall not be held personally liable for any loss in program funds.

5:37-5.2 [IRS approval] (Reserved)

[Any Plan adopted or proposed to be adopted by an Employer shall meet with IRS approval under the code. If IRS finds the Plan deficient, upon notification to the

Employer, the Employer has 180 days within which to correct the Plan.]

**5:37-8.6 Employer retaining assets**

All money which is deferred and deducted in accordance with the Plan shall remain the asset of the Employer; the obligation of the Employer to participating Employees shall be contractual only, and no preferred or special interest in the deferred money shall accrue to such Participants. Such money shall be subject only to the claims of the Employer's general creditors until distributed to any or all Participants.

**5:37-8.11 [Declaration of distribution] (Reserved)**

[A Participant shall specify in the Joinder Agreement his/her selected method of distribution of his/her account upon retirement, death, and/or disability.]

**5:37-10.6 Return to Participants**

(a) After the deduction of administrative expenses, if any, from the Program, the balance of the Program funds, including all deductions placed into the Program and any and all return on investment of the Program funds shall be credited to the Participants' accounts; such credit shall be made in a manner that is equal, equitable, and/or prorated in a non-discriminatory manner. Due to anticipated Program start up costs, which can be charged to the Program, many Employer Programs may, during the first year, have a Program balance which is less than the total of all deductions placed into the Program, and which, when credited to individual accounts, will indicate a balance in each individual account which is less than the individual has placed in the account through his/her deductions. After the first year of Program operation, however, the administrator shall not permit, or allow to be permitted, the cumulative program balance to be less than the total cumulative sum of all deductions placed in it by all Participants, or any Participant's account to have a balance that is less than the cumulative sum of all of his/her deductions since his/her participation in the Program commenced. The only exceptions to this last statement shall be: [when, after experience with a variable annuity that regularly provides a negative return on investment, the regular negative return is charged to the program and is reflected in each individual account. If the Program funds are invested in a variable annuity that regularly provides a negative return, the Administrator shall cancel, or cause to have cancelled, that variable annuity and invest, or cause to have invested, the Program funds in another investment option.]

1. Variable annuities which guarantee that during the first three years of fund accumulation a Participant will have distributed to him/her, upon withdrawal from the program, an amount equal to the amount the Participant has deferred;

2. A variable annuity with no such guarantee which is offered as part of a fixed and variable product line; and

3. Life insurance contracts.

**5:37-11.1 [Trust account] Separate account**

[The Administrator shall establish, or cause to have established, as per N.J.S.A. 40A:4-63, a separate Trust Account outside the regular municipal/county budget in which all Program funds, investments, returns on investments and deferral deductions are to be placed and accounted for.]

The Administrator shall establish, or cause to have established, an Employees' Deferred Salary Account in which all program funds, deferral deductions and return on investments are to be placed and accounted for.

**This account shall be established for accounting purposes only and shall be subject to the claims of general creditors of the Employer.**

**5:37-11.2 [Individual accounts] (Reserved)**

[Every Employer shall establish, or cause to be established, in the Trust Account a separate account for each Participant, so that every and all Participants can be made aware of the balance of his/her account on the Accounting Date.]

**5:37-11.3 Pooling of funds**

Except for individual annuities and life insurance contracts, [T]he Administrator shall make, or cause to be made, investments in authorized investment options by pooling the deferred salaries in the Program. The return on this pooled investment shall be divided equally or on a prorated basis among all Participants in the Program after deductions for administration and other operating costs have been made at the discretion of the Employer.

**SUBCHAPTER 14. [REVOCATION OF PARTICIPATION] (RESERVED)**

**[5:37-14.1 Right to revoke**

Any Participant may revoke his/her decision to participate in the Program by proper written application to the Administrator.

**5:37-14.2 Administrative procedures**

Upon receipt of such application, the Administrator shall stop, or cause to have stopped, any future deductions for deferral purposes, and shall pay, or cause to be paid, as soon as administratively feasible, and as specified in the Plan, the balance of the Participant's Account to the Participant. The Administrator may deduct from the Account any administrative expenses, as specified in the Plan, for processing the revocation application and cancelling the Account.]

**SUBCHAPTER 15. [PORTABILITY] (RESERVED)**

**[5:37-15.1 Conditions for transfer**

(a) Any Participant who terminates services with his/her current Employer may carry with him/her his/her deferred compensation account to a new Employer only under the following conditions:

1. If the current Employer is part of the State operated Program and the new Employer is either the State of New Jersey or is a local government participating in the State Program; or

2. If the new Employer has its own program and agrees to have the Employee's account transferred to its program; and

3. If the current Employer's Plan permits transfer of accounts and the new Employer agrees to the Transfer.

(b) Even if the conditions listed in (a) above are met, the employee retains the option of keeping his account with his current Employer.

**5:37-15.2 Application for transfer**

If the conditions in N.J.A.C. 5:37-15.1 are met and the Participant wishes to transfer his/her account, he/she shall complete any application form and/or other documents as may be required by the Administrator.

**5:37-15.3 Transfer fee**

The Administrator of a Program may charge any Participant a reasonable fee, as specified in the Plan, for processing an application for transfer and for transferring the account.]

#### 5:37-17.2 Insurance companies

Any insurance company that wishes to offer Deferred Compensation Programs to local governments shall be listed in the Annual Report of the Commissioner of Insurance as authorized to do business in the State of New Jersey. [No local jurisdiction shall enter into a contract with an insurance company which charges a front end or "load" charge.]

#### 5:37-17.3 Mutual fund companies

Any public or private corporation that wishes to offer a mutual fund or other type of security as part of a Deferred Compensation Program shall submit to the Director a copy of their Security and Exchange Commission Filing No. N-1 and their New Jersey Department of State Filing Numbers SB9 and SB1. [No local jurisdiction shall enter into a contract with a mutual fund company which charges a front end or "load" charge.]

#### 5:37-17.5 Depositories

Any banking institution that wishes to serve as a depository for local government controlled Program funds and/or wishes to offer Deferred Compensation Programs to local governments shall be regulated by the New Jersey Department of Banking [Banking Department]. [Such banking institution shall, every six months commencing with either the adoption of this chapter or that institution's decision to offer said services, submit to the Director a certification from the Commissioner of Banking indicating eligibility to offer said services.] Such banking institution shall not be under a "Cease and Desist Order" issued by the New Jersey Department of Banking; such status shall be determined by the Director from communication with the Department of Banking.

#### 5:37-17.8 Bidding of contracts

(a) Any contracts to provide all or part of the administration of the Employer's Deferred Compensation Program shall comply with the Local Public Contracts Law.

(b) When an Employer is about to solicit bids or quotes from vendors, the employer shall notify the Director that such solicitation will take place and shall furnish the Director with a copy of bid specifications, questionnaires, or other documents to be used in the proposed solicitation.

#### 5:37-17.10 Contractor disclosure

(a) Every Employer that retains a contractor to administer all or part of its program shall require that the contractor fully disclose to the Administrator, and to its Employees where appropriate, the fees charged by the contractor, the fee and commission structure of the contractor, the investment program offered by the contractor, and any other pertinent information which the Employer may need in evaluating the contractor's fee and service.

(b) Any and all policies, contracts, or other legal documents executed by the Employer and any contractor must be kept in a safe and secure place by the Administrator; the Administrator shall not permit a contractor to keep the original and all copies of any policies, contracts, or other legal documents.

An order adopting this rule was filed and became effective on December 29, 1980 as R.1980 d.557 (Exempt, Emergency Rule).

(a)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Financial Administration

On December 10, 1980, the Local Finance Board of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 5:30-9.1 concerning bank collection of tax payments as proposed in the Notice published November 6, 1980 at 12 N.J.R. 633(a).

These rules, codified in the proposal as N.J.A.C. 5:30-9.1-9.4, have been recodified as N.J.A.C. 5:30-9.1(a)-(d) respectively.

An order adopting this rule was filed and became effective on January 6, 1981 as R.1981 d.2.

(b)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Capital Budgets and Improvement Programs

On December 10, 1980, the Local Finance Board of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:30-4.4 concerning capital budgets and improvement programs as proposed in the Notice published October 9, 1980 at 12 N.J.R. 568(b).

An order adopting this rule was filed and became effective on January 6, 1981 as R.1981 d.3.

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF COASTAL RESOURCES

#### Proposed Amend Waterfront Development Permits

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9 and N.J.S.A. 12:5-3, proposes to amend various sections in N.J.A.C. 7:7-2 concerning Waterfront Development permits. This action is known within the Department as Docket No. DEP 002-81-01.

The proposed amendments are intended to refine the delineation of the upland boundary of the "upland area" defined by the existing rules; to clarify the Waterfront Development permit requirements for illegally filled tide-flowed lands; to exempt certain additions to existing industrial facilities; to clarify the process for making applicability determinations; to specify the duration of permits; and to authorize the issuance of general permits. In accordance with CFR 923.84, the Department of Environmental Protection considers these proposals as routine programmed implementation within the meaning of the Federal Coastal Zone Management Act. Comments on whether or not this action constitutes routine programmed

implementation may be submitted to the Federal Office of Coastal Zone Management within three weeks of the date of this notice.

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

#### 7:7-2.2 Purpose and scope

The Waterfront Development Law, N.J.S.A. 12:5-3, authorizes the Department of Environmental Protection to approve "all plans for the development of any waterfront upon any navigable water or stream of this State or bounding thereon . . ." This subchapter is intended to implement N.J.S.A. 12:5-3 by defining a boundary for "waterfront" areas and by defining "waterfront development".

#### 7:7-2.3 Definitions

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

"Division" means Division of Coastal Resources.

"Navigable waterway" means those waters of the State which are subject to the ebb and flow of the tide shoreward to the mean high water line to the extent of tidal influence.

#### 7:7-2.4 Waterfront Area described

(a) The Waterfront Area to be regulated under this subchapter shall consist of:

1. A "water area", which shall include any navigable waterway [or stream] of this State and all lands lying thereunder up to the mean high water line; and
2. An "upland area", which shall include all lands extending landward from the mean high water line of such water area to the first surveyable property line, paved public road, railroad right-of-way, or other cultural feature generally parallel to the waterway; provided that the landward boundary of such area shall be at least 100 feet and no greater than 500 feet from the waterway [except where lands formerly flowed by the tide (i.e. tidelands) extend more than 500 feet from the mean high water line. In such cases the boundary of the upland fringe area shall be the upland boundary of such tidelands].

#### 7:7-2.7 Activities requiring permits

(a) The following activities will require a permit in the Waterfront:

1. (No change.)
2. (No change.)
3. The construction, reconstruction, or enlargement[,] of any [building or other] structure, or of any excavation or landfill, with exceptions as listed in N.J.A.C. 7:7-2.8 or 2.10.

#### 7:7-2.8 Activities not requiring permits

(a) The following activities will not require a permit in the waterfront:

1. (No change.)
2. (No change.)
3. Minor additions to or changes in existing industrial and manufacturing facilities, such as cracking towers or single storage or holding tanks, where such changes or additions do not result in a change in the present land use of the site. The construction of new tank farms on previously vacant land for example, will not be regarded as minor change or addition.
- [3.] 4. (No change in text.)

#### 7:7-2.9 Permits for filled tidelands

(a) A permit is required for the development of any filled lands formerly flowed by the tide, the filling of

which took place after 1914 without the issuance of a tidelands grant, lease or license by the Department of Environmental Protection and Tidelands Resource Council or their predecessor agencies, even where such lands extend beyond the landward boundary of the upland area defined in N.J.A.C. 7:7-2.4(b).

(b) In addition, a permit is required for any development on lands formerly flowed by the tide where such a permit is required as a condition of the tidelands grant, lease or license applicable to such lands. This requirement applies regardless of the land's location with respect to the upland area regulated under this subchapter.

#### 7:7-2.[9]10 Exemptions for development in progress on effective date

(a) This subchapter shall not apply to any development or activity in the upland area for which on-site construction, including site preparation, was in progress on or prior to the effective date of this subchapter.

(b) (No change.)

(c) Exemptions shall be applied for and considered upon submission of information (See N.J.A.C. 7:7-2.12) sufficient for the [Commissioner] Division to determine that physical work necessary to begin the construction of the proposed facility was actually performed [on the proposed facility, including site preparation,] prior to September 26, 1980, the effective date of this subchapter. Any interruption in the process of construction and completion of the facility in excess of one year may be cause for denial of an exemption request by the [Commissioner] Division unless caused by financial, labor, legal or other factors beyond the developer's control, provided good faith efforts were made by the developer to overcome such delay or interruption. Interruptions caused by financial, labor, or legal factors must be documents in the exemption request.

#### 7:7-2.[10]11 Permits

(a) Any person proposing to undertake or cause to be undertaken any development in the Waterfront Area shall first obtain a permit from the Division of Coastal Resources. Permit application forms may be obtained upon request from the Division of Coastal Resources, Department of Environmental Protection, [Box 1889] CN401, Trenton, New Jersey 08625.

(b) (No change.)

#### 7:7-2.[11]12 [Exemptions] R[r]equests for [Finding on Geographic and Activity] applicability determinations

(a) Any person proposing to undertake or cause to be undertaken any development or activity in or near the Waterfront Area may request in writing a determination that the proposal is [exempt from] not subject to the requirements of this subchapter on the basis that the proposed facility's site is located outside the Waterfront Area, or that the proposed facility does not require a permit, as described in N.J.A.C. 7:7-2.8.

(b) The requesting party shall provide the Division with two copies of a map depicting the project site in a scale of not less than 1:2,400 (one inch equals 200 feet) and a project description. When the exemption request is based on a proposed facility's location landward of the first surveyable property line more than 100 feet from the waterway, the map shall depict that property line as it is depicted on the official local tax map as of the effective date, shall delineate the mean high water line, and shall graphically depict the proposed project.

(c) (No change.)

7:7-2.[12]13 Procedure for development [entirely] within regulated wetlands

(a) No Waterfront Development permit shall be required for a proposed development located entirely or partially within a wetland area regulated under the Wetlands Act (N.J.S.A. 13:9A-1 et seq.).

7:7-2.[13]14 Criteria for permit decisions  
(No change in text.)

7:7-2.[14]15 Appeals  
(No change in text.)

7:7-2.16 Duration of permit

The permit shall authorize the commencement of construction for three years from the date of issuance. The Division may, upon written request of the permittee, extend such authority for periods of up to one year, not to exceed two such extensions. If construction does not commence within the initial three year period (or within the five year period if one or more extensions have been granted), then the permit shall lapse.

7:7-2.17 General permit

The Division may establish criteria and conditions for the approval of minor activities by general permits. The projects authorized under such a general permit must conform with those criteria and special conditions.

Comments may be submitted in writing, on or before March 23, 1981 to:

John R. Weingart, Chief  
Bureau of Coastal Planning and Development  
Division of Coastal Resources  
CN 401  
Trenton, N.J. 08625

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amend CAFRA Procedural Rules

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9 and 13:19-1 et seq., proposes to amend N.J.A.C. 7:7D-2.3, 2.5 and 2.8 concerning procedures under the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq. This proposal is known within the Department as Docket No. DEP 001-81-01. In accordance with 15 CFR 923.84, the Department of Environmental Protection considers these proposals as routine programmed implementation within the meaning of the Federal Coastal Zone Management Act. Comments on whether or not this action constitutes routine programmed implementation may be submitted to the Federal Office of Coastal Zone Management within three weeks of the date of issuance of this notice.

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

7:7D-2.3 Permit application process

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

1-4. (No change.)

5. (No change.)

i.-iii. (No change.)

iv. Applicant's responsibility for notice of the public hearing: The applicant shall give public notice of the public hearing, pursuant to the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-12).

(1) Such notice shall describe the proposed facility, identify its agency project number, announce the date, place, and time of the public hearing on the application, and indicate that comments on the application may be made to the Division of Coastal Resources, New Jersey Department of Environmental Protection, CN 401, Trenton, New Jersey 08625 within 15 days of the date of the public hearing or until the application is declared complete for review, whichever occurs last.

(2) Notice shall be made to the owners of all real property within 200 feet of the site in all directions and also by publication in a newspaper of general circulation in the municipality in which the site is located.

(A) If the facility is a linear facility greater than 2400 feet in length such as a pipeline or road, the applicant shall give public notice by publication of a display advertisement of at least four column inches in a newspaper of general circulation in the municipality, and by providing notice to the owners of all real property immediately adjacent to and abutting the facility; except that notice shall be made to owners of all real property within 200 feet of an above surface structure related to a linear facility, such as a pumping station or treatment plant.

(3) Proof of notice shall be submitted to the Division before the public hearing.

Renumber iv.-vii. as v.-viii.

6. Final review of application:

i.-iii. (No change.)

iv. Cancellation of incomplete application: If an application is not complete for review within 90 days of a request for additional information by the Commissioner, pursuant to (e)(5)(iv) or (e)(6)(i) above, the Division may, 30 days after providing written notice by certified mail to the applicant, cancel and return the application, unless good cause is shown by the applicant, who must request and be granted by the Division a 90 day extension to submit the requested information.

(1) All fees submitted with such application are non-returnable.

(2) A resubmission of a previously cancelled application shall be accompanied by the appropriate fee pursuant to N.J.A.C. 7:1C-1.5(a)(3), unless the resubmission is made within one year of the date of notice of cancellation.

7.-8. (No change.)

9. Resubmission of denied application: If an application is denied, the applicant may resubmit an application for the same project on the same site within one year without additional fees. The person resubmitting the application will be required to follow the full procedure of the permit application process, as defined in N.J.A.C. 7:7D-2.3, and the resubmitted application will be treated as a new application, although references may be made to the previously submitted EIS. If an applicant wishes to appeal the Division's decision, and at the same time revise the application, he may wish to follow the procedures in N.J.A.C. 7:7D-2.8(e).

7:7D-2.5 Permit

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

(c) The [commissioner] Division may approve an application with specific pre-conditions that must be satisfied before the permit may be issued. Public notice of the de-

cision shall indicate the tentative status of the decision. The applicant must comply with such pre-conditions within six months of the date of the decision or [provide an explanation to the Department why such precondition cannot be satisfied] the application shall be deemed to have been withdrawn and subject to the provisions of N.J.A.C. 7:7D-2.3(e)(8). [Failure to comply with this section may result in the revocation of application approval.]

1. An application may be approved with specific pre-conditions if the Division is satisfied on the basis of the information then before it that the application under review will in all likelihood receive approval, and that the nature of the requirements of the pre-conditions will not change that finding unless those requirements are not met.

2. The applicant's submission of information in response to preconditions shall be reviewed promptly by the Division, which may, at its discretion, hold a public hearing on the submitted information and the Division's preliminary analysis of the submitted information, if the pre-conditions are of a magnitude and scope that the second public hearing would be in the public interest.

3. The applicant shall consider submissions of information in response to pre-conditions to be amended applications, subject to the provisions of N.J.A.C. 7:7D-2.3(e)(2). The Department shall publish a notice of the availability of the submitted information in the DEP Bulletin.

4. The Division shall render a decision on satisfaction of preconditions within 30 days of the Division's receipt and acceptance of the submitted information, unless the Division decides to hold a public hearing on the applicant's response to the pre-conditions, in which case the process, timetable, and requirements for decision-making of N.J.A.C. 7:7D-2.3(e)(7) shall apply.

(d)-(f) (No change.)

(g) The [Commissioner] Division reserves the authority to issue a revised permit for good cause when unusual circumstances warrant minor changes in the original permit which are unlikely to produce additional adverse environmental impacts. At the discretion of the Division and depending upon the scope of the changes requested in the permit, the person requesting the revised permit may be required to follow the full procedure of the permit application process, including the public hearing, as prescribed in N.J.A.C. 7:7D-2.3. In such cases, the requested revision will be treated as a new application, although the applicant will not be required to submit a new application and EIS. The applicant will be required to submit an amended application and amended EIS, to facilitate the review of the request for a revised permit.

