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NEW JERSEY REGISTER



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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

OFFICE OF ADMINISTRATIVE LAW

Finality of Procedural Decisions

On February 17, 1981, Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14F-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 1:1-9.7, 1:1-11.2, 1:1-11.3, 1:1-12.4, 1:1-14.3, and 1:1-15.2 concerning finality of procedural decisions as proposed in the Notice published January 8, 1981 at 13 N.J.R. 3(b).

An order adopting this rule was filed and became effective on February 17, 1981 as R.1981 d.55.

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Amend Brucella Vaccination

Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22, proposes to amend N.J.A.C. 2:2-2.2 concerning official calfhood Brucella vaccination.

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

2:2-2.2 Official calfhood Brucella vaccination

Only Brucella abortus vaccine, desiccated, produced from cultures of Brucella abortus, strain 19, administered subcutaneously [in the amount of five cubic centimeters per animal] shall be used for official calfhood Brucella vaccination. Such dosage shall be administered in conformity with the uniform methods and rules of the bovine brucellosis eradication program as published by the United States Department of Agriculture APHIS-91-1.

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to

the above proposal on or before March 25, 1981. Comments should be directed to:

Robert E. Horton, Director
Division of Animal Health
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625
(Telephone: 609-292-3965)

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

(c)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Proposed Amend Commercial Fertilizers

Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26, proposes to amend N.J.A.C. 2:69-1.11 concerning commercial values of primary plant nutrients.

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

2:69-1.11 Commercial values

(a) The State Board of Agriculture, pursuant to N.J.S.A. 4:9-15.26, determines the commercial values of primary plant nutrients to be:

1. Nitrogen: [\$3.30] \$3.50 per unit;
2. (No change.)
3. Available phosphoric acid: [\$2.65] \$2.80 per unit;
4. Soluble potash: [\$1.60] \$1.80 per unit.

(b) These values shall be effective from July 1, [1980] 1981 through June 30, [1981] 1982.

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the above proposal on or before March 25, 1981. Comments should be directed to:

NEW JERSEY REGISTER

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

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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.

Robert C. Fringer
Division of Regulatory Services
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625
(Telephone: 609-292-5575)

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

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Brucellosis and Tuberculosis Tests for Cattle

On February 4, 1981, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:3-2.3 and 2:3-2.4 concerning brucellosis and tuberculosis tests for cattle as proposed in the Notice published January 8, 1981 at 13 N.J.R. 4(b).

An order adopting this rule was filed and became effective on February 4, 1981 as R.1981 d.39.

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Slaughtering of Market Cattle and Goats

On February 4, 1981, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 2:2-2.16 concerning slaughtering of market cattle and goats as proposed in the Notice published January 8, 1981 at 13 N.J.R. 5(a).

An order adopting this rule was filed and became effective