(h)-(i) (No change.)

#### 7:7D-2.8 Appeals

(a) (No change.)

(b) After the decision to approve an application without pre-conditions, the Division shall issue a permit. The issuance of the permit shall not affect the right of the applicant and interested persons to appeal the decision, as provided for in this section. The 21 day appeals period shall end on the twenty-first day following the publication of the notice of the decision in the DEP Bulletin, as required by N.J.A.C. 7:7D-2.8(a)(1).

(c) If the Division has approved an application with pre-conditions, then no appeal may be filed until the Division decides that the pre-conditions have or have not been satisfied. After the approval of an application with pre-conditions, and after the decision that the pre-conditions have been satisfied, the Division shall issue the permit. An appeal may thereafter be filed on any aspect of the application until expiration of the appeals period.

(d) A permit may, if requested by an interested person

and for good cause shown, be stayed until final resolution of any appeal, as described in (a)(1)(v) above. If the Division's decision is appealed, all construction prior to the close of the appeals period shall be at the risk and peril of the applicant.

(e) Any applicant who has appealed a decision, pursuant to this section may submit a revised application to the Department in an effort to negotiate a settlement of the appeal. The Division will treat requests for such a settlement as a new application, subject to the full procedure of the permit application process as defined in N.J.A.C. 7:7D-2.3, although the applicant will not be required to submit a complete new application and EIS. No fee will be required. The applicant will be required to submit an amended application and EIS, indicating and assessing the revisions to the project, as well as any additional information requested by the Division.

1. Once the applicant and the Division reach a tentative agreement on a proposed settlement, then the preliminary analysis shall be prepared by the Division and a public hearing shall take place.

2. After the public hearing, the Division shall, within the applicable time periods, decide whether to approve the revised application.

i. If the Division decides to approve the application, the permit shall issue at the close of the 21 day appeals period, pursuant to N.J.A.C. 7:7D-2.8(a)(1) and N.J.A.C. 7:7D-1.5, after the withdrawal of any appeals filed by the applicant.

ii. If the Division decides not to approve the application or if the applicant decides not to appeal, then the appeal settlement procedure is terminated and the appeal procedure shall be pursued.

3. It is expected that the review time for revised applications to settle appeals will be considerably less than the initial review of an application due to the Division's familiarity with the site and project based on the initial review.

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 23, 1981 to:

John R. Weingart, Chief  
Bureau of Coastal Planning and Development  
Division of Coastal Resources  
CN 401  
Trenton, N.J. 08625

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amend Coastal Resource And Development Policies

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9, 13:19-16 and 17, 13:9A-2, and 12:5-3, proposes to amend N.J.A.C. 7:7E concerning coastal resource and development policies.

The proposed amendments will affect policies in the following areas: Ports; beach and dune systems; wetland buffers (new policy); coastal bluffs; special urban

(Continued on Page 89)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

It includes all rules adopted from receipt of the last individual transmittals, as indicated, through January 14, 1981.

**RULES NOT YET IN PRINT IN CODE:** Adoption Notices may be found in N.J. Register beginning with January 10, 1980. Full text (in proposal form), if published, may be found in N.J. Register beginning with March 8, 1979.

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>ADMINISTRATIVE LAW — TITLE 1</b>			
1:1	Rules on administrative hearings	R.1980 d.275	12 N.J.R. 362(a)
<b>AGRICULTURE — TITLE 2</b>			
2:2-2.4	Amend conformity of brucellosis tests and federal standards	R.1980 d.237	12 N.J.R. 377(c)
2:2-2.4	Amend conformity of brucellosis tests with Federal standards	R.1980 d.422	12 N.J.R. 627(b)
2:6-1.3, 1.4	Amend biologic product licensing	R.1980 d.306	12 N.J.R. 451(b)
2:16	Amend seed certification requirements	R.1980 d.210	12 N.J.R. 302(a)
2:48-5	Restrictions on coupons in milk promotion	R.1980 d.519	13 N.J.R. 6(a)
2:52-2.1, 2.2, 3.1, 3.2, 4.1	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:53-1, 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)
2:53-4.1, 4.2	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:54	Amend milk marketing	R.1980 d.285	12 N.J.R. 450(d)
2:69-1.11	Amend commercial values of primary plant nutrients	R.1980 d.238	12 N.J.R. 378(a)
2:70-1.1, 1.8	Amend agricultural liming materials	R.1980 d.239	12 N.J.R. 378(b)
2:71-2.28—2.31	Amend fruit and vegetable inspection and grading	R.1980 d.140	12 N.J.R. 248(b)
2:72-1.1	Amend bond requirements	R.1980 d.57	12 N.J.R. 103(a)
2:90-1.3	Amend soil erosion and sediment control	R.1980 d.305	12 N.J.R. 451(a)
(Title 2, Transmittal 16 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)			
<b>BANKING — TITLE 3</b>			
3:1-1.1	Amend interest rates	R.1980 d.151	12 N.J.R. 249(b)
3:1-1.2	Multiple-party deposit accounts	R.1980 d.480	12 N.J.R. 686(d)
3:2	Advertising by financial institutions	R.1980 d.125	12 N.J.R. 170(a)
3:6-1	Repeal reporting of ten year dormant accounts	R.1980 d.435	12 N.J.R. 627(c)
3:6-8.1	Savings banks' deposits	R.1980 d.144	12 N.J.R. 249(a)
3:6-8.2	Escrow account limitations	R.1980 d.298	12 N.J.R. 451(c)
3:6-9.1	Maximum interest rate on small business loans	R.1980 d.204	12 N.J.R. 302(d)
3:6-10	Sale of unsecured days funds by savings banks	R.1980 d.559	13 N.J.R. 62(c)
3:6-11	Asset valuation of common trust fund	R.1980 d.560	13 N.J.R. 62(d)
3:8-3.1	Amend required reserve	R.1980 d.481	12 N.J.R. 688(a)
3:8-5	Repeal savings banks reserves	R.1980 d.482	12 N.J.R. 688(b)
3:11-2.1	Amend approved subsidiaries	R.1980 d.240	12 N.J.R. 383(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)
3:21-1.8	Loan interest rate; credit union law	R.1980 d.207	12 N.J.R. 303(a)
3:21-1.8	Emergency amend loan interest rates	R.1981 d.12	13 N.J.R. 62(e)
3:22	Insurance Premium Finance Company Act	R.1980 d.203	12 N.J.R. 302(c)
3:41	Cemetery rules	R.1980 d.449	12 N.J.R. 628(a)
(Title 3, Transmittal 15 dated January 17, 1980 includes all rules through March 6, 1980 N.J. Register.)			

**CIVIL SERVICE — TITLE 4**

4:1-2.1	Amend definition of immediate family	R.1980 d.60	12 N.J.R. 104(a)
4:1-9.1	Amend review of scoring key	R.1980 d.236	12 N.J.R. 383(c)
4:1-9.5	Amend performance evaluations	R.1980 d.61	12 N.J.R. 104(b)
4:1-11.7	Amend employment lists	R.1980 d.406	12 N.J.R. 628(b)
4:1-17.9	Amend disability leave and sick leave injury	R.1980 d.231	12 N.J.R. 383(b)
4:1-17.24	Unused sick leave payments	R.1980 d.398	12 N.J.R. 566(c)
4:1-20.3	Amend performance evaluation	R.1980 d.61	12 N.J.R. 104(b)

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

**COMMUNITY AFFAIRS — TITLE 5**

5:10-19.11	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)
5:18	Repeal rules on rentals	R.1980 d.234	12 N.J.R. 569(a)
5:19	Repeal rules of practice of Bureau of Housing Inspection	R.1980 d.205	12 N.J.R. 305(a)
5:22	Rules on exemptions from taxation	R.1980 d.206	12 N.J.R. 305(b)
5:22-1.5	Amend tax abatement	R.1980 d.334	12 N.J.R. 504(a)
5:23	Amend Uniform Construction Code	R.1980 d.316	12 N.J.R. 452(a)
5:23	Amend Uniform Construction Code	R.1980 d.508	13 N.J.R. 7(d)
5:23-2.7	Rooming and boarding houses and Uniform Code	R.1980 d.376	12 N.J.R. 569(b)
5:23-3.3	Emerg. amend Uniform Construction Code	R.1980 d.537	13 N.J.R. 8(a)
5:23-4.9	Repeal plan waivers	R.1980 d.276	12 N.J.R. 452(b)
5:23-6	Readopt solar facility tax exemption	R.1980 d.303	12 N.J.R. 452(c)
5:25	Amend new home warranty	R.1980 d.316	12 N.J.R. 452(d)
5:25	Readopt New Home Warranty and Builders' Registration	R.1981 d.522	13 N.J.R. 7(e)
5:25-1.3, 4.2, 5.5	Amend new home warranties and builders registration	R.1980 d.158	12 N.J.R. 250(a)
5:27	Rooming and boarding houses and Uniform Code	R.1980 d.376	12 N.J.R. 569(b)
5:27-5.2, 5.8	Emerg. amend rooming and boarding houses	R.1980 d.546	13 N.J.R. 71(a)
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)
5:30-17	Ratify rules concerning cooperative pricing and joint purchasing system	R.1980 d.243	12 N.J.R. 388(b)
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees	R.1980 d.456	12 N.J.R. 633(b)
5:37	Emergency amend deferred compensation	R.1980 d.557	13 N.J.R. 71(b)
5:80	Amend determining rents or carrying charges in developments financed by HFA	R.1980 d.234	12 N.J.R. 388(a)
5:100-1.6	Amend ombudsman subpoenas	R.1980 d.233	12 N.J.R. 387(a)

(Title 5, Transmittal 14 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

**EDUCATION — TITLE 6**

6:3-1.22	Evaluation of tenured chief school administrators	R.1979 d.480	12 N.J.R. 7(a)
6:8-1.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:8-1.1, 3.8, 4.2	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:8-6.2, 7.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:11-4.7	Amend county substitute certificate	R.1980 d.105	12 N.J.R. 177(a)
6:20-2.6(d)4	Bookkeeping and accounting in local school districts	R.1980 d.381	12 N.J.R. 569(d)
6:20-2.12	Bookkeeping and accounting in local districts	R.1980 d.427	12 N.J.R. 639(a)
6:20-3.1, 3.4	Amend tuition public schools	R.1980 d.165	12 N.J.R. 251(c)
6:20-3.1, 3.4	Amend public school tuition	R.1980 d.225	12 N.J.R. 308(a)
6:20-5.1	Repeal special State aid for children resident in institutions	R.1980 d.426	12 N.J.R. 638(b)
6:20-5.3	Repeal rules on emergency State building aid	R.1980 d.425	12 N.J.R. 638(a)
6:20-5.4	Additional State school building aid	R.1979 d.479	12 N.J.R. 6(b)
6:20-6.2, 6.8	Amend purchase and loan of textbooks	R.1980 d.163	12 N.J.R. 251(a)
6:20-7	Amend qualifications, debarment, suspension and disqualification of person(s) concerning contract administration	R.1979 d.478	12 N.J.R. 6(a)
6:20-8	Rules on public school contracts	R.1980 d.69	12 N.J.R. 107(a)
6:21-1.4	Pupil transportation: retirement of school buses	R.1980 d.382	12 N.J.R. 569(e)
6:26-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:27-1.4	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:27-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:29-7.1	Family life education	R.1980 d.164	12 N.J.R. 251(b)
6:29-7.1	Amend family life education programs	R.1980 d.353	12 N.J.R. 505(c)
6:31	Amend bilingual education	R.1980 d.70	12 N.J.R. 107(b)
6:39-1.3, 1.4	Amend Statewide assessment	R.1980 d.352	12 N.J.R. 505(b)
6:68-2	Amend library incentive grant program	R.1980 d.224	12 N.J.R. 307(b)

(Title 6, Transmittal 15 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1-3	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-1.2, 1.6—1.10	Amend 90-day construction permits	R.1980 d.75	12 N.J.R. 113(d)
7:1C-1.9	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:1D	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.185	12 N.J.R. 314(a)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.267	12 N.J.R. 392(b)
7:1E-1.3	Amend discharge of hazardous substances	R.1980 d.326	12 N.J.R. 463(a)
7:1F	Industrial survey project	R.1980 d.129	12 N.J.R. 259(c)
7:1F	Amend industrial survey project	R.1980 d.181	12 N.J.R. 313(b)
7:1G	Pinelands Comprehensive Management Plan	R.1980 d.370	12 N.J.R. 575(c)
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)
7:4-2.2(c)	Amend N.J. Register of Historic Places	R.1980 d.241	12 N.J.R. 391(b)
7:6-8	Motor vehicles using ice-covered waters	R.1980 d.88	12 N.J.R. 114(b)
7:7	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)
7:7A-1.14	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:7E	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:8	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-1.98	Delete rule on other disinfectants	R.1980 d.182	12 N.J.R. 313(c)
7:9-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-15	Grants for restoring publicly owned freshwater lakes	R.1980 d.374	12 N.J.R. 575(e)
7:12	Amend condemnation of certain shellfish beds	R.1980 d.230	12 N.J.R. 391(a)
7:12-1.4	Delete rule on condemnation of certain Atlantic Ocean waters for shellfish harvesting	R.1980 d.48	12 N.J.R. 112(b)
7:13-1.11	Amend Green Brook floodway	R.1980 d.325	12 N.J.R. 462(e)
7:13-1.11	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(c)	Amend flood plain delineation of the Delaware River	R.1980 d.65	12 N.J.R. 113(b)
7:13-1.11(c)	Amend flood plain delineations; North Branch Rancocas Creek and Rancocas Creek; Burlington County	R.1980 d.76	12 N.J.R. 113(e)
7:13-1.11(c)	Amend flood plain delineation within the Delaware River Basin	R.1980 d.242	12 N.J.R. 391(c)
7:13-1.11(c)	Amend delineated floodways in the Delaware Basin	R.1980 d.251	12 N.J.R. 391(e)
7:13-1.11(d)	Amend delineated floodways in the Raritan Basin	R.1980 d.99	12 N.J.R. 181(b)
7:13-1.11(d)	Amend flood plain delineation of parts of the Rockaway River and Passaic River	R.1980 d.66	12 N.J.R. 113(c)
7:14-1.4	New definition of "treatment works"	R.1980 d.424	12 N.J.R. 642(b)
7:14-2.5	Amend water pollution control act regulations	R.1980 d.49	12 N.J.R. 112(c)
7:14-2.26	Wastewater treatment report	R.1980 d.58	12 N.J.R. 113(a)
7:14-5	Septage disposal	R.1980 d.277	12 N.J.R. 462(a)
7:15	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:23	Amend flood control bond grants	R.1980 d.297	12 N.J.R. 462(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)
7:25-5	1980-1981 Game Code	R.1980 d.266	12 N.J.R. 392(a)
7:25-6	1981 Fish Code	R.1980 d.400	12 N.J.R. 577(a)
7:25-7.2	Amend oyster seed beds	R.1980 d.215	12 N.J.R. 314(d)
7:25-7.3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-7.4	Oyster dredging prohibition	R.1980 d.216	12 N.J.R. 314(e)
7:25-7.4	Repeal rules prohibiting oyster dredging	R.1980 d.369	12 N.J.R. 575(b)
7:25-7.13	Crab dredging	R.1980 d.396	12 N.J.R. 576(e)
7:25-9.2	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-9.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
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)
7:25-14.9	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-15.1	Amend relay of hard clams	R.1980 d.181	12 N.J.R. 250(a)
7:25-17	Disposal of dead deer	R.1980 d.193	12 N.J.R. 314(c)
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	Temporary fishing ban	R.1980 d.177	12 N.J.R. 313(a)
7:25-20.1	Temporary fishing ban	R.1980 d.184	12 N.J.R. 313(e)
7:25-20.1	List of nongame wildlife species of New Jersey	R.1980 d.390	12 N.J.R. 576(b)
7:26-3.2, 4.7	Amend registration and fees for solid waste collector/haulers	R.1980 d.250	12 N.J.R. 391(d)
7:26-5.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:27-18	Amend air pollution in non-attainment areas	R.1980 d.307	12 N.J.R. 462(e)

7:27A-1.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:28-12	Amend transportation	R.1980 d.191	12 N.J.R. 314(b)
7:28-24.15	Amend certification fees for nuclear medicine technology	R.1980 d.87	12 N.J.R. 114(a)
7:36-2.2, 3.2, 5.5, 6.4	Amend Green Acres Program	R.1981 d.7	13 N.J.R. 91(b)
7:37-1.5(d)	Delete part of rules on urban neighborhood assistance program	R.1980 d.183	12 N.J.R. 313(d)
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 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

## HEALTH — TITLE 8

8:7-1.7	Amend health officer licensure	R.1980 d.317	12 N.J.R. 467(b)
8:7-1.9(a)	Amend health officer qualifications	R.1980 d.168	12 N.J.R. 272(c)
8:19	Newborn hearing screening program	R.1980 d.173	12 N.J.R. 273(d)
8:21-1.13	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-1.29	Labeling, sale and distribution of cosmetics for professional use only	R.1980 d.218	12 N.J.R. 317(a)
8:21-1.32, 1.33	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-6	Certified milk	R.1980 d.403	12 N.J.R. 579(a)
8:21-10	Amend designated fluid milk products	R.1980 d.539	13 N.J.R. 13(f)
8:22-2	Repeal mobile home park rules	R.1980 d.499	13 N.J.R. 13(c)
8:25-3.2(a)	Amend physical examinations regarding Youth Camp Safety Act standards	R.1980 d.169	12 N.J.R. 272(d)
8:30	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:30-2.2	Appointment of administrator	R.1980 d.364	12 N.J.R. 518(b)
8:30-2.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:31-26.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
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	Amendments concerning plan review fee	R.1980 d.256	12 N.J.R. 405(b)
8:31A-5.5	Amend hospital cost reporting procedures	R.1980 d.271	12 N.J.R. 407(a)
8:31A-6	1981 Hospital Rate Setting Rules in SHARE Manual	R.1980 d.269	12 N.J.R. 406(d)
8:31A-7	1981 SHARE guidelines	R.1980 d.270	12 N.J.R. 406(e)
8:31B-2	Uniform bill-patient summaries (inpatient)	R.1980 d.361	12 N.J.R. 517(b)
8:31B-3	Amend hospital procedural and methodological regulations	R.1980 d.455	12 N.J.R. 645(c)
8:31B-3.48	Utilization review	R.1980 d.318	12 N.J.R. 467(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)
8:31B-5	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:33H	Policy manual for certificate of need reviews, long term care	R.1980 d.404	12 N.J.R. 579(b)
8:34-1.29, 1.30	Administrative experience regarding nursing home administrators	R.1980 d.170	12 N.J.R. 273(a)
8:37	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:37-4.4(a)	Administrators and intermediate care facilities	R.1980 d.363	12 N.J.R. 518(a)
8:37-4.5	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39	Amend effective date	R.1980 d.257	12 N.J.R. 406(a)
8:39-1.1	Amend definition of ancillary nursing personnel	R.1980 d.171	12 N.J.R. 273(b)
8:39-1.1, 1.11	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39-1.13(h)	Administrators, long term care facilities	R.1980 d.365	12 N.J.R. 518(c)
8:39-1.15, 1.25	Amendments to Manual of Standards for Licensure of Long-Term Care Facilities	R.1980 d.258	12 N.J.R. 406(b)
8:42-1.8, 2.1, 2.8	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:42-3	Amend expiration date of standards, alcohol abuse residential and inpatient treatment facilities	R.1980 d.272	12 N.J.R. 407(b)
8:43-1.1	Definition of boarding home	R.1980 d.366	12 N.J.R. 518(d)
8:43-1.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(c)
8:43-4.1(a)	Amendments to standards for licensure of new boarding homes for sheltered care	R.1980 d.172	12 N.J.R. 273(c)
8:43-4.6	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(c)
8:43-9.2	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43A-1.72	Amend expiration date of standards	R.1980 d.273	12 N.J.R. 407(c)
8:43A-3.1, 9.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-5.1	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-15.1, 16.1, 17.4	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43F-1.1, 3.7	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:50	Repeal rules on local boards of health and personnel	R.1980 d.402	12 N.J.R. 578(d)
8:51	Amend local board of health standards	R.1980 d.321	12 N.J.R. 467(f)
8:51-1.2(a)	Amend local board of health	R.1980 d.319	12 N.J.R. 467(d)
8:57-1.1—1.18	Amend reportable disease rules	R.1980 d.498	13 N.J.R. 13(b)

8:65-5.4	Amend maintenance of records and inventories	R.1980 d.360	12 N.J.R. 517(a)
8:65-10.1	Amend controlled dangerous substances	R.1980 d.322	12 N.J.R. 467(g)
8:65-10.2	Amend controlled dangerous substances	R.1980 d.323	12 N.J.R. 468(a)
8:65-10.4	Amend controlled dangerous substances	R.1980 d.327	12 N.J.R. 468(b)
8:65-10.8	Amend exempt chemical preparations	R.1980 d.180	12 N.J.R. 316(b)
8:65-11.7	Use of Dextropropoxyphene in narcotic treatment	R.1980 d.328	12 N.J.R. 468(c)
8:71	Deletions to list of interchangeable drug products	R.1980 d.254	12 N.J.R. 394(c)
8:71	Amend list of interchangeable drug products	R.1980 d.255	12 N.J.R. 405(a)
8:71	Additions to the list of interchangeable drug products	R.1980 d.263	12 N.J.R. 406(c)
8:71	Amend interchangeable drug products	R.1980 d.454	12 N.J.R. 645(b)

(Title 8, Transmittal 13 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

#### HIGHER EDUCATION — TITLE 9

9:1-1.1	Amend definition of "college"	R.1980 d.524	13 N.J.R. 14(a)
9:2-2.8	Amend "visiting specialist" title at State colleges	R.1980 d.525	13 N.J.R. 14(b)
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)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R.1980 d.461	12 N.J.R. 661(b)
9:7-4.1	Amend Garden State scholarship eligibility requirements	R.1980 d.212	12 N.J.R. 317(b)
9:7-4.4, -6	Graduate fellowships	R.1980 d.462	12 N.J.R. 694(d)
9:7-6	Tuition Benefit Program	R.1980 d.324	12 N.J.R. 469(b)
9:9-5.2	Amend Graduate Insured Loan procedures and policies	R.1980 d.339	12 N.J.R. 520(a)
9:9-5.4	Amend Graduate Insured Loan	R.1980 d.339	12 N.J.R. 520(a)
9:11-1.13, 1.22	Amend student refunds and repayment	R.1980 d.523	13 N.J.R. 13(g)
9:16-1	Physician/dentist Loan Advisory Committee	R.1980 d.309	12 N.J.R. 469(a)

(Title 9, Transmittal 14 dated March 20, 1980 includes all rules through May 8, 1980 N.J. Register.)

#### HUMAN SERVICES — TITLE 10

10:37	Amend community mental health services	R.1980 d.479	12 N.J.R. 704(g)
10:44B	Standards on regulating adult foster homes, skill development homes and supervised apartments	R.1980 d.157	12 N.J.R. 278(e)
10:49-1.2	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.3	Amend disclosure of information	R.1980 d.90	12 N.J.R. 193(b)
10:49-1.5	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.12	Amend medical assistance claims	R.1980 d.278	12 N.J.R. 481(a)
10:49-1.17	Amend suspension of provider from Medicaid program	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.18, 1.23	Amend nondiscrimination of handicapped recipients	R.1980 d.247	12 N.J.R. 418(d)
10:49-5.3, 5.4	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.5	Amend fair hearing	R.1980 d.33	12 N.J.R. 86(f)
10:49-5.6	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.8	Compromising claims	R.1980 d.502	13 N.J.R. 17(b)
10:49-7.1	Provider reinstatement	R.1980 d.378	12 N.J.R. 599(a)
10:50-1.2—1.4, 2.2, 2.5, 2.6	Amend transportation services	R.1980 d.93	12 N.J.R. 193(e)
10:51	Amend Pharmaceutical Services Manual	R.1980 d.469	12 N.J.R. 704(b)
10:51	Amend Pharmaceutical Assistance to Aged	R.1980 d.470	12 N.J.R. 704(c)
10:51-App.B,D	Amend Pharmaceutical Services Manual	R.1980 d.471	12 N.J.R. 704(d)
10:52-1.6	Amend outpatient hospital services	R.1980 d.313	12 N.J.R. 483(c)
10:52-1.6(c)	Amend out-patient hospital services	R.1980 d.45	12 N.J.R. 125(c)
10:52-1.6(c)	Reimbursement for outpatient hospital services	R.1980 d.337	12 N.J.R. 536(a)
10:52-1.7, 1.13	Amend Hospital Services Manual	R.1980 d.139	12 N.J.R. 278(a)
10:52-1.16	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:52-1.16	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:52-2.12	Assessment of interest on overpayments	R.1980 d.47	12 N.J.R. 126(a)
10:53-1.6	Special Hospital Services Manual	R.1980 d.392	12 N.J.R. 600(c)
10:53-1.14	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:53-1.14	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:53-2.17	Assessment of interest on overpayments	R.1980 d.217	12 N.J.R. 323(c)
10:54-1.1	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.5(b)	Amend Physician's Services Manual	R.1980 d.138	12 N.J.R. 277(c)
10:54-1.9	Amend Physicians Services Manual	R.1980 d.91	12 N.J.R. 193(c)
10:54-1.19	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.23	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:54-1.23	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:54-3	Amend Procedure Code Manual	R.1980 d.511	13 N.J.R. 17(e)
10:55-1.5(b)3.	Amend Prosthetic and Orthotic Services Manual	R.1980 d.89	12 N.J.R. 193(a)
10:58	Repeal of Independent Clinic Services Manual	R.1980 d.351	12 N.J.R. 536(d)
10:59-1.7, 1.8, 1.10, 1.11, 2.11	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)

10:60-2.5	Assessment of interest on overpayments	R.1980 d.46	12 N.J.R. 125(d)
10:63-1.4	Amend consultations in Long Term Care Manual	R.1980 d.340	12 N.J.R. 536(c)
10:63-1.4	Amend LTCM: Prior authorization for occupational therapy services	R.1980 d.477	12 N.J.R. 704(e)
10:63-1.14	Nurses' notes in long term care facilities	R.1980 d.393	12 N.J.R. 600(d)
10:63-3	Amend longterm care facilities rate review guidelines	R.1979 d.482	12 N.J.R. 42(b)
10:63-3.1	Amend penalties for delinquent cost studies	R.1980 d.211	12 N.J.R. 323(b)
10:63-3.5	Amend long-term care manual rate review guidelines	R.1980 d.42	12 N.J.R. 125(b)
10:63-3.18, 3.19	Long term care rate review guidelines	R.1980 d.377	12 N.J.R. 536(d)
10:63-3.21	Long-term care per diem rates	R.1980 d.341	12 N.J.R. 536(b)
10:66	Amend Independent Clinic Manual	R.1980 d.249	12 N.J.R. 418(f)
10:66-1.2	Amend Independent Clinic Manual: Specialist payments	R.1980 d.478	12 N.J.R. 704(f)
10:66-1.15	Amend changes of reimbursement for independent clinics	R.1980 d.248	12 N.J.R. 418(e)
10:66-4.18	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:67-1.8	Amend Psychologists Service Manual regarding prior authorization	R.1980 d.137	12 N.J.R. 277(b)
10:81-2.7	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.2, 3.3	Amend determination of presumptive eligibility	R.1980 d.77	12 N.J.R. 126(b)
10:81-3.8	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.17	Amend ways by which continued absence from the home may be established	R.1980 d.222	12 N.J.R. 324(a)
10:81-3.21	Amend residence requirement and support rights	R.1980 d.119	12 N.J.R. 194(d)
10:81-3.27	Amend documentation in AFDC transfers	R.1980 d.330	12 N.J.R. 483(f)
10:81-3.27, 3.28	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-3.32, 3.33, 3.34	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.37, 3.38	Amend PAM: Identification of resources	R.1980 d.450	12 N.J.R. 664(b)
10:81-3.38	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.38, 3.40	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.41(a)	Amend recovery of assistance granted on behalf of a child pending settlement of a claim	R.1980 d.80	12 N.J.R. 126(e)
10:81-3.42	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-7.1	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-7.13	Amend retention and destruction of case records	R.1980 d.81	12 N.J.R. 127(a)
10:81-7.22, 7.26	Amend payment of burial and funeral costs	R.1980 d.244	12 N.J.R. 518(a)
10:81-7.32	Amend subpoena notification	R.1980 d.329	12 N.J.R. 483(e)
10:81-8.20	Amend exemption of an institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:81-App.D.	Amend residence requirements and assignment of support rights	R.1980 d.119	12 N.J.R. 194(d)
10:82-1.2	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-1.4	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-1.6	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.3	Amend grant effective date	R.1980 d.331	12 N.J.R. 484(a)
10:82-2.6	Amend institutionalized child, homemaker service, travel expenses and emergency assistance	R.1980 d.28	12 N.J.R. 86(c)
10:82-2.9	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.13	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.14	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-2.14(f)	Amend the determination of monthly income of AFDC clients employed on a contractual basis	R.1980 d.82	12 N.J.R. 127(b)
10:82-2.20	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-3.1	Repeal ASH: Rules on resources	R.1980 d.451	12 N.J.R. 664(c)
10:82-3.2	Inclusion of burial plots as exempt resource	R.1980 d.383	12 N.J.R. 599(b)
10:82-3.2	Amend ASH: Savings	R.1980 d.442	12 N.J.R. 663(d)
10:82-3.7	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-4.6	Disregard of certain allowances and payments in AFDC	R.1980 d.384	12 N.J.R. 599(c)
10:82-4.9	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-4.9(c)	Amend increase in monthly rates for foster care as established by DYFS	R.1980 d.83	12 N.J.R. 127(c)
10:82-4.13	Contributions of support by legally responsible relative	R.1980 d.389	12 N.J.R. 600(a)
10:82-5.4, 5.5	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10	Amend ASH: Emergency assistance	R.1980 d.552	13 N.J.R. 101(a)
10:82-5.10(d)	Amend emergency assistance and victims of domestic violence	R.1980 d.166	12 N.J.R. 278(f)
10:85	Amend forms and references to forms in the general assistance program	R.1980 d.11	12 N.J.R. 86(a)

10:85-2.2	Amend GAM: Temporary and acting directors of municipal welfare	R.1980 d.505	13 N.J.R. 17(c)
10:85-3.1, 3.2	Amend general assistance procedures for persons released from State psychiatric institutions	R.1980 d.116	12 N.J.R. 194(a)
10:85-3.2	Amendments on fair hearings and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-3.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-3.2	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.2	Amend application on behalf of a critically ill or hospitalized client by an authorized agent	R.1980 d.152	12 N.J.R. 278(b)
10:85-3.2	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-3.2	Amend out-of-State individuals entering New Jersey medical facilities	R.1980 d.245	12 N.J.R. 418(b)
10:85-3.2	Amend GAM	R.1980 d.252	12 N.J.R. 419(a)
10:85-3.2	Amend General Assistance application process	R.1980 d.514	13 N.J.R. 18(a)
10:85-3.3	Allowance schedule	R.1980 d.310	12 N.J.R. 483(a)
10:85-3.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.3	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.3	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-3.3	Amend GAM: "Immediate need"	R.1980 d.486	12 N.J.R. 724(a)
10:85-3.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-3.3(c)	Amend determination of monthly income for persons employed on a contractual basis	R.1980 d.84	12 N.J.R. 127(d)
10:85-3.3(g)	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-3.4	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.4	Amend GAM: Savings	R.1980 d.452	12 N.J.R. 664(d)
10:85-3.5	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.5	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.6	GAM: Overpayments and underpayments	R.1980 d.391	12 N.J.R. 600(b)
10:85-4.6	Amend GAM: Emergency grants	R.1980 d.538	13 N.J.R. 18(d)
10:85-4.6(b)	Amend emergency assistance and victims of domestic violence	R.1980 d.167	12 N.J.R. 279(a)
10:85-4.8	Amend payment of burial and funeral costs	R.1980 d.436	12 N.J.R. 663(c)
10:85-5.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-5.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R.1980 d.515	13 N.J.R. 18(b)
10:85-5.2, 5.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-5.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-5.3	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, 5.4	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-5.3, 5.5	Amendments on medical payments	R.1979 d.495	12 N.J.R. 43(a)
10:85-5.8, 5.9	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-6.3	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-6.5	Amend GAM: Repayment by SSI recipients	R.1980 d.551	13 N.J.R. 100(d)
10:85-6.8	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-7.1-7.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-7.3	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-7.6	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-8.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-10	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-App. C	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-App. C	Amend GAM: Income and allowance standards	R.1980 d.295	12 N.J.R. 482(a)
10:87-2.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-2.21, 2.29	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-3.18(b)	Amend criteria for student exemption from work registration	R.1980 d.30	12 N.J.R. 86(e)
10:87-3.18, 4.7	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-4.8	Amend exclusion of resources	R.1980 d.220	12 N.J.R. 323(d)
10:87-5.8	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-5.10	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-5.10	FSM: Shelter cost deductions	R.1980 d.387	12 N.J.R. 599(e)
10:87-6.9, 6.11 6.13, 6.15	Amend Food Stamp Manual	R.1980 d.459	12 N.J.R. 40(c)
10:87-6.16	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-7.18, 9.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-9.7	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-10	Amend Food Stamp Manual	R.1980 d.121	12 N.J.R. 195(a)
10:87-10.1	Amend retention period for source documents	R.1980 d.117	12 N.J.R. 194(b)
10:87-11.15, 11.20	Amend Food Stamp Manual	R.1979 d.422	12 N.J.R. 559(d)
10:87-12	Amend Tables in Food Stamp Manual	R.1979 d.477	12 N.J.R. 42(a)
10:87-12	Amend Food Stamp allotment and income	R.1980 d.296	12 N.J.R. 482(b)

10:87-12.1	Amend income deduction table	R.1980 d.154	12 N.J.R. 278(d)
10:87-12.1	Emergency amend FSM: Standard utility allowance	R.1980 d.418	12 N.J.R. 663(b)
10:87-12.1, 12.2, 12.4	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:89	Emerg. Home Energy Assistance	R.1980 d.497	12 N.J.R. 724(b)
10:89-3.6	Emergency rule on Home Energy Assistance	R.1980 d.548	13 N.J.R. 100(b)
10:90	Repeal Handbook for Home Services	R.1980 d.208	12 N.J.R. 323(a)
10:94-4.33	Amendments concerning Medicaid Only income eligibility levels	R.1980 d.223	12 N.J.R. 324(b)
10:94-5.8	Amend living allowance deductions	R.1980 d.187	12 N.J.R. 322(b)
10:94-5.8	Amend exemption of institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:94-5.8(a)	Amendments concerning living allowance deductions	R.1980 d.27	12 N.J.R. 86(b)
10:99	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:100-1.23	Amend SSI payments	R.1980 d.221	12 N.J.R. 323(e)
10:100-3.5, 3.6, 3.7	Amend payment of burial and funeral costs	R.1980 d.246	12 N.J.R. 413(c)
10:102	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:104-1.19	Pre-adoption home studies in cases of foreign born children	R.1979 d.457	12 N.J.R. 40(b)
10:105	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:107	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:108	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:109-App.I, II	Salary increases for county welfare agencies' employees	R.1980 d.386	12 N.J.R. 599(d)
10:120- Foreword	Amend DYFS administrative foreword	R.1980 d.308	12 N.J.R. 482(c)
10:122	Amend child care standards	R.1980 d.314	12 N.J.R. 483(d)
10:122A	Recodify AFDC Foster Care	R.1980 d.314	12 N.J.R. 483(d)
10:122B	Recodify Family Day Care	R.1980 d.314	12 N.J.R. 483(d)
10:123-2	Boarding homes	R.1980 d.371	12 N.J.R. 586(c)
10:123-3	Adopt personal needs allowance	R.1980 d.358	12 N.J.R. 536(e)
10:130	Dependent/neglected children's shelters	R.1980 d.446	12 N.J.R. 664(a)

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

#### CORRECTIONS — TITLE 10A

10A:32	Manual of standards for juvenile detention facilities	R.1980 d.14	12 N.J.R. 87(b)
10A:33	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:35	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:70-1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-1.11	Temporary postponements of certain provision of Parole Act of 1979	R.1980 d.174	12 N.J.R. 335(a)
10A:70-1.11	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-8.1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71-3	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-3.3	Amend Parole Board rules	R.1980 d.554	13 N.J.R. 101(c)
10A:71-3.3, 3.4, 3.19	Amended Rules of State Parole Board	R.1980 d.226	12 N.J.R. 335(b)
10A:71-3.20—3.28	Amend State Parole Board rules	R.1980 d.488	12 N.J.R. 724(c)
10A:71-7.15	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-7.16	Amend State Parole Board rules	R.1980 d.226	12 N.J.R. 335(b)
10A:71-7.18	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)

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

#### INSURANCE — TITLE 11

11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-16	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-17.6, 17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-18	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-21	Life insurance policies—limited death benefit as alternative to underwriting	R.1980 d.265	12 N.J.R. 423(c)
11:5-1.15	Amend real estate business cards	R.1980 d.279	12 N.J.R. 484(d)
11:5-1.15(l)	Amend advertising	R.1980 d.52	12 N.J.R. 128(a)
11:5-1.15(m)	Amend advertising	R.1980 d.213	12 N.J.R. 343(a)
11:5-1.16	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)
11:5-1.16(c)	Amend advertising	R.1980 d.51	12 N.J.R. 127(e)
11:5-1.16(c)	Amend listing agreements and contracts	R.1980 d.214	12 N.J.R. 342(d)
11:5-1.16(c)	Amend contracts of sale and listing agreements	R.1980 d.274	12 N.J.R. 423(d)
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)

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

## LABOR AND INDUSTRY — TITLE 12

12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(c)
12:17-10	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)
12:35	Assignment of employable general assistance recipients to worksites	R.1980 d.162	12 N.J.R. 280(b)
12:57	Amend wage orders for minors	R.1980 d.431	12 N.J.R. 666(d)
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)
12:58	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)
12:200	Amend liquefied petroleum gases	R.1980 d.143	12 N.J.R. 280(a)
12:235-1.5	Amend benefit rates	R.1980 d.357	12 N.J.R. 543(d)

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

## LAW AND PUBLIC SAFETY — TITLE 13

13:2-4	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-20, -23	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-23.31	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-24	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(a)
13:2-24.9	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-26	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-33, 36	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:19-10.3	Amend driver improvement school fees	R.1980 d.494	12 N.J.R. 727(a)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:21-2.3	Amend motor licensing statutory interpretation	R.1980 d.495	12 N.J.R. 727(b)
13:21-4.1	Amend statements of origin	R.1980 d.112	12 N.J.R. 209(c)
13:21-8.2	Amend driver proof of identity and date of birth	R.1980 d.493	12 N.J.R. 726(e)
13:21-14	Amend bus drivers	R.1980 d.114	12 N.J.R. 209(e)
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)
13:25-8.5	Amend motorized bicycles	R.1980 d.113	12 N.J.R. 209(d)
13:28-1.54	Amend beauty culture notice requirements	R.1980 d.94	12 N.J.R. 208(b)
13:28-1.56	Beauty shop price posting	R.1980 d.229	12 N.J.R. 433(b)
13:28-2.6	Amend names of schools	R.1980 d.261	12 N.J.R. 434(c)
13:28-2.11	Amend non-English speaking student enrollment	R.1980 d.109	12 N.J.R. 209(a)
13:28-2.24	Amend student standards and requirements	R.1980 d.262	12 N.J.R. 434(d)
13:28-2.24	Repeal of part of rule exempting male beauty students from performing manicuring and facial work	R.1980 d.228	12 N.J.R. 433(a)
13:28-2.33	Amend beauty culture curriculum	R.1980 d.94	12 N.J.R. 208(b)
13:29-3.13	Repeal competitive bidding for services	R.1980 d.429	12 N.J.R. 672(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)
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)
13:33-1.11, 1.12 1.15, 1.16	Amend licensure requirements	R.1980 d.201	12 N.J.R. 348(c)
13:35-1.4	Amend approval of colleges of chiropractic	R.1980 d.492	12 N.J.R. 726(d)
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 sympathonimetic amines	R.1980 d.380	12 N.J.R. 609(c)
13:35-6.16(a)	Uses of amphetamines and sympathonimetic 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)
13:35-9	Certified nurse/midwife	R.1980 d.535	13 N.J.R. 41(e)
13:36-3.5	Amend examinations	R.1980 d.543	13 N.J.R. 104(b)
13:36-3.6	Amend examination review procedure	R.1980 d.542	13 N.J.R. 104(a)
13:37-3.6, 4.1	Amend rules on foreign nurses and licensure by endorsement	R.1980 d.416	12 N.J.R. 671(a)
13:38-2.2	Amend examination equipment	R.1980 d.202	12 N.J.R. 348(d)

13:39-5.7, 5.11, 5.15	Amend reciprocal licensure	R.1980 d.259	12 N.J.R. 434(a)
13:39-6.9	Availability of records	R.1980 d.260	12 N.J.R. 434(b)
13:40-6.1	Repeal engineers' and surveyors' fee for transmittal of grades or certification	R.1980 d.417	12 N.J.R. 671(b)
13:41-1.2, 1.3	Amend rules governing use of seals	R.1980 d.445	12 N.J.R. 672(e)
13:41-3.2	Annual license fees and charges	R.1980 d.179	12 N.J.R. 348(a)
13:45A-9	Amend merchandise advertising	R.1980 d.200	12 N.J.R. 348(b)
13:45A-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-16	Home improvement practices	R.1980 d.111	12 N.J.R. 209(b)
13:47A-25.3	Amend disclosure of material terms to wire services	R.1980 d.155	12 N.J.R. 284(a)
13:47C-1.1, 3.1	Amend firewood and cordwood rules	R.1980 d.421	12 N.J.R. 672(a)
13:47C-5	Precious metals sales	R.1980 d.420	12 N.J.R. 671(c)
13:47F	Repeal live poultry rules	R.1980 d.520	13 N.J.R. 41(b)
13:70-12	Amend claiming requirements	R.1980 d.95	12 N.J.R. 208(c)
13:70-29.56	Pick-Six pool	R.1980 d.286	12 N.J.R. 494(a)

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

## PUBLIC UTILITIES — TITLE 14

### ENERGY — TITLE 14A

14:3-7.9	Amend utility bill form	R.1980 d.299	12 N.J.R. 495(d)
14:3-7.9(b)	Estimated bills for residential customers	R.1980 d.44	12 N.J.R. 156(d)
14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R.1980 d.555	13 N.J.R. 105(b)
14A:3-2.2, 2.11	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-4.2, 4.4	Repeal gas burning ignition	R.1980 d.280	12 N.J.R. 494(c)
14A:3-8.2, 8.4, 9.2, 9.3, 9.4	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-10	Energy conservation certificate of compliance	R.1980 d.282	12 N.J.R. 495(b)
14A:3-11	Used oil	R.1980 d.283	12 N.J.R. 495(c)
14A:3-11	Amend used oil rules	R.1980 d.513	13 N.J.R. 43(c)
14A:21	Residential Energy Conservation Service (RCS) Program	R.1980 d.516	13 N.J.R. 44(a)

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

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

## STATE — TITLE 15

15:15-10	Amend Administrative hearings	R.1980 d.275	12 N.J.R. 362(a)
----------	-------------------------------	--------------	------------------

(Title 15, Transmittal 11 dated May 17, 1979 includes all rules through June 5, 1980 N.J. Register.)

## PUBLIC ADVOCATE — TITLE 15A

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

## TRANSPORTATION — TITLE 16

16:19	Repeal Traffic Operations Program to Increase Capacity and Safety	R.1980 d.415	12 N.J.R. 675(c)
16:21	State aid to counties and municipalities	R.1980 d.127	12 N.J.R. 215(a)
16:22	Urban revitalization, special demonstration and emergency projects	R.1980 d.333	12 N.J.R. 553(b)
16:28-1.3	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28-1.11	Speed limits: Terrill Road	R.1980 d.145	12 N.J.R. 289(c)
16:28-1.72, 1.77	Speed zones on Routes U.S. 206, N.J. 29	R.1980 d.346	12 N.J.R. 553(d)
16:28-1.81	Speed zones on Route N.J. 49	R.1980 d.346	12 N.J.R. 553(d)
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-1.7	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:28A-1.9	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.19	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.19, 1.20	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.21	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.21	Restricted parking: Route 30	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.22	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.22, 1.25	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.26	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.26	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.29	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)

16:28A-1.32, 1.33	Amend restricted parking	R.1980 d.291	12 N.J.R. 496(c)
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-1.35	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.46, 1.51	Restricted parking: Routes 130, 168	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.55	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.61	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.61	Restricted parking: Route 41	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61—1.63	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:30-3.1(c)	Amend lane usage on Route 35	R.1980 d.342	12 N.J.R. 553(c)
16:30-5.1	Amend traffic and parking at Metro Park Train Station	R.1980 d.128	12 N.J.R. 289(b)
16:31-1.4, 1.7	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31-1.15	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31A	Amend prohibited right turns on red signals	R.1980 d.518	13 N.J.R. 44(c)

(Title 16, Transmittal 13 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

### TREASURY-GENERAL — TITLE 17

17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-4.13	Amend pension cash purchase discounts	R.1980 d.302	12 N.J.R. 497(d)
17:1-8.1	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)
17:1-8.7, 8.8, 8.12	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-11.9	Repeal dental insurance coverage for covered dependents	R.1980 d.487	12 N.J.R. 729(a)
17:3-1.4	Amend teachers' pension member-trustee election	R.1980 d.405	12 N.J.R. 678(a)
17:3-3.4	Amend contributory insurance rate of contribution	R.1980 d.175	12 N.J.R. 354(a)
17:4-1.8, 1.11 3.3, 4.10, 6.7, 6.8, 6.12, 6.14	Amend Police and Firemen's Retirement System	R.1980 d.135	12 N.J.R. 290(a)
17:5-1.7	Amend State Police Retirement System	R.1980 d.209	12 N.J.R. 355(d)
17:5-5.7, 5.8	Amend State Police Retirement	R.1980 d.209	12 N.J.R. 355(d)
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)
17:9-2.15	Amend major medical reimbursement	R.1980 d.300	12 N.J.R. 497(b)
17:12-1.1, 2.4, 2.5, 2.7, 2.8, 3.3	Amend administrative procedures of Purchase Bureau	R.1980 d.142	12 N.J.R. 293(a)
17:12-7.2(a)	Amendments concerning debarment, suspension and disqualification of a person	R.1980 d.141	12 N.J.R. 292(a)
17:16-5.5	Amend fund classification	R.1980 d.315	12 N.J.R. 497(e)
17:16-31.7— 31.12	Amend common Treasury Fund A	R.1980 d.235	12 N.J.R. 436(a)
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)
17:21-1.4	3-Of-A-Kind Instant Lottery	R.1980 d.372	12 N.J.R. 619(b)
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)
17:21-12.1, 13.1	Emergency amend Pick-It and Pick-4 Lotteries	R.1980 d.458	12 N.J.R. 680(a)
17:21-15	Pick-6 (Lotto) Lottery	R.1980 d.136	12 N.J.R. 290(b)
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 14 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

### TREASURY-TAXATION — TITLE 18

18:5-6	Amend Cigarette Tax Act	R.1980 d.194	12 N.J.R. 354(b)
18:7-3.6	Amend Corporation Business Tax Act and method of company tax and net income base	R.1980 d.146	12 N.J.R. 293(b)
18:12-1.1	Amend categories of nonusable deed transactions	R.1980 d.62	12 N.J.R. 162(a)
18:12-6, -6A	Amend home improvement exemptions	R.1980 d.253	12 N.J.R. 436(b)
18:12-6A.6	Adoption on home improvement exemption	R.1980 d.335	12 N.J.R. 554(c)
18:12-6A.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	Moratorium on taxation of mobile homes as real property	R.1980 d.147	12 N.J.R. 293(c)
18:12A	Amend county boards of taxation	R.1980 d.490	12 N.J.R. 731(a)
18:12A-1.7(c)	Amend filing fees and county boards of taxation	R.1980 d.148	12 N.J.R. 293(d)
18:18-12.5	Amend the Motor Fuels Tax Act	R.1980 d.195	12 N.J.R. 354(c)

18:24-7.18	Amend sales and use tax; commercial motor vehicles	R.1980 d.197	12 N.J.R. 355(a)
18:24-7.19	Taxation of mobile homes	R.1980 d.149	12 N.J.R. 293(e)
18:24-14.3	Deletion of part of rule on hospital sales of meals	R.1980 d.196	12 N.J.R. 354(d)
18:24-15.2, 15.3, 15.6	Amend Sales and Use Tax Act	R.1980 d.489	12 N.J.R. 729(b)
18:24-16.1, 16.2 16.5—16.7	Amend coin-operated vending machines and appropriate sales tax	R.1980 d.150	12 N.J.R. 293(f)
18:24-22.1, 22.3	Amend floor covering and the Sales and Use Tax Act	R.1980 d.102	12 N.J.R. 224(d)
18:25	Emergency rules on Atlantic City Luxury Tax	R.1980 d.437	12 N.J.R. 678(c)
18:26	Amend transfer inheritance tax	R.1980 d.198	12 N.J.R. 355(b)
18:26-3.10, 5.14, 5.15	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:26-8.9, 9.14, 10.5, 11.15, 12.9	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:35-1.14	Amend partnerships under the Gross Income Tax Act	R.1981 d.6	13 N.J.R. 111(d)
18:37	Spill Compensation and Control Act	R.1980 d.199	12 N.J.R. 355(c)
18:37	Emergency amend spill compensation and control tax	R.1980 d.484	12 N.J.R. 728(c)

(Title 18, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

#### TITLE 19 SUBTITLES A-L — OTHER AGENCIES (Except Casino Control Commission)

19:4-6.28	Amend district zoning regulations	R.1980 d.43	12 N.J.R. 164(a)
19:8-2.11	Amend concerning Garden State Arts Center	R.1980 d.189	12 N.J.R. 355(e)
19:8-7.3(b)	Amendments concerning inspection and obtaining authority records regarding State Police reports	R.1980 d.131	12 N.J.R. 294(a)
19:8-8	Special permits for oversize vehicles	R.1980 d.476	12 N.J.R. 732(c)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-8	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(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)

(Title 19, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

#### TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

19:41-8.6	Amend withdrawal of applications	R.1980 d.159	12 N.J.R. 296(a)
19:41-8.8	Reapplication by natural persons	R.1980 d.160	12 N.J.R. 296(b)
19:41-9	Amend license fees	R.1980 d.483	12 N.J.R. 732(a)
19:45	Amend casino accounting and internal controls	R.1980 d.504	13 N.J.R. 48(a)
19:45-1.11	Amend casino licensee's organization	R.1980 d.232	12 N.J.R. 447(c)
19:47	Amend rules of the games	R.1980 d.132	12 N.J.R. 294(c)
19:47	Corrected version of amendments to rules of the games	R.1980 d.186	12 N.J.R. 357(a)
19:47-5.7(d)	Amend minimum wagers on Big-Six Wheel	R.1980 d.133	12 N.J.R. 294(d)
19:54	Amendments concerning the gross revenue tax	R.1980 d.134	12 N.J.R. 294(e)

(Title 19 Subtitle K, Transmittal 1 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

(Continued from Page 76)

areas; filling of water areas; realignment of stream channels; acceptable intensity of development; housing; transportation; mining; hotels and motels and retail trade and services; soil erosion and sedimentation; buffers and compatibility of uses; high permeability wet soils; and decommissioning of projects.

In many cases, these amendments are intended to clarify existing policies. Others represent substantive changes in policy. The substantive changes constitute an amendment to the New Jersey Coastal Management Program, as defined by Title 15, Section 923.80(c) of the Code of Federal Regulations, and certain changes are being proposed in response to the adoption of the Pinelands Plan.

The full text of the proposed amendments can be obtained from:

David N. Kinsey, Director  
Division of Coastal Resources  
CN 401  
Trenton, N.J. 08625

Public hearings on the proposed rules will be held on February 17, 1981 at 2:30 P.M. and at 7:30 P.M. at:

State Museum Auditorium  
204 East State Street  
Trenton, N.J. 08625

Interested persons may present statements or arguments relative to the proposed amendments at the hearings, or in writing on or before March 23, 1981 to:

David N. Kinsey, Director  
Division of Coastal Resources  
CN 401  
Trenton, N.J. 08625

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amend NJPDES Permit Exemptions

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1B-3 and N.J.S.A. 58:10A-1 et seq. hereby proposes to amend N.J.A.C. 7:14-3.4 concerning exemptions from NJPDES permits. This proposal is known within the Department as Docket No. 065-80-11.

Questions have arisen regarding the authority of the Department's present regulations adopted pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. to prohibit the discharge of hazardous or toxic wastes into domestic treatment works. Recognizing the grave public health, safety and welfare problems that could result should the Department be unable to prohibit the discharge of such substances into domestic treatment works, the Department proposes this rule to re-emphasize and reinforce what it believes is already the very clear language of this regulatory provision. This will continue the prohibition against the discharge of hazardous and toxic substances into domestic treatment works except in very limited and controlled circumstances. Persons violating this regulation will be subject to the enforcement powers available to the State under the New Jersey Water Pollution Control Act.

The Department is particularly concerned with the so-called "midnight dumping" of toxic and hazardous waste chemicals into domestic treatment works via surreptitious pouring of either flammable, explosive, corrosive and/or toxic chemicals into manholes from mobile sources and otherwise. These discharges are not authorized by the affected treatment authority, and will not receive adequate treatment in the sewerage system. This can result in adverse impacts on the treatment plant effluent quality and receiving streams, and may also adversely affect the integrity of the treatment works system. The proposed amendment is intended to re-emphasize the prohibition against such unauthorized discharges into domestic treatment works.

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

#### 7:14-3.4 Exemptions

(a) The following categories of discharge shall be temporarily exempt from the NJPDES requirement of section 3 of this subchapter.

1. Additions of sewage, industrial wastes or other materials into a publicly owned sewage treatment works which is regulated by pretreatment standards.

i. No addition of industrial wastes or other chemical materials into a publicly owned sewage treatment works shall be covered by this exemption except when placed into said system in full compliance with applicable pretreatment standards, (federal, state and owner/operator) and the rules and regulations of the owner/operator of the sewage treatment plant and also in full compliance with any administrative orders issued by the Department to any entity using or proposing to use a sanitary sewer system for disposal of any chemical materials.

ii. If the pre-treatment standards or rules and regulations of an owner/operator of a sewage treatment plant do not set a maximum concentration or total volumes for a particular chemical substance, or otherwise authorize its discharge into the sewerage system, then, no exemption from the Department's permit requirement shall be allowed.

The Department invites public comment upon this rule. Comments regarding this rule should be directed to the following individual on or before March 23, 1981.

Herbert B. Bennett, Chief  
Office of Regulatory Affairs  
Department of Environmental Protection  
P.O. Box 1390  
Trenton, New Jersey 08625

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

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Regulatory Calendar

Jerry Fitzgerald English, Commissioner of Environmental Protection, hereby publishes the Department of Environmental Protection's Regulatory Calendar. This calendar is published biannually to provide public notice of major rule-making activities for the following six-month period. This advance notice will permit greater public input into the Department's regulatory development

process and will enable the public to gain a perspective of the long-range rule-making activities of the Department.

The following items constitute the Department's expected rule-making activities for the following six months.

This list does not contain minor rules or amendments to existing rules and the Department may require the proposal of major regulations not set forth below to meet unanticipated regulatory requirements.

Title of Rule	Summary of Rule	Anticipated Proposal Date
Control and Prohibition of Air Pollution by Volatile Organic Substances Emission Offset	Revisions to the existing volatile organic substances regulation	March, 1981
	Control and prohibition of air pollution from new or altered sources affecting ambient air quality in non-attainment areas	April, 1981
Game Code	Manner and season for hunting regulations	April, 1981
Fish Code	Manner and season for fishing regulations	April, 1981
Dam Construction Standards	New regulations governing construction, repair and replacement of dams	April, 1981
Procedural Rules to Implement the State/Local Shore Protection Program	Procedural rules for shore protection program	April, 1981
General Pretreatment Regulations	Pretreatment standards for discharges into domestic sewage treatment plants	April, 1981
Criteria and Procedures for the Certification of Laboratories	Standards for the certification of laboratories	May, 1981
Well Drilling Licensing Rules	Rules establishing the criteria and standards for the licensing of well drillers	May, 1981
Tidelands Procedural Rules	Rules governing the tidelands application process	May, 1981
Sanitary Landfill Regulations	Revisions to existing regulations on the design and operation of sanitary landfills	May, 1981
Consolidated Coastal Permit Rules	Procedural Rules governing CAFRA, wetlands and water-front development permits	June, 1981
Effluent Standards for Oil and Grease	Oil and grease effluent standards	June, 1981
Control and Prohibition of Particulates from Combustion of Fuel	Revisions to the existing air pollution regulation as it applies to new particulate control devices	June, 1981
Revision of the State Implementation Plan	Attainment of secondary particulates standard	June, 1981
Revision of the State Implementation Plan	Attainment of ambient lead standard	June, 1981
Motor Vehicle Revisions—Air Pollution	Revisions to the existing motor vehicle air pollution regulations to include: 1) Heavy duty gas vehicle emission standards; 2) 1980 and later standards; and 3) Anti-tempering revisions	June, 1981
Construction Grants for Small Collection Systems Serving Failing Individual Wastewater Disposal Systems	Grant procedures for funding of collection systems in areas with failing septic systems	July, 1981
Incinerators	Test procedure for incinerators	August, 1981

A number of existing rules and regulations will be proposed for amendment. A listing of the more significant actions to be proposed follows:

Title of Rule	Anticipated Proposal Date
Flood Bond Act Regulations	March, 1981
Amendments to Septage Regulations	March, 1981
Amendments to Construction Grants for Wastewater Treatment Facilities	April, 1981
Treatment Works Approval Regulations	April, 1981
Amendments to Standards for the Construction of Public Non-community and Non-public Water Systems	April, 1981
Floodway Rules Revisions	July, 1981
Miscellaneous Shellfish, Crabbing and Marine Fishing Rules	as completed
Revised Fee Structures Under the 90-Day Law	No date projected

The Department encourages comment on the Regulatory Calendar and welcomes comments and recommendations for consideration by the Department on the subject

of future publications of the Regulatory Calendar. Comments should be directed to:

Herbert B. Bennett, Chief  
Office of Regulatory Affairs  
CN-402  
Trenton, New Jersey

(a)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Public Notice of State Certifications of Draft NPDES Permits

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the "New Jersey Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq., is authorized to assess compliance of a surface water discharge with State law pertaining to discharges to the waters of the State. The Department is requested by the United States Environmental Protection Agency, as required by section 401 of the Federal Clean Water Act, 33

U.S.C. 1251 et seq., to certify that a discharge, as described in a draft National Pollutant Discharge Elimination System permit, will not violate the requirements of State law.

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

(a)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Map of the Swimming River Natural Area

On December 5, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-2 and 13:1B-15.12a9 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:2-11.22 concerning the map of the Swimming River Natural Area as proposed in the Notice published September 4, 1980 at 12 N.J.R. 505(d).

An order adopting this rule was filed and became effective on January 7, 1981 as R.1981 d.4.

(b)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Green Acres Program

On January 8, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3 and 13:8A-16 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:36-2.2, 3.2, 5.5 and 6.4 concerning the State of New Jersey Green Acres Program as proposed in the Notice published September 4, 1980 at 12 N.J.R. 512(a).

An order adopting this rule was filed and became effective on January 9, 1981 as R.1981 d.7.

(c)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Flood Plain Delineation Along Mullica River

On January 6, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11 concerning flood plain area limits along the Mullica River as proposed in the Notice published February 7, 1980 at 12 N.J.R. 69(a).

An order adopting this rule was filed and became effective on January 9, 1981 as R.1981 d.8.

(d)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Flood Plain Delineation Along Cedar Creek

On January 6, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11 concerning flood hazard area limits along Cedar Creek as proposed in the Notice published February 7, 1980 at 12 N.J.R. 70(a).

An order adopting this rule was filed and became effective on January 9, 1981 as R.1981 d.9.

(e)

## ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

### Pinelands Comprehensive Management Plan

On December 10, 1980, the Pinelands Commission, pursuant to authority of N.J.S.A. 13:18A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:50 concerning the Pinelands Comprehensive Management Plan as proposed in the Notice published September 4, 1980 at 12 N.J.R. 513(b) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

Take notice that the rules adopted hereby shall supersede the interim rules and regulations adopted by the Pinelands Commission contained in N.J.A.C. 7:1G (which will be marked "Reserved" and the Plan for the Preservation Area adopted by the Pinelands Commission on August 8, 1980 and filed with the Office of Administrative Law on August 15, 1980 to become effective on September 23, 1980 as R.1980 d.370 (See 12 N.J.R. 575(c)).

Full text of the adopted rules as changed from the original proposal can be obtained from:

Terrence Moore, Executive Director  
Pinelands Commission  
P.O. Box 7  
New Lisbon, N.J. 08064

An order adopting this rule was filed and became effective on January 14, 1981 as R.1981 d.13.

(f)

## HEALTH

THE COMMISSIONER

### Proposed Amend Manual of Standards for Hospital Facilities: Construction and Fire Safety

Dr. Joanne Finley, Commissioner of Health, pursuant to authority of 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:43B-3.1, 3.2, 12.3, 14.3 and 15.12 concerning construction and fire safety in the Manual of Standards for Hospital Facilities.

This proposal is required due to the adoption of new Federal Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 79-14500 which replaces (HRA) 74-4000.

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

**8:43B-3.1 [Building] Construction**

(a)-(e) (Repeal existing text.)

(a) Standards for construction of new buildings, additions, alterations and renovations to existing buildings shall be in accordance with the New Jersey State Uniform Construction Code and the standards imposed by the United States Department of Health and Human Services (HHS) and the New Jersey State Department of Health and the Department of Community Affairs, specifically the (HHS) "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (HHS Publication No. (HRA) 79-14500). In order to avoid conflict sections 302 (except as it pertains to area limitations), 1202.7 and 1216.0, Article 5 except Sections 513, 519, 520 and 521, and Article 6 except sections 618.7, through 618.9.3 of the building subcode of the New Jersey Uniform Construction Code shall not govern with respect to health care facilities. The HHS (HRA) 79-14500<sup>1</sup> shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) The licensee prior to making any alteration or improvements to an existing facility, shall submit plans and specifications to the Health Care Facility Construction and Monitoring Unit of the New Jersey Department of Health for approval before commencing such work.

<sup>1</sup>Note: HHS Publication (HRA) 79-14500 may be obtained from the U.S. Government Printing Office, Washington, D.C., at a cost of \$3.00.

**8:43B-3.2 Fire protection and safety**

(a)-(i) (Repeal existing text.)

(a) Standards for existing buildings or major alterations constructed after September, 1974 to August 1, 1977 shall conform to the United States Public Health Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HRA) 74-4000 and the New Jersey Supplementary Standards to this regulation, dated June 26, 1968. Standards for existing buildings or major alterations constructed before September 1974 shall conform to the United States Public Health Service Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (930-A-7) and the New Jersey Supplementary Standards to this regulation, dated June 26, 1968.

(b) Standards for existing buildings or major alterations constructed from August 1, 1977 through July 1, 1979 shall be in accordance with the Uniform Construction Code and the standards imposed by the United States Department of Health and Human Services (HHS), the Department of Health and the Department of Community Affairs, specifically the HHS Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HHS) Publication No. (HRA) 74-4000. In order to avoid conflict, sections 302 (except as it pertains to area limitations), 1202.7 and 1216.0, Article 5 except sections 513.0, 519.0, 520.0, and Article 6 except sections 618.7 through 618.9.3 of the building subcode of the New Jersey Uniform Code shall not govern with respect to health care facilities. The HHS (HRA) 74-4000 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

**8:43B-12.3 Conditions**

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

(c) The physical plant shall meet [insofar as possible] the [applicable] requirements of subchapter 3 of this chapter.

(d)-(1) (No change.)

**8:43B-14.3 Conditions**

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

(c) The physical plant of a mental hospital shall meet [insofar as possible] the [applicable] requirements of subchapter 3 of this chapter.

(d)-(1) (No change.)

**8:43B-15.12 Construction**

Renal dialysis services in hospitals shall be in accordance with the Uniform Construction Code and the standards imposed by the United States Department of Health[, Education and Welfare (HEW)] and Human Services (HHS), the Department of Health, and the Department of Community Affairs, specifically the [HEW] HHS "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" [HEW] HHS publication no. HRA [74-4000] 79-14500. In order to avoid conflict, sections 302 (except as it pertains to area limitations, [1202.8], 1202.7, 1216.0, Article 5 except sections 513.0, 519.0, 520.0, 521.0, and Article 6 except sections 618.7 through 618.9.3 of the building subcode of the New Jersey uniform code shall not govern with respect to health care facilities. The [HEW] HHS HRA [74-4000] 79-14500 shall serve as the uniform code of the State in all matters regulated by the sections herein specified.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Joseph A. DiCara, Chief  
Health Facilities Construction and Monitoring  
John Fitch Plaza  
P.O. Box 1540  
Trenton, N.J. 08625

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

**(a)**

## HEALTH

### DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

#### Amend Excluded Health Care Services

On January 7, 1981, Joanne E. Finley, M.D., Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:31B-4.62 concerning excluded health care services as proposed in the Notice published November 6, 1980 at 12 N.J.R. 643(d) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

Full text of the proposed changed material as adopted follows (additions to proposal indicated in boldface thus; deletions from proposal indicated in brackets [thus]).

**8:31B-4.62 Excluded health care services**

(a) (No change.)

1. However, the following provisions shall apply to certain hospital-operated long-term care facilities, in order to

promote the objectives of the State Health Plan, State Medical Facilities Plan, and Long Term Care Policy Manual, [hospital owned and operated Long-Term Care Facilities, licensed by the Department and holding current Medicaid Provider Agreements which have been created, subsequent to January 1, 1980, by the Conversion in an individual institution or at the systems-wide level, of at least one licensed acute care hospital bed for each Long-Term Care bed so created, under an approved Certificate of Need,] the units to which these provisions shall apply must:

- i. Be hospital owned and operated;
- ii. Be licensed by the Department for Long-Term Care;
- iii. Have current Medicaid provider agreements;
- iv. Have been created, subsequent to January 1, 1980, by the conversion, in an individual institution or at the systems-wide level, or at least one licensed acute care hospital bed for each long-term care bed so created, under an approved Certificate of Need; and
- v. Have entailed Capital Costs for conversion less than or equal to currently prevailing costs for new construction of freestanding facilities in comparable areas.

2. For hospital-based facilities that meet these requirements, costs shall be accounted for as follows:

- i. The proportion of the hospital's Current Cost Base costs for the Cost Centers Administration and General, Education and Research, Fiscal Utilities, Malpractice, Other General Services, Patient Care Coordination, Maintenance, Physicians and Residents which would be deemed reasonable under the reimbursement methodology employed by the New Jersey State Medical Assistance Program in conformance with 42 CFR 447.273 shall be considered, as Case C (neither gains or losses accounted for). The balance of costs in those cost centers shall remain within the Current Cost Base. All costs associated with such units in all other Cost Centers shall be treated as Case C.

- ii. (No change.)
- (b)-(e) (No change.)

An order adopting this rule was filed and became effective on January 9, 1981 as R.1981 d.10.

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amend Hospital and Special Hospital Services Manuals

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:52-2.2 through 2.4 and 2.8 in the Manual for Hospital Services and 10:53-2.3, 2.6, 2.7 and 2.12 in the Manual for Special Hospital Services concerning uniform billing.

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

#### 10:52-2.2 [Inpatient Hospital Claim] Admission notification

(a) [This three-part form serves two purposes:

1. To report to the local county medical assistance unit the admission of a covered person who is eligible for medical assistance;

2. To bill the program for the inpatient services rendered.

(b) The contractor's copy is to be used by provider when billing the contractor.

(c) The provider copy is to be retained by the provider.

(d) The bottom copy of the claim form, county copy, must be submitted to the local county medical assistance unit within 48 hours after admission. It is not to be sent to the contractor. The two top copies are retained by the hospital for billing purposes.]

The Form MC-1, Inpatient Hospital Claim, is used only to report to the Local Medical Assistance Unit the admission of a covered person who is eligible for medical assistance.

1. The Form MC-1 must be submitted to the Local Medical Assistance Unit within 48 hours after admission. It is not to be sent to the contractor.

#### 10:52-2.3 General billing procedures for inpatient services

(a) [Form MC-1(1-70), Inpatient Hospital Claim,] Uniform Bill-Patient Summary Form (UB-PS) is used to bill for inpatient services in a participating hospital and for emergency inpatient services in a nonparticipating hospital.

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

(e) Some patients may be covered by both Medicare and Medicaid:

1. When the patient is covered by both programs, [only a Medicare form should be completed, with item 14 showing the Health Services Program case and person number on that Medicare form] the Uniform Bill-Patient Summary Form should be completed indicating Medicare as the primary (or secondary) payor and Medicaid as the secondary (or tertiary) payor.

2. Where benefits have been exhausted under Medicare, the charges to be billed to the program must be itemized for the non-covered period and the case and person number must be shown on the [Medicare] Uniform Bill-Patient Summary Form.

#### 10:52-2.4 Disposition of [Inpatient Hospital Claim] Uniform Bill-Patient Summary Form (UB-PS)

(a) [Inpatient Hospital Claim forms should be handled in the following manner:

1. The original copy (contractor's copy) must be forwarded to the hospital's contractor for processing.

2. The second copy (provider's copy) is to be retained by the hospital.

3. The third copy (notice of admission) must be mailed to the local medical assistance unit within two working days after admission.]

The Uniform Bill-Patient Summary Form should be handled in the following manner:

1. One copy (payor copy) must be forwarded to the hospital's contractor for processing.

2. One copy (hospital copy) is to be retained by the hospital.

3. The last copy (patient's copy) should be issued only if requested by the patient or on the patient's behalf. Whenever a request for a copy of the hospital statement is made on behalf of a Medicaid patient, the provider is requested to:

- i. Complete the Medicaid Form (LD-13) and forward to:  
Bureau of Administrative Control  
P.O. Box 2486  
Trenton, N.J. 08625

- ii. Release the requested hospital statement with a notation that the bill has been paid by the New Jersey Medicaid Program.

10:52-2.8 General billing procedures for outpatient services

(a) Form MC-4, Outpatient Hospital [Billing] Claim, will be used by a hospital to report outpatient services.

1. Exception:

i. The Uniform Bill-Patient Summary Form must be used by a hospital to bill the program for Same-Day Surgery.

ii. Refer to N.J.A.C. 10:52-2.4 concerning disposition of Uniform Bill-Patient Summary Form.

(b)-(e) (No change.)

10:53-2.2 [Inpatient Hospital Claim form; purpose] Admission notification

(a) [The three-part form serves two purposes:

1. To report to the local county medical assistance unit the admission of a covered person who is eligible for medical assistance.

2. To bill the program for the inpatient services rendered.

(b) The contractor's copy is to be used by provider when billing the contractor.

(c) The provider's copy is to be retained by the provider.

(d) The bottom copy of the claim form, county copy, must be submitted to the local county medical assistance unit within 48 hours after admission. It is not to be sent to the contractor. The two top copies are retained by the hospital for billing purposes.]

The Form MC-1, Inpatient Hospital Claim, is used only to report to the Local Medical Assistance Unit the admission of a covered person who is eligible for medical assistance.

1. The Form MC-1 must be submitted to the Local Medical Assistance Unit within 48 hours after admission. It is not to be sent to the contractor.

10:53-2.3 [Inpatient Hospital Claim form; services covered] General billing procedures for inpatient services

(a) The [Inpatient Hospital Claim form] Uniform Bill-Patient Summary Form (UB-PS) is used to bill for inpatient services in a participating hospital and for emergency inpatient services in a nonparticipating hospital.

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

10:53-2.6 Medicare/Medicaid coverage

(a) When the patient is covered under both Medicare and Medicaid programs, [only a Medicare form should be completed, with item 14 showing the Health Services Program case and person number on the Medicare form] the Uniform Bill-Patient Summary Form should be completed indicating Medicare as the primary (or secondary) payor and Medicaid as the secondary (or tertiary) payor.

(b) Where benefits have been exhausted under Medicare, the charges to be billed to the program must be itemized for the noncovered period and the case and person number must be shown on the [Medicare] Uniform Bill-Patient Summary Form.

10:53-2.7 Processing of [Inpatient Hospital Claim form] Uniform Bill-Patient Summary

(a) [The original copy] One copy (payor copy) of the Uniform Bill-Patient Summary must be forwarded to the hospital's contractor for processing.

(b) [The second copy] One copy (hospital copy) of the Uniform Bill-Patient Summary is to be retained by the hospital.

(c) [The third copy (notice of admission) must be mailed to the local medical assistance unit within two working days after admission.] The last copy (patient's copy) of the Uniform Bill-Patient Summary should be issued only if requested by the patient or on the patient's behalf. Whenever a request for a copy of the hospital statement is

made on behalf of a Medicaid patient, the provider is requested to:

1. Complete the Medicaid Form (LD-13) and forward to:  
Bureau of Administrative Control  
P.O. Box 2486  
Trenton, N.J. 08625

2. Release the requested hospital statement with a notation that the bill has been paid by the New Jersey Medicaid Program.

10:53-2.12 [Outpatient Hospital Billing form] General billing procedures for outpatient services

(a) Form MC-4, Outpatient Hospital [Billing] Claim, will be used by a hospital to report outpatient services.

1. Exception:

i. The Uniform Bill-Patient Summary Form must be used by a hospital to bill the program for Same-Day Surgery.

ii. Refer to N.J.A.C. 10:53-2.7 concerning processing of Uniform Bill-Patient Summary Form.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amend Physician Services Manual: Chest X Rays

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:54-1.2 and 1.22 concerning routine chest x rays.

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

10:54-1.2 Scope of [S]service

(a) Payment will be made for the medically necessary services, subject to the following limitations:

1-5. (No change.)

6. Diagnostic and therapeutic radiology services:

i. Radiological (X-ray) services shall ordinarily be provided only by a physician who is a specialist in radiology. However, a physician, other than a radiologist, who is a specialist may provide radiological services which are related and limited to his own special field;

ii. Reimbursement for radiological services by physician(s), other than those covered in the preceding paragraph, will be limited to [routine diagnostic chest X ray and/or] diagnostic X ray of long bones in emergency situations[,] and/or diagnostic chest X ray, limited only to his own patients in his own office.

7-8. (No change.)

(b) (No change.)

10:54-1.22 Diagnostic and therapeutic radiology including requirements for portable X-ray services

(a) Radiological (X-ray) services shall ordinarily be provided only by a physician who is a specialist in radiology. However, a physician, other than a radiologist, who is a specialist may provide radiological services which are related and limited to his own special field.

(b) Reimbursement for radiological services by physician(s), other than those covered in the preceding paragraph, will be limited to [routine diagnostic chest X ray and/or] diagnostic X ray of long bones in emergency situations[.] and/or diagnostic chest X ray.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amend Physician's Services Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:54-3 in the Physician's Services Manual concerning certain procedure codes.

A copy of the full text (5 pages) of the amendments to the Manual may be obtained from or made available for review by contacting the following individual:

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

Interested persons may send written comments on or before February 25, 1981 to the above address.

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

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amend Independent Laboratory Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:61-1.4 concerning requirements for record retention.

Full text of the proposed amendments follows (additions

indicated in boldface thus; deletions indicated in brackets [thus]).

10:61-1.4 Scope of services

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

(c) All files of services and reference laboratories shall be maintained for a period of [seven] five years.

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

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

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

(c)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amend Long Term Care Services Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:63-1.2 and 1.5 in the Long Term Care Services Manual concerning certification and recertification (by physicians) in Long Term Care Facilities.

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

10:63-1.2 Definitions

“Certification” means the process by which a physician attests to an individual's need for a specific level of institutional care. The certification must be in writing, signed by the physician, and dated at the time it is signed.

“Recertification” means the process by which a physician attests to an individual's need for continued placement at a specific level of institutional care. The recertification must be in writing, signed by the physician, and dated at the time it is signed.

10:63-1.5 Utilization control

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

(c) A physician must certify in the patient's medical record the need for [services] a specific level of care in a LTCF (i.e. SNF, ICF). This must occur at the time of admission or, if later, at the time the patient applies for Medicaid. The need for continued care at the given level must be recertified as follows:

1. Skilled Nursing Facility Level III and Intermediate Care Facility Level IV-A—Every 30 days.

2. Intermediate Care Facility Level IV-B—Every 60 days.

(d)-(h) (No change.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amend Exempt Resources

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:82-3.2 in the Assistance Standards Handbook concerning the designation of HUD community development block grants as exempt resources.

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

#### 10:82-3.2 Exempt resources

(a) (No change.)

(b) (No change.)

1. - 6. (No change.)

7. (No change.)

i. - vii. (No change.)

viii. Funds received by applicants and recipients through certain federal programs (see below) shall be regarded as exempt resources in determining eligibility and the amount of assistance allowances.

(1) - (7) (No change.)

(8) HUD community development block grant funds under Title I of the Housing and Community Development Act of 1974.

8. - 11. (No change.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amend GAM: Establishment Of Local Assistance Board

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J.A.C. 10:85-2.2 in the General Assistance Manual concerning the establishment of the local assistance board and the submission of Form GA-15.

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

#### 10:85-2.2 Establishment of local assistance board

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

(c) **Certification to the Bureau of Local Operations (DPW/BLO):** Each municipality, whether or not applying for State aid, shall submit annually a certification form, Status Report and Request for State Aid for Calendar Year (Form GA-15), to the DPW/[BMS]BLO signed by the municipal clerk and attesting to the appointment of the board members and the Director of Welfare. The director of welfare shall be responsible for informing the municipal clerk and other appropriate local officials regarding the required certification, and arranging for the completion of the Status Report and Request and filing same with the DPW/[BMS]BLO on or before March 1 of the year to which the certification applies.

1. Participating municipalities: Prior to January 1 of the next calendar year, three copies of Form GA-15, with necessary instructions, will be distributed by the DPW/[BMS]BLO to welfare directors in municipalities currently participating in the State aid program.

2. Nonparticipating municipalities: Municipalities which did not receive State aid for the year immediately prior to January 1 will receive instructions and Form GA-15 forwarded by DPW/[BMS]BLO to the municipal clerk.

3. (No change.)

(d)-(g) (No change.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amend Food Stamp Manual: Student Eligibility

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend and repeal various sections in N.J.A.C. 10:87 and to adopt a new rule to be cited as N.J.A.C. 10:87-3.25 concerning requirements for student participation in the Food Stamp Program.

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

#### 10:87-2.3 Nonhousehold members

(a) The following individuals residing with a household shall not be considered household members in determining a household's eligibility or allotment. Nonhousehold members who are otherwise eligible may participate in the program as separate households.

1. - 4. (No change.)

5. [Student tax dependents: Students who are or could be properly claimed as tax dependents for federal income tax purposes by a member of a household which is not eligible to participate in the Food Stamp Program, in accordance with N.J.A.C. 10:87-3.22] **Ineligible student of**

**an institution of higher education: Persons enrolled in an institution of higher education who are ineligible because they fail to meet the eligibility criteria in N.J.A.C. 10:87-3.23(a).**

6. Disqualified individuals: Individuals disqualified for fraud (see N.J.A.C. 10:87-11.1) [, or college students disqualified for failure to meet the school year work registration requirements (see N.J.A.C. 10:87-3.17(d))].

7. (No change.)

#### 10:87-2.21 Mandatory verification

(a) The CWA shall verify the following information prior to certification for households initially apply for food stamp benefits.

1. - 4. (No change.)

5. (No change.)

i. - iii. (No change.)

[iv. Tax dependency: The CWA shall verify the tax dependency status of students who are subject to the tax dependency rules described in N.J.A.C. 10:87-3.22 and who do not know their tax dependency status or who provide questionable information. For example, the CWA may consider a student's statement concerning tax dependency questionable if the student claims not to be a tax dependent but receives enough financial support from his/her parents or guardians (such as the payment of tuition or rent) to indicate the parents or guardians are probably providing more than one-half of the student's support.

(1) The CWA shall verify the student's tax dependency status by mailing Form FSP-925 to the student's parents or guardians (see N.J.A.C. 10:87-3.22).

(2) The parent's failure to supply requested information, or a parental response which indicates student ineligibility, shall result in the student being determined ineligible. Students shall have an opportunity to demonstrate that they should not be determined ineligible either through an informal appeal to the eligibility worker or through a fair hearing as provided in subchapter 8 of this chapter.]

Renumber v. and vi. as iv. and v.

6. (No change.)

#### 10:87-2.36 AFDC eligibility determination

(a) Action on the Food Stamp portion of the application shall not be delayed nor the application denied on the grounds that AFDC eligibility determination has not been made.

1. (No change.)

2. Retroactive AFDC payments: Portions of initial AFDC payments intended to retroactively cover a previous month shall be disregarded as lump-sum payments in accordance with N.J.A.C. 10:87-5.9(a)[9]10.

3. - 5. (No change.)

#### 10:87-3.17 Registration procedure

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

[(d) Student registration: Persons meeting the definition of a student in N.J.A.C. 10:87-3.18(b)4 but not qualifying for a student exemption in accordance with criteria in that item are required to be registered with NJSES for 20 hours of work per week. Such person's student status should be clearly noted on the Form NJES-511B or Form NJES-1 as appropriate.

(e) Registration for Full-Time Work: All students (as defined in N.J.A.C. 10:87-3.18(b)4) unless otherwise exempt shall register for full-time work during any period of school or training program recess or vacation which will exceed 30 days. This change in registration status shall be effected by Forms NJES-511B or NJES-1 as appropriate.]

#### 10:87-3.18 Exemptions from the work registration requirement

(a) (No change.)

(b) The following persons shall be exempt from the work registration requirement:

1. - 2. (No change.)

3. Students: Persons enrolled at least half-time (as defined by the institution or program in which they are enrolled) in any school or training program or institution of higher education which is recognized by any federal, State, or local government agency shall be exempt. [except that persons in institutions of higher education must meet the requirements in subparagraph i below:

i. Student exemption criteria: In order to qualify as exempt from work registrations, a student must be:

(1) Employed for a minimum of 20 hours per week or participating in a federally financed work study program;

(2) Employed less than 20 hours per week but earning a weekly amount equal to an amount at least equal to the federal minimum wage multiplied by 20 hours; or

(3) Head of a household containing one or more other persons to whom the student supplies more than one-half of their support. (AFDC payments received by a student on behalf of others is not support supplied by the student and thus shall not be included in the determination of the amount of support supplied); or

(4) Otherwise exempt.]

i. Semester breaks and vacations: Once a student enrolls in an institution of higher education, such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next formal school term, excluding summer school.

[ii. Students not meeting exemption criteria: Students in institutions of higher education not meeting the exemption criteria in subparagraph i above must be registered in accordance with the special student registration procedures in this paragraph.

iii. Semester breaks and vacations: When any school or training program recess or vacation will exceed 30 days, students (unless otherwise exempt) shall register for full-time work. This requirement applies equally to students exempt from work registration during periods of school or training and students registered for 20 hours of employment pursuant to ii. above.]

[iv.] ii. Correspondence courses: Persons enrolled in correspondence courses, where physical attendance is not regularly required, shall not be considered students for the purposes of [paragraph 4 of this subsection] (b)3 above.

4. - 8. (No change.)

#### 10:87-3.20 Failure to comply

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

(e) Penalty for non-compliance: If the CWA determines that the registrant's failure to comply was without good cause, the following penalties will apply as appropriate:

1. Household ineligibility: If the CWA determines that a household member [(except a student as defined in 10:87-3.18(b)3)] has refused or failed without good cause to comply with the requirements of [section 19 of this subchapter] N.J.A.C. 10:87-3.19, the entire household shall become ineligible for a period [for] of two months or until such member becomes exempt, or complies with the provisions for reestablishment of eligibility (see [section 21 of this subchapter] N.J.A.C. 10:87-3.21) whichever is earlier.

[2. Student ineligibility: If the county welfare agency determines that a student (see N.J.A.C. 10:87-3.18(b)4) who is required to register for and accept 20 hours of work

per week during the regular school year has failed or refused to comply without good cause, such student shall be ineligible to participate as a household or as a member of any household. The disqualified student shall be ineligible for a period of two months unless the student becomes exempt, or until such student complies with the provisions for reestablishment of eligibility (see section 21 of this subchapter) whichever is earlier.]

10:87-3.22 [Tax dependency] (Reserved)

[No individual who is a member of a household otherwise eligible to participate in the Food Stamp Program shall be eligible to participate as a member of that or any other household if the individual has reached age 18, is enrolled at least half time in an institution of higher education, and is properly claimed or could be properly claimed for the current tax year as a dependent child for federal income tax purposes by a taxpayer who is not a member of an eligible household.]

10:87-3.23 [Eligibility of taxpayer's household] Procedures for students in an institution of higher education

[(a) Prior to determining the eligibility of students who are or could be properly claimed tax dependents, the eligibility of the taxpayer's household shall be determined. A proper claim of tax dependency exists when the taxpayer provides or will provide over half of the student's support for the current tax year. Additionally, a proper claim exists when the taxpayer is or will be treated as having provided over half the student's support under IRS rules for "children of divorced or separated parents" dependents supported by two or more taxpayers.

(b) Determination of eligibility: The eligibility of the taxpayer's household shall be based on information provided by the student or the taxpayer. If the taxpayer's household is not currently certified for food stamps, its eligibility shall be determined by the household's size and monthly gross income. The household's gross income shall be compared, as appropriate for household's size, to the gross income eligibility standards in Table IV.

(c) Self-employment income: For the purpose of determining eligibility of the taxpayer's household having income from self-employment, the gross income shall be determined on an annual rather than a monthly basis. The cost of doing business except taxes shall be deducted prior to comparing income to the standards in Table IV.]

(a) Student in an institution of higher education defined: Any person who is between the ages of 18 and 60 who is physically and mentally fit and is enrolled at least half time in an institution of higher education. Excluded from this definition are persons who are attending high school, participating in on-the-job training programs and training programs which are not institutions of higher education.

1. Student eligibility requirements: In order to be eligible to participate in the Food Stamp Program, any student (as defined in (a) above) must meet at least one of the following criteria:

- i. Be employed at least 20 hours per week;
- ii. Participate in federally financed work study program during the regular school year;
- iii. Be enrolled in an institution of higher education as a result of participation in the Work Incentive Program (WIN); or

iv. Be the head of a household or married to the head of a household which contains one or more other persons dependent on the household head because he/she supplies more than half of their support.

2. Head of household concept: In determining whether a head of household furnishes more than half of the support of a dependent the following principles apply:

i. The head of household must furnish over half of the dependent's total support during the calendar year. Total support is the sum of the fair rental value of lodging furnished, all items of expenses paid or incurred directly by or for the dependent, such as clothing, food, transportation, education, recreation, dental and medical expenses; and a proportionate share of expenses that cannot be attributed directly to a particular individual, such as cost of food for the entire household.

ii. The person providing the support is the person to be evaluated for head of household status. Need-based federal, State or local assistance payments on behalf of a household member are considered as being provided by the person receiving such payments in determining head of household status. For example, a mother with a five year old child would qualify for the head of household exemption, even if the primary source of income is AFDC.

iii. The only restriction on who may be claimed as a dependent is that the dependent must be a member of the same household. A person can claim a spouse as a dependent.

iv. Circumstances not covered by these general principles are to be evaluated with reference to Sections 151 and 152 of the Internal Revenue Code.

10:87-3.24 [Certifying the household] (Reserved)

[(a) If verification of a student's tax dependent status or the eligibility of the taxpayer household has been requested in accordance with N.J.A.C. 10:87-2.21(a)4iv and verification is not received on a timely basis, the eligibility of the remaining household members shall be determined. The student whose tax dependency status is questioned and unverified shall be considered a nonhousehold member and eligibility of the remaining household members determined in accordance with procedures in N.J.A.C. 10:87-7.17.

(b) Verification subsequently received: If verification is subsequently received and establishes that the student is eligible because the student cannot be a properly claimed tax dependent, or because the taxpayer's household is eligible, the CWA shall act on the information as a reported change in household membership in accordance with the timeliness standards in subchapter 9 of this chapter.]

10:87-4.3 Resources defined

(a) The resources of a household shall include the following which shall be recorded by the county welfare agency in sufficient detail to permit verification as necessary (see N.J.A.C. 10:87-2.20 and [section 5 of this subchapter] N.J.A.C. 10:87-4.5).

1. Liquid resources: Liquid resources such as cash on hand, money in checking or savings accounts, savings certificates, stocks[,] and bonds, and lump-sum payments as described in N.J.A.C. 10:87-5.9(a)[9]10.

2. (No change.)

10:87-4.6 Resources of nonhousehold members

(a) The resources of nonhousehold members shall not be counted as available to the household unless the individual is [an integral member of the household and is subject to one of the following disqualifications:] disqualified from the program for committing fraud pursuant to N.J.A.C. 10:87-11.1.

[1. Fraud: The individual is disqualified from the program for committing fraud pursuant to N.J.A.C. 10:87-11.1; or

2. Work registration: The individual is a student and is disqualified from the program for failure to comply with the work registration requirement during the school year in accordance with N.J.A.C. 10:87-3.20(e).]

**10:87-5.6 Income of disqualified individuals**

Earned income or unearned income of an individual disqualified from the household for fraud (see N.J.A.C. 10:87-11.1) [or for failure to comply with student work registration requirements (see N.J.A.C. 10:87-3.20(e))] shall continue to be counted as income, less the prorated share for that individual. The remaining income is included in the household's earned and/or unearned income. Procedures for calculating this pro rata share are described in N.J.A.C. 10:87-7.16.

**10:87-5.9 Identification of income exclusions**

(a) Only the following shall be excluded from household income; and no other income shall be excluded.

1. - 8. (No change.)

**9. Income of an ineligible student: The income, either earned or unearned, of an ineligible student as defined in N.J.A.C. 10:87-2.3(a)5 shall be excluded.**

Renumber 9. - 11. as 10. - 12.

**10:87-6.9 Income**

(a) (No change.)

1. - 2. (No change.)

3. (No change.)

i. (No change.)

ii. Nonrecurring lump-sum payments: Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income. (See N.J.A.C. 10:87-4.3(a)1 and 10:87-5.9(a)[9]10.)

iii. - v. (No change.)

4. - 6. (No change.)

**10:87-6.23 Other households**

(a) Other households shall be assigned the longest certification periods possible based on the predictability of the household's circumstances. Households shall be certified for at least three months, except as follows:

1. - 6. (No change.)

[7. Households with students subject to work registration: When assigning certification periods, the CWA shall take into consideration that students are required to register for full-time work during the summer months unless they attend summer school at least half time (see N.J.A.C. 10:87-3.18(b)3).]

**10:87-7.16 Income and resources of disqualified members**

(a) Individual household members may be disqualified for fraud (see N.J.A.C. 10:87-11.1) [or for failure to meet the student work registration requirements during the school year (see N.J.A.C. 10:87-3.20(e))]. During the period of time a household member is disqualified, the eligibility and benefit level of any remaining household members shall be determined as follows:

1. - 5. (No change.)

[i. Student disqualification: If a household's benefits are reduced or terminated within the certification period because one of its members is being disqualified for failure to meet the student work registration requirement, the CWA shall issue a notice of adverse action which informs the household that one of its members has been disqualified, the reason for the disqualification, and the eligibility and benefit level of the remaining members.]

[ii.] i. Fraud disqualification: If a household's benefits are reduced or terminated within the certification period because one of its members has been disqualified for fraud (see N.J.A.C. 10:87-11.1), the CWA shall notify the remaining members of their eligibility and benefit level at the same time the disqualified member is notified of its disqualification. The household is not entitled to a notice of adverse action but may request a fair hearing to contest the reduction or termination of benefits.

**10:87-7.17 Treatment of income and resources of other nonhousehold members**

(a) For those nonhousehold members who are ineligible for reasons other than disqualification, such as ineligible aliens (see N.J.A.C. 10:87-2.3(a)4), and ineligible [tax dependents] students (see N.J.A.C. 10:87-[3.22]2.3(a)5), the income and resources of the nonhousehold member shall not be considered available to the household.

1. - 3. (No change.)

**10:87-12.5 [Tax dependency; allowable gross income limits] (Reserved)**

[TAX DEPENDENCY

ALLOWABLE GROSS INCOME LIMITS

Household Size	Gross Income Limit
1	\$ 601
2	729
3	856
4	983
5	1110
6	1238
7	1364
8	1491
9	1619
10	1746
11	1874
12	2001
13	2129
14	2256
15	2384
16	2511
17	2639
18	2766
19	2894
20	3021]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(a)

**HUMAN SERVICES**

**THE COMMISSIONER**

**Proposed Amend Adoption Agencies Practices**

Selma Rubin, Acting Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:1-25 et seq. and 9:3-37 et seq., proposes to amend N.J.A.C. 10:121A concerning adoption agencies practices.

The proposed amendment repeals in its entirety the current text of N.J.A.C. 10:121A, "Approved Adoption Practices Covering Certified Agencies" and entirely replaces same with new text to be entitled "Manual of Standards for Adoption Agencies".

Copies of the full text of the proposed amendment can be obtained from:

Bureau of Licensing  
 Division of Youth and Family Services  
 One South Montgomery Street  
 CN 717  
 Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to the above address.

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

**(a)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**GAM: Rate Increases for Recipients  
 In Residential Health Care Facilities**

On December 16, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3 and 5.3 in the General Assistance Manual concerning rate increases applicable to general assistance recipients living in residential health care facilities as proposed in the Notice published November 6, 1980 at 12 N.J.R. 662(c).

An order adopting this rule was filed December 19, 1980 to become effective on February 1, 1981 as R.1981 d.547.

**(d)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Emergency Rule on Home Energy Assistance**

On December 11, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an emergency new rule to be cited as N.J.A.C. 10:89-3.6 concerning the payment schedule for the Home Energy Assistance Program.

Full text of the emergency adoption follows.

**10:89-3.6 Payment schedule**

Payment schedule by household size.

"A" means oil, electricity, bottled gas, kerosene.

"B" means all other fuels, renters who pay for heat as part of their rent, all AFDC and SSI automatic payments.

Gross Annual Income	1	2	3	4	5	6	7	8 Or More
\$0-3,000 A	300	350	400	450	500	550	600	650
B	219	256	292	329	365	402	438	475
\$ 3,001 - A	256	306	356	406	456	506	556	606
6,000 B	187	223	260	296	333	369	406	442
\$ 6,001 - A	—	262	312	362	412	462	512	562
9,000 B	—	191	228	264	301	337	374	410
\$ 9,001 - A	—	—	—	318	368	418	468	518
12,000 B	—	—	—	232	269	305	342	378
\$12,001 - A	—	—	—	—	—	374	424	474
15,000 B	—	—	—	—	—	273	310	346
\$15,001 - A	—	—	—	—	—	—	—	430

**(c)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE  
 AND HEALTH SERVICES**

**Recipient Controls**

On December 12, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:49-1.2 and 1.5 concerning establishment of recipient controls as proposed in the Notice published May 8, 1980 at 12 N.J.R. 274(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed December 19, 1980 to become effective on January 1, 1981 as R.1980 d.549.

**(d)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**GAM: Repayment of GA for SSI Recipients**

On December 18, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10:85-6.5 in the General Assistance Manual concerning repayment of general assistance for SSI recipients as proposed in the Notice published October 9, 1980 at 12 N.J.R. 586(b).

An order adopting this rule was filed December 22, 1980 to become effective on February 1, 1981 as R.1980 d.551.

**(e)**

**HUMAN SERVICES**

**THE COMMISSIONER**

**Emergency Amend Food Stamp Manual**

On December 22, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 10:87-12.1, 12.2, and 12.4 in the Food Stamp Manual concerning standards for receipt of food stamps.

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

**10:87-12.1 Income deduction table**

**Income Deductions**

Standard Deduction \$ [75.00] 85.00

[Child] Dependent Care/Shelter Deduction	\$ [90.00]	115.00
Uniform Telephone Allowance	\$	7.96
Standard Utility Allowance	\$	259.00

10:87-12.2 Maximum coupon allotment table

**MAXIMUM COUPON ALLOTMENT (MCA)**

Household Size	MCA
1	\$[63]70
2	[115]128
3	[165]183
4	[209]233
5	[248]277
6	[298]332
7	[329]367
8	[376]419
9	[423]472
10	[470]525
Each Additional Member	+ [47] 53

10:87-12.4 Monthly coupon allotment table

Editor's Note: The changes in this section are substantial and are not reproduced herein. This table is derived by multiplying the net monthly food stamp income by 30 percent, rounding that number to the nearest dollar and subtracting that number from the appropriate number in N.J.A.C. 10:87-12.2. Copies of this section as amended are available from:

Division of Public Welfare  
3535 Quakerbridge Road  
Trenton, N.J. 08625

An order adopting this rule was filed December 29, 1980 to become effective on January 1, 1981 as R.1980 d.558 (Except, Emergency Rule).

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### ASH: Emergency Assistance

On December 18, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-5.10 in the Assistance Standards Handbook concerning emergency assistance as proposed in the Notice published October 9, 1980 at 12 N.J.R. 584(a) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed December 22, 1980 to become effective on February 1, 1981 as R.1980 d.552.

(b)

## CORRECTIONS

### STATE PAROLE BOARD

#### Proposed Amend State Parole Board Rules

The State Parole Board, pursuant to authority of N.J.S.A. 30:4-123.48, proposes to amend N.J.A.C. 10A:71-7.7 concerning notice for preliminary hearings.

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

10A:71-7.7 Preliminary hearing: Notice of hearing

(a) It shall be the responsibility of the parole officer or District Parole Supervisor to give written notice to the parolee of the time, date and place of the preliminary hearing [within seven days of the parolee's arrest as a parole violator] at least three days prior to the preliminary hearing unless the parolee waives such notice.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Christopher Deitz, Chairman  
N.J. State Parole Board  
P.O. Box 7387  
Whittlesey Road  
Trenton, N.J. 08625

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

(c)

## CORRECTIONS

### STATE PAROLE BOARD

#### Parole Board Rules

On December 15, 1980, Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10A:71-3.3 concerning program participation reductions granted in young adult offender's parole eligibility dates as proposed in the Notice published November 6, 1980 at 12 N.J.R. 664(e).

An order adopting this rule was filed and became effective on December 23, 1980 as R.1980 d.554.

(d)

## INSURANCE

### THE COMMISSIONER

#### List of Municipalities Requiring Insurance Companies to Pay Unpaid Liens

On December 19, 1980, Herman W. Hanssler, Assistant Commissioner of Insurance, pursuant to authority of P.L. 1978, c. 184, as amended by P.L. 1979, c. 369, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the additions to the prior list follows.

The Township of Fredon (07860)	October 23, 1980
(Sussex County)	
The Township of Winslow (08037)	November 13, 1980
(Camden County)	
The Borough of Butler (07405)	November 14, 1980
(Morris County)	

This list was filed on December 19, 1980, as R.1980 d.550. Such list is not subject to codification but will appear in Title 11 for informational purposes.

(a)

## LABOR AND INDUSTRY

### THE COMMISSIONER

#### Emergency Rules on Offset of Unemployment Benefits by Pension Income

On December 19, 1980, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-1 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency new rules to be cited as N.J.A.C. 12:17-11 concerning implementation of Federal requirements regarding offset of unemployment benefits by pension income.

Full text of the emergency adoption follows.

#### CHAPTER 17

#### UNEMPLOYMENT BENEFITS PAYMENTS

#### SUBCHAPTER 11. OFFSET OF UNEMPLOYMENT INSURANCE BENEFITS BY RETIREMENT AND PENSION INCOME

##### 12:17-11.1 Base period or chargeable employer

(a) For weeks of unemployment beginning on or after January 1, 1981, the requirements of Section 1, of Chapter 13, P.L. 1980, shall apply only where such pension, retirement or retired pay, annuity, or other similar payment is under a plan maintained or contributed to by a base period or chargeable employer as determined under N.J.S.A. 43:21-1 et seq.

(b) In the case of such a payment, not made under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), services performed for such employer by the individual after the beginning of the base period (or remuneration for such services) which do not affect eligibility for, or increase the amount of such pension, retirement or retired pay, annuity, or similar payment shall not cause any reduction in the amount of benefits payable to such individual.

##### 12:17-11.2 Amount of reduction

(a) For weeks of unemployment beginning on or after January 1, 1981, the amount of any such reduction shall be determined taking into account contributions made by the individual for the pension, retirement or retired pay, annuity or other similar periodic payment. The following schedule will apply.

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

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

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

An order adopting this rule was filed December 31, 1980 to become effective on January 1, 1981 as R.1980 d.561 (Exempt, Emergency Rule).

(b)

## LAW AND PUBLIC SAFETY

### BOARD OF BEAUTY CULTURE

#### Proposed Amend on Lavatories

Richard G. Griswold, Executive Secretary of the Board of Beauty Culture in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:4A-13, proposes to amend N.J.A.C. 13:28-1.3(c) concerning toilet facilities in beauty shops.

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

##### 13:28-1.3 Minimum floor space of beauty shops; equipment

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

(c) The required minimum equipment for a beauty shop is: shampoo [basing] basin, dry sterilizers, wet sterilizers, container for clean linen, container for soiled linen, reclining chair and hand washing facilities, hair drying facilities, supply cabinet, manicuring facilities, hair combing facilities, and [two separate lavatories (male and female). Each lavatory must be individually equipped as follows.] at least one lavatory that shall be equipped and maintained as follows:

1. Toilet[(s)];
2. Hand washing facilities equipped with hot and cold running water[.]; and
3. Shall be maintained and supplied in clean, sanitary working condition at all times.

(d) The [lavatories] lavatory shall be located in a properly lighted and ventilated room[s] with self-closing doors. These facilities shall be maintained in clean, sanitary working conditions at all times. A lavatory in a beauty shop shall not be used for domestic or residential purposes.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Richard G. Griswold, Executive Secretary  
Board of Beauty Culture Control  
Room 311, 1100 Raymond Boulevard  
Newark, N.J.  
Telephone (201) 648-2450

The Board of Beauty Culture may thereafter adopt rules concerning this subject without further notice.

(c)

## LAW AND PUBLIC SAFETY

### BOARD OF DENTISTRY

#### Proposed Rule on Professional Misconduct

Samuel E. Furman, D.D.S., President of the State Board

of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to adopt a new rule to be cited as N.J.A.C. 13:30-8.12 concerning the completion of dental insurance forms and professional misconduct.

Full text of the proposed rule follows.

13:30-8.12 Dental insurance forms: Professional misconduct

(a) Professional misconduct shall be construed to include but not be limited to the use or employment of dishonesty, fraud, deception or misrepresentation, by a licensee in submitting any claim form or bill to a third party payor for dental services or services rendered to a patient enrolled in a dental prepayment contract plan.

(b) In addition to (a) above, it shall be professional misconduct for a licensee rendering dental services or procedures to a patient enrolled in any dental prepayment contract plan to submit to a third party payor any claim form or bill which contains any of the following:

1. Any treatment date which does not accurately reflect the date when the service and procedures were actually completed;

2. Any description of a dental service or procedure which does not accurately reflect the actual work completed;

3. Any service or procedure which cannot be justified by the licensee as necessary and proper.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 27, 1981 to:

Mr. Robert Siconolfi, Executive Secretary  
New Jersey State Board of Dentistry  
150 East State Street, Room 306  
Trenton, N.J. 08608

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

(a)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Professional Advertising

On December 3, 1980, Samuel E. Furman, D.D.S., President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:30-8.6 concerning professional advertising as proposed in the Notice published November 6, 1980 at 12 N.J.R. 668(a).

An order adopting this rule was filed and became effective on December 15, 1980 as R.1980 d.540.

(b)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Intravenous Sedation

On December 3, 1980, Samuel E. Furman, D.D.S., President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety,

(Continued on Next Page)

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Notice Concerning Bulk  
Commodities Applicants

Take notice that Joan H. Wiskowski, Director, Division of Motor Vehicles, pursuant to the authority of N.J.S.A. 39:5E-11, hereby lists the names and addresses of applicants who have filed an application for a common carrier's certificate of public convenience and necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

- |   |  |
|---|--|
| McAdams Trucking<br>13 Prescott Turn<br>Clark, N.J. 07066                 | L. J. Toto, Inc.<br>R.D. 1, Box 17B<br>Cranbury Neck Rd.<br>Cranbury, N.J. 08512     |
| Calvin Jones<br>714 Martin St.<br>Rahway, N.J. 07065                      | John W. Pearson<br>195 11th Ave.<br>Hawthorne, N.J. 07506                            |
| Beisley Trucking<br>248 Parsippany Rd.<br>Whippany, N.J. 07981            | American Tank<br>Transport, Inc.<br>6350 Ordnance Point Rd.<br>Curtis Bay, Md. 21225 |
| Joseph Sharkey<br>10 Groah Rd.<br>E. Hanover, N.J. 07936                  | Yardville Supply Co.<br>P.O. Box 8427<br>Trenton, N.J. 08650                         |
| W. J. B. Transport<br>2 Victoria Court<br>Cranford, N.J. 07016            | Henry Papiano Trucking<br>1092 Almond Rd.<br>Vineland, N.J. 08360                    |
| Aurora Diesel Transport, Inc.<br>71 Newark Ave.<br>Belleville, N.J. 07109 | George S. Papiano<br>1424 E. Grant Ave.<br>Vineland, N.J. 08360                      |
| J. Craig & Son Trucking<br>193 Buttonwood Dr.<br>Trenton, N.J. 08618      | Arthur Brown, Jr.<br>Rt. 40, RD 2<br>Monroeville, N.J. 08343                         |
| Louis Di Girolomo<br>36 Ashwood Ave.<br>Summit, N.J. 07901                | Ralph DeRosa Trucking<br>20 Wills Rd.<br>Stanhope, N.J. 07874                        |
| Benjamin Brothers<br>121 No. Summit St.<br>Tenafly, N.J. 07670            | D.E.B. Trucking<br>P.O. Box 4963<br>Clinton, N.J. 08809                              |
| Fitzpatrick Trucking<br>8 Donald Ave.<br>Newton, N.J. 07860               | E. Lucy Trucking<br>Buckley Ave.<br>RD 2, Box 173B<br>Oxford, N.J. 07863             |
| H & H Excavating, Inc.<br>1789 Valley Rd.<br>Millington, N.J. 07946       |  |

CONTRACT CARRIER (NON-GRANDFATHER)

- |  |   |
|--|---|
| Rob-E-Son<br>233 Mermaid Ave.<br>Beachwood, N.J. 08722 | Newark Industrial Supply, Inc.<br>915 E. Elizabeth Ave.<br>Linden, N.J. 07036 |
|--|---|

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 as a matter of public information.

pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 13:30-8.11 concerning intravenous sedation as proposed in the Notice published November 6, 1980 at 12 N.J.R. 669(a).

An order adopting this rule was filed and became effective on December 15, 1980 as R.1980 d.541.

(a)

## LAW AND PUBLIC SAFETY

### BOARD OF MORTUARY SCIENCE

#### Examination Review Procedure

On December 2, 1980, William R. Dangler, President of the New Jersey State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:36-3.6 concerning examination review procedure as proposed in the Notice published November 6, 1980 at 12 N.J.R. 670(c).

An order adopting this rule was filed and became effective on December 15, 1980 as R.1980 d.542.

(b)

## LAW AND PUBLIC SAFETY

### BOARD OF MORTUARY SCIENCE

#### Examinations

On December 2, 1980, William R. Dangler, President of the New Jersey State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:36-3.5 concerning examinations as proposed in the Notice published November 6, 1980 at 12 N.J.R. 670(b).

An order adopting this rule was filed and became effective on December 15, 1980 as R.1980 d.543.

(c)

## LAW AND PUBLIC SAFETY

### BOARD OF MEDICAL EXAMINERS

#### Prescriptions for Controlled Dangerous Substances

On December 10, 1980, Edwin H. Albano, M.D., President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-6.6 concerning prescriptions for controlled dangerous substances as proposed in the Notice published November 6, 1980 at 12 N.J.R. 670(a).

An order adopting this rule was filed January 8, 1981 to become effective on February 7, 1981 as R.1981 d.5.

(d)

## ENERGY

### THE COMMISSIONER

#### Notice of Public Hearing: Oil Recycling

On November 25, 1980, the Department of Energy adopted amendments to N.J.A.C. 14A:3-11 concerning used oil recycling as published in the January 8, 1981 New Jersey Register at 13 N.J.R. 43(c). The amendments require that all oil retailers accept without charge up to five gallons of used oil per day from any person, regardless of whether the retailers presently have used oil collection tanks on their premises.

A public hearing will be held on February 26, 1981 at 9:30 A.M. in the Board of Public Utilities Hearing Room #1, 1100 Raymond Boulevard, Newark, New Jersey for the purpose of receiving comments on the amendments. The Department believes that the persons who benefit from the sale of motor oil should bear the responsibility of participating in a program to recycle the used oil. The Department would welcome testimony from the retail industry proposing alternate means of fulfilling this responsibility.

Persons who wish to speak at the hearing should contact Janice Laskowitz at (201) 648-2410 by February 20, 1981. Presentations will be limited to 15 minutes. Persons who request an opportunity to speak will be notified of their scheduled time. Persons scheduled to speak should bring five copies of their testimony to the hearing location on the date of the hearing.

Interested persons are also invited to submit written statements on the amendments to the used oil recycling regulations by February 26, 1981 to:

Gerard Burke, Administrator  
Office of Regulatory and  
Governmental Affairs  
101 Commerce Street  
Newark, New Jersey 07102

This Notice is published as a matter of public information.

(e)

## ENERGY

### COASTAL ENERGY IMPACT PROGRAM

#### Notice of Availability of Funds for Grants and Loans Under the Coastal Energy Impact Program

Take notice that funds are available under the Coastal Energy Impact Program to assist State, regional, county and local government agencies in planning for the impacts of energy activities affecting the coastal zone in New Jersey. For application forms and technical assistance, call or write:

David Atkin, CEIP Coordinator  
New Jersey Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102  
(201) 648-3430

The deadline for receipt of applications is March 16, 1981.

This Notice is published as a matter of public information.

(a)

## ENERGY

### BOARD OF PUBLIC UTILITIES

#### Notice of Rule-Making

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12, 48:2-13, and 48:2-21, proposes to institute a rule-making proceeding on the issue of the allowance of an amount for depreciation on contributed property in a utility's operating expenses.

Written comments on this issue should be submitted by March 7, 1981 to:

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

This Notice is published as a matter of public information.

(b)

## ENERGY

### BOARD OF PUBLIC UTILITIES

#### Notice of Discontinuance and Bill Disputes

On December 24, 1980, Gerald A. Calabrese, Secretary of the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 14:3-7.12 and 7.13 concerning notice of discontinuance and bill disputes as proposed in the Notice published September 4, 1980 at 12 N.J.R. 552(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on December 29, 1980 as R.1980 d.555.

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amend Speed Zones

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to amend N.J.A.C. 16:28-1.18 and 1.67 concerning speed zones along Route 34 and Route U.S. 202.

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

16:28-1.18 Route 34

(a) The rate of speed designated for the certain part of State highway Route 34, described in this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:  
i. - iv. (No change.)

v. **Fifty mph to the intersection of Spring Hill Road in Old Bridge Township (milepost 26.08);**

(1) **Except, 35 mph in the Whited Brown School Zone during recess or while children are going to or leaving school, during opening or closing hours; thence**

[v.] vi. [Fifty] **Forty-five mph to the intersection of Route U.S. 9 in Old Bridge Township (milepost 26.79).**

[(b) Regulation LS-72-6 is hereby amended along Route 34 in Old Bridge Township, Middlesex County, by establishing a 35 mph school speed limit within the Whited Brown school zone during recess or while children are going to or leaving school, during opening or closing hours.]

16:28-1.67 Route U.S. 202

(a) The rate of speed designated for the certain part of State highway [r]Route [number] U.S. 202 described in this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. - xiii. (No change.)

xiv. **35 miles per hour to the intersection of Finney Avenue (milepost 38.7); thence**

[xiv.] xv. 40 miles per hour to [a point 150 feet north of] the intersection of Madisonville Road, Bernards Township (milepost 38.95); thence

Renumber xv. - xxi. as **xvi. - xxii.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

(d)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amend Restricted Parking and Stopping Along Route U.S. 9 and Route 70

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.7 and 1.37 concerning restricted parking and stopping along Route U.S. 9 and Route 70.

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

16:28A-1.7 Route U.S. 9

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

1. - 11. (No change.)

12. **No stopping or standing along the west side of Route U.S. 9 in the City of Absecon, Atlantic County:**

- i. **From Route U.S. 30 to Ohio Avenue.**

[12.] 13. (No change in text.)

(b) The certain parts of State highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is

prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. - 2. (No change.)
3. (See notice at 13 N.J.R.—.)
4. Along the northbound side of Route U.S. 9 in Manalapan Township, Monmouth County:
  - i. Far side bus stops:
    - (1) Ryan Road (150 feet);
    - (2) Smallwood Lane (160 feet);
    - (3) Taylors Mills Road (150 feet);
    - (4) Pedestrian traffic signal south of Gordon's Corner Road overpass (200 feet).
  5. Along the southbound side of Route U.S. 9 in Manalapan Township, Monmouth County:
    1. Far side bus stops:
      - (1) Briar Hill Road (140 feet).
    - ii. Near side bus stops:
      - (1) Pedestrian traffic signal south of Gordon's Corner Road overpass (200 feet);
      - (2) Taylors Mills Road (120 feet);
      - (3) Symmes Road (120 feet).
    - iii. Midblock bus stop:
      - (1) Between Covered Bridge Boulevard (northerly roadway) and Covered Bridge Boulevard (southerly roadway).
3. - 4. Renumber as 6. - 7.

[5.] 8. All bus stops in [this subsection] (b) to be specified length, measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects.

#### 16:28A-1.37 Route 70

(a) The certain parts of State highway Route 70 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. - 2. (No change.)
3. No stopping or standing along Route 70 in the Township of Southampton, Burlington County, along both sides:
  - i. From the junction of Route 206, traffic circle, to a point 1200 feet west of and a point 1200 feet east of.
3. - 4. Renumber as 4. - 5.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amend Restricted Parking Along Routes U.S. 9 and 206

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.7 and 1.57 concerning restricted parking along Routes U.S. 9 and U.S. 206.

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

#### 16:28A-1.7 Route U.S. 9

- (a) (No change.)
- (b) The certain parts of State highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. - 2. (No change.)
3. Along Route U.S. 9 northbound on the easterly side thereof in Freehold Township, Monmouth County, at:
  - i. Elton-Adephia Road (Co. Rd. 524), near side:
    - (1) Beginning at the southerly curb line of Elton-Adephia Road (Co. Rd. 524) and extending 120 feet southerly therefrom.
    4. - 5. (See notice at 13 N.J.R.—.)
    3. - 4. Renumber as 6.- 7.
    - [5.] 8. All bus stops in this subsection to be the specified length, measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects.

#### 16:28A-1.57 Route U.S. 206

(a) The certain parts of State highway Route U.S. 206 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)
2. No stopping or standing along Route 206 in Southampton Township, Burlington County:
  - i. Along both sides of Route 206:
    - (1) From the junction of Route 70, traffic circle, to a point 1200 feet north of and a point 1200 feet south of.
    2. - 9. Renumber as 3. - 10.
  - (b) (No change.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amend Restricted Parking and Stopping

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.55 and to adopt new rules to be cited as N.J.A.C. 16:28A-1.65, and 1.66 concerning restricted parking and stopping along Route U.S. 202, and Routes 15 and 18.

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

(a)

## TRANSPORTATION THE COMMISSIONER

### Proposed "No Passing" Zones on Shore Road

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt a new rule to be cited as N.J.A.C. 16:29-1.22 concerning "no passing" zones on Shore Road (also known as Island Beach State Park Access Road) in the Township of Berkeley, Ocean County.

Full text of the proposed new rule follows.

#### 16:29-1.22 Island Beach Access Road

The certain parts of Shore Road (also known as Island Beach State Park Access Road) in Berkeley Township, Ocean County, described in drawing Number HNPZ-048 dated July 31, 1980, shall be and hereby are designated and established as "No Passing" zones.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

(b)

## TRANSPORTATION THE COMMISSIONER

### Proposed Rules on "No Passing" on Route 179

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt a new rule to be cited as N.J.A.C. 16:29-1.23 concerning the establishment of "no passing" zones on Route 179 in the City of Lambertville, and the Townships of East and West Amwell, in Hunterdon County.

Full text of the proposed new rule follows.

#### 16:29-1.23 Route 179

The certain parts of State Highway Route 179 described in drawing Number HNPZ-045 dated July 2, 1979, shall be and hereby are designated and established as "no passing" zones.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

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

#### 16:28A-1.55 Route U.S. 202

(a) The certain parts of State Highway Route U.S. 202 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. - 4. (No change.)

5. No parking in Bernardsville, Somerset County:

i. Along both sides of Route U.S. 202 Friday only, 2:00 A.M. to 9:00 A.M.:

(1) From the northerly curbline of Woodland Road to a point 1,420 feet northerly therefrom.

[5.] 6. (No change in text.)

#### 16:28A-1.65 Route 15

(a) The certain parts of State highway Route 15 described herein below shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Rockaway Township, Morris County:

i. Along both sides of Route 15:

(1) For its entire length including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

#### 16:28A-1.66 Route 18

(a) The certain parts of State highway Route 18 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. In the City of New Brunswick:

i. Along Route 18, westbound on the northerly side hereof at:

(1) Paulus Boulevard: Near side beginning at the easterly curb line of Paulus Boulevard and extending 105 feet easterly therefrom;

(2) Commercial Avenue: Near side beginning at the easterly curb line of Commercial Avenue and extending 105 feet easterly therefrom;

(3) Commercial Avenue: Midblock beginning 1820 feet west of the westerly curb line of Commercial Avenue and extending 135 feet westerly therefrom.

ii. Along Route 18, eastbound on the southerly side thereof at:

(1) Commercial Avenue: Midblock beginning 200 feet east of the easterly curb line of Commercial Avenue and extending 135 feet easterly therefrom;

(2) Paulus Boulevard: Far side beginning at the easterly curb line of Paulus Avenue and extending 100 feet easterly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amend Limited Access Prohibition

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1, proposes to amend N.J.A.C. 16:30-7.2 concerning limited access prohibition along Interstate Highways.

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

16:30-7.2 Routes 444 and U.S. 9

(a) It has been found and determined that the health, safety and welfare of the public requires that the use of Route 444, a parkway in the Counties of Union and Middlesex; Route U.S. 9, a freeway in the County of Ocean; and Route 444, a freeway in the County of Cape May (the same being a section of the Garden State Parkway under the jurisdiction of the State Transportation Commissioner) be limited to certain classes of traffic[.] and that

[(b) Therefore, the use of the aforesaid sections of highway by] the following classes of traffic [is] are prohibited:

1. Pedestrians, except at marked crosswalks;
2. Animals, led, ridden or driven;
3. Non-motorized vehicles;
4. Motorized bicycles;
5. Tractors, rollers and agricultural or construction machinery, self-propelled or towed, unless a permit therefore has been obtained in advance from the State Transportation Commissioner.

[(c) Any previously adopted resolution, regulation or rule inconsistent with the provisions of this regulation are hereby rescinded.]

(b) Unless advance permission has been obtained from the Commissioner of Transportation, trucks are prohibited on Route 444 (Garden State Parkway) in Woodbridge Township, Middlesex County, and Cranford and Clark Townships and Kenilworth Borough, Union County, except that the following traffic is exempt:

1. NJDOT equipment;
2. Equipment of contractors engaged by the NJDOT for construction or repairs; and
3. Equipment of a public utility company as defined in N.J.S.A. 48:2-13.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

(b)

## TRANSPORTATION

### NEW JERSEY TRANSIT CORPORATION

#### Proposed Amend Railroad Property Permits

Jerome C. Premo, Executive Director of the New Jersey Transit Corporation in the Department of Transportation, pursuant to authority of N.J.S.A. 27:25-1 et seq., proposes to amend N.J.A.C. 16:41-16 concerning permits for the use or occupancy of State-owned railroad property.

The proposed amendment makes two changes in the existing regulations. First, all references made throughout N.J.A.C. 16:41-16 to "New Jersey Department of Transportation" (NJDOT) and "Commuter Operating Agency" (COA) will be amended to read "N.J. TRANSIT CORPORATION" (NJT). Second, N.J.A.C. 16:41-16 will be recodified as N.J.A.C. 16:71.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

The New Jersey Transit Corporation may thereafter adopt rules concerning this subject without further notice.

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amend Prequalification Committee

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 et seq., proposes to amend N.J.A.C. 16:65-1.1 concerning the definition of "prequalification committee".

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

16:65-1.1 Definitions

"Prequalification committee" means a committee appointed by the Commissioner of Transportation to perform the duties indicated in this subtitle and composed of:

1. - 2. (No change.)
3. [Director of Accounting and Auditing;]  
**Director of Financial Management;**
4. - 5. (No change.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

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

(a)

# TREASURY

## DIVISION OF PENSIONS

### Proposed Amend on Administration

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to amend various rules in N.J.A.C. 17:1, and to adopt new rules to be cited as N.J.A.C. 17:1-4.32, 8.13, and 8.14 concerning general administration.

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

#### CHAPTER 1

#### GENERAL ADMINISTRATION

#### FOREWORD

In addition to State pension plans, the Division of Pensions has been responsible for the operation of the State agency for Social Security since its inception in 1951, the Pension Adjustment [Increase] Program beginning in 1958, the Supplemental Variable Annuity System first established in 1963, the State Health Benefits Program with its extension to include local government employers for the first time in 1964, the State Police Retirement System as established in 1965, and the alternate benefit programs for State and county colleges as authorized in 1968, and as expanded to include the group life and long-term disability benefits for all public institutions of higher education in New Jersey as a result of legislation enacted in 1969, Unemployment Compensation for certain State employees in 1972, which was extended to all eligible employees in 1978, the Judicial Retirement System in 1973, the State Employees' Prescription Drug Program in 1976 and the State Employees' Dental Expense Program in 1978.

The Division of Pensions administers the laws governing the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, the Consolidated Police and Firemen's Pension Fund, the Police and Firemen's Retirement System, the Prison Officers' Pension Fund, the State Police Retirement System, Central Pension Fund, Judicial Retirement System, Alternate Benefits Programs of public institutions of higher education, the Supplemental Variable Annuity System, the State Health Benefits Plan, the State Employees' Prescription Drug and Dental Expense Programs, the State Agency for Social Security and the Pension [Increase] Adjustment Program, subject to rules, regulations and decisions of the respective boards of trustees and commissions of these systems as such may be altered from time to time by legislation, court decisions and opinions of the Attorney General.

In the regulations governing the general administration of the Division of Pensions there are those which are common to all employee benefit programs administered by the division as well as those which are unique to specific systems, such as the alternate benefit programs of State and county colleges, the Central Pension Fund, Judicial Retirement System, Pension [Increase] Adjustment Program and the State Agency for Social Security.

The Pension Adjustment [Increase] Program was established pursuant to N.J.S.A. 43:3B-1 through 6, Chapter

143, P.L. 1958, and it covers all eligible pensioners of the State-administered retirement programs.

The State agency for Social Security was initially established by N.J.S.A. 43:22-1 et seq., Chapter 253, P.L. 1951, and became effective with the execution of a Federal-State compact on Social Security coverage in December, 1952. Pursuant to N.J.S.A. 43:15A-1 et seq., Article I of Chapter 84, P.L. 1954, all eligible public employees in New Jersey were required to be covered by Social Security pursuant to the terms of the Federal-State agreement effective January 1, 1955. [Under terms of the State statute the State Treasurer is the State agency and his responsibility is delegated to the Director of the Division of Pensions.] Under the terms of the State statute, the work of the State agency is delegated to the Director of the Division of Pensions.

...

#### 17:1-1.15 Endorsements

(a) (No change.)

(b) In cases where a member or beneficiary is mentally or physically incompetent, the appointment of a legal guardian, conservator or committee will be required. The division must be supplied with a copy of the legal document and the guardian's signature must be registered with the division on a signature card. In cases where an incompetent retired member or beneficiary is confined to a State institution in New Jersey (under Department of [Institutions and Agencies] Human Services) in lieu of guardianship, his or her retirement allowance may be continued upon court order (N.J.S.A. 30:4-67 et seq.) directing the retirement system to make payment to the chief administrative officer for the use and care of said member or beneficiary during the period of confinement.

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

#### 17:1-2.6 Certifying [agent] officer

The Business Manager or other official designated by the institution shall be the certifying [agent] officer for the alternate benefit program and shall be responsible for all duties prescribed by statute and by rules and regulations of the Division of Pensions.

#### 17:1-4.2 Compulsory enrollments; failure to enroll

(a) (No change.)

(b) In some cases the employee may fail to file an application for enrollment even though he and his employer have been advised of the compulsory nature of enrollment. In these cases the certifying [agent] officer is obligated to complete the employee's section of the enrollment application as well as such other information prescribed on the enrollment application. However, where an employer fails to complete the information prescribed by the enrollment application, the employee will be enrolled and assigned the highest possible rate of pension contribution. Upon receipt of a properly completed enrollment application, the member's rate of contribution will be re-determined and his contributions adjusted, and the member's beneficiary designation may be accepted provided the member has signed the enrollment application.

(c) - (d) (No change.)

Full text of new rules follows.

#### 17:1-4.32 Workers compensation: Reduction of retirement allowance

(a) In the event the Division receives, subsequent to the date a member has retired, a confirmation that he is in receipt of periodic workers compensation benefits, his allowance shall be reduced.

1. The reduction will be based on the actuarial factors applicable to his age at the time the confirmation is received.
2. The allowance will be reduced to take effect as of the first of the month following the date the confirmation is received.

17:1-8.13 Social Security coverage: Excluded services

If an employer had previously excluded services which he subsequently wishes to cover, he shall be required to cover all previously excluded services in order to avoid the issue of discrimination against any particular group of eligible employees.

17:1-8.14 Administrative fee

(a) The administrative cost of the program shall be borne by the State and reimbursed annually on a pro-rata basis by participating employers.

(b) The cost will be reduced by specific charges of \$10.00 per employee for each delinquent transmittal, remittance or report.

(c) The participating employer's share of the remaining cost will be apportioned over five ranges based upon the following schedule of employees. Employers will be notified in December of each year of the charge appropriate to each range.

Range	Number of Employees
1	1-10
2	11-25
3	26-50
4	51-100
5	Over 100

(d) There is no administrative fee payable for any School District Unit 002 coverage group or State agency.

Interested persons may present statements or arguments in writing relevant to the above proposal on or before February 25, 1981 to:

William J. Joseph, Director  
Division of Pensions  
20 West Front St.  
Trenton, N.J. 08625

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

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Amend Medical Records Availability

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to amend N.J.A.C. 17:1-4.22 concerning the availability of medical records by deleting the current text and substituting new text therefor.

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

17:1-4.22 [Medical records; availability] **Disability** **retirants; availability of medical records**

[(a) Medical data compiled by the Disability Review Section will not be released to any person, including the applicant.

(b) The medical data is for the exclusive and confidential use of the Board or Commission of the retirement system in which the member holds his membership. It can only be made available to the applicant or his attorney in the case of an appeal before the Hearing Officer of the Division or pursuant to a court order.]

The Division will release a copy of the examining physician's medical report to the member, his attorney or any person authorized by the member in writing to receive a copy of such report. In no event will the report be released to any individual not authorized in writing to receive the report.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

William J. Joseph, Director  
Division of Pensions  
Department of the Treasury  
20 West Front Street  
Trenton, N.J. 08625

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

(b)

## TREASURY

### STATE HEALTH BENEFITS COMMISSION

#### Proposed Rule on Policy Provisions Adoption

The State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 et seq., proposes to adopt a new rule to be cited as N.J.A.C. 17:9-2.16 concerning policy provisions adoption.

Full text of the proposed new rule follows.

17:9-2.16 Policy provisions adoption

The State Health Benefits Commission adopts by reference all of the policy provisions contained in the contracts between the carriers, the health maintenance organizations and the State Health Benefits Commission as well as any subsequent amendments thereto, to the exclusion of all other possible coverages.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(c)

## TREASURY

### STATE HEALTH BENEFITS COMMISSION

#### Proposed Amend Medicare Refunds

The State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to

authority of N.J.S.A. 52:14-17.27 et seq., proposes to amend N.J.A.C. 17:9-5.8 concerning Medicare refunds.

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

17:9-5.8 Medicare refunds

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

(g) Since Medicare premiums reimbursements are dependent upon sufficient, annual appropriations from the legislature, eligible reimbursements regarding Medicare Part B premiums will include only those premiums that have been paid within the 12 months immediately preceding the date of submission of the appropriate claim for refund form by the employee. Medicare Part B premiums paid prior to the 12 months immediately preceding the date of submission of the appropriate claim for refund form are not eligible for reimbursement.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

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

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

(a)

**TREASURY**

**DIVISION OF TAXATION**

**Proposed Rule on Sales Tax**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to adopt a new rule to be cited as N.J.A.C. 18:24-12.4 concerning sales tax for food and drink provided in rest rooms, nursing homes and boarding homes for senior citizens.

Full text of the proposed new rule follows.

18:24-12.4 Food and drink provided in rest homes, nursing homes and boarding homes for senior citizens

A rest home, nursing home, and boarding house for senior citizens, whether or not registered with the New Jersey Department of Human Services, which accepts as residents only those persons who require special care because of age, illness or debility, and which provides special care by nurses, orderlies or aides, is not required to collect sales tax for food and drink which are included in the total charges it makes to its residents for board, shelter and care.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 25, 1981 to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Streets  
Trenton, N.J. 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

(b)

**TREASURY**

**DIVISION OF TAXATION**

**Home Improvement Exemptions**

On December 19, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 18:12-6A.7 as proposed in the Notice published October 9, 1980 at 12 N.J.R. 614(b).

An order adopting this rule was filed and became effective on December 22, 1980 as R.1981 d.553.

(c)

**TREASURY**

**DIVISION OF PENSIONS**

**Repeal Responsibility of Director**

On December 29, 1980, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 17:1-8.1 concerning the responsibility of the Director in matters concerning Social Security as proposed in the Notice published December 4, 1980 at 12 N.J.R. 727(e).

An order adopting this rule was filed and became effective on January 2, 1981 as R.1981 d.1.

(d)

**TREASURY**

**DIVISION OF TAXATION**

**Partnerships Under Gross Income Tax Act**

On January 8, 1981, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:35-1.14 concerning partnerships under the Gross Income Tax Act as proposed in the Notice published November 6, 1980 at 12 N.J.R. 676(a) but with inconsequential structural or language changes in the opinion of the Department.

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

18:35-1.14 Partnerships

(a) Partnership and partner defined:

1. "Partnership" means and shall include [two or more individuals, an association,] a syndicate, group, pool, joint venture and any other unincorporated organization through or by any means of which any business, financial operation or venture is carried on and which is not a corporation or trust or estate within the meaning of the New Jersey Gross Income Tax Act.

2. "Partner" means and shall include a member of such a syndicate, group, pool, joint venture or organization.

(b) Taxability of partners [and Members]:

1. A partnership as such is not subject to tax. However, the individual [members] partner of a partnership [or association] shall be subject to tax as provided in these rules on his share of the income or gain, whether or not distributed, which was received or accrued by the partnership [or association] for its taxable year ending within or with the partner's [or member's] taxable year.

2. A partner [or member] who is a resident taxpayer of New Jersey shall report his entire share of the income or gain from a resident or nonresident partnership [or association] regardless of where such income or gain was earned.

3. A partner [or member] who is a nonresident taxpayer of New Jersey shall report only the income or gain of the partnership from sources within this State. Where a partnership's business is carried on solely within this State, all of the income or gain from the partnership would be derived from sources within this State. Where a partnership's business is carried on both inside and outside New Jersey, the income attributable to sources within New Jersey for the nonresident partner should be determined by use of the New Jersey gross income tax business allocation schedule, form NJ-1040-NR-A.

(c) Determination of distributive share of partnership income:

1. A partner [or member of an association] shall report, as provided in (c)[5]4 below, his share of the income or gain of a partnership for its taxable year ending within or with the partner's [or member's] taxable year. A partner's share of the net income of a partnership shall include his share of guaranteed payments received from the partnership in the same manner as for federal income tax purposes.

2. Net income of a partnership [or association] shall be determined and reported on the basis of accepted accounting principles and practices after provision for all costs and expenses incurred in the conduct thereof. No deduction from gross income shall be allowed for:

i. - ii. (No change.)

[3. The transfer of cash or property to a partner or member of a partnership or association in liquidation of his interest therein shall give rise to gain or loss to the extent of the different between the cash and fair market value of other property received by the partner or member and the partner's or member's base for his partnership or association interest immediately before the distribution.]

Renumber 4. and 5. as 3. and 4.

(d) - (f) (No change.)

An order adopting this rule was filed and became effective on January 8, 1981 as R.1981 d.6.

(a)

TREASURY

STATE LOTTERY COMMISSION

Emergency Rules on "10th Anniversary" Instant Lottery

On January 6, 1981, Gloria A. Decker, Executive Director of the New Jersey State Lottery Commission, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an emergency new rule to be cited as N.J.A.C.

INDEX FOR THIS ISSUE

(Continued from Front Cover)

CORRECTIONS

- Prop. amend Parole Board rules .....101(b)
Amend Parole Board rules .....101(c)

INSURANCE

- Municipalities requiring payment of unpaid liens..101(d)

LABOR AND INDUSTRY

- Emerg. rules on pension offset of unemployment ..102(a)

LAW AND PUBLIC SAFETY

- Prop. amend beauty shop toilet facilities .....102(b)
Prop. rule on misconduct and dental claims ....102(c)
Amend professional advertising by dentists .....103(a)
Intravenous sedation by dentists .....103(b)
Notice of intrastate bulk commodities applicants ..103(c)
Amend mortuary science test review .....104(a)
Amend mortuary science tests .....104(b)
Amend rules on prescriptions for dangerous drugs 104(c)

ENERGY

- Public hearing: Oil recycling .....104(d)
Coastal Energy Impact Program: Funds for grants .....104(e)
Rulemaking on contributed property depreciation 105(a)
Notice of discontinuance and bill disputes .....105(b)

TRANSPORTATION

- Prop. amend Route 34, U.S. 202 speed zones .....105(c)
Prop. amend parking on U.S. 9 and Route 70 .....105(d)
Prop. amend parking on U.S. 9 and 206 .....106(a)
Prop. amend parking on U.S. 202, Routes 15, 18 ..106(b)
Prop. no-passing zones on Shore Road, Island Beach .....107(a)
Prop. rules on Route 179 no passing .....107(b)
Prop. amend limited access to Route 444 and U.S. 9 .....108(a)
Prop. amend use permits on State railroad property .....108(b)
Prop. amend "prequalification committee" .....108(c)

TREASURY

- Prop. amend pension administration .....109(a)
Prop. amend medical records and disability retirants .....110(a)
Prop. rule on health benefits policy provisions....110(b)
Prop. amend Medicare refunds .....110(c)
Prop. rule on food tax and senior citizens homes..111(a)
Home improvement exemptions .....111(b)
Repeal pension director's responsibility .....111(c)
Amend partnerships under Gross Income Tax ....111(d)
Emerg. rules on 10th Anniversary instant lottery 112(a)

ADMINISTRATIVE CODE—Interim Index.....77

March Rules Filing Deadline ..... February 5

April Rules Filing Deadline ..... March 12

17:21-11 (Temporary lotteries) concerning the "10th Anniversary" instant lottery game.

An order adopting this rule was filed and became effective on January 13, 1981 as R.1981 d.11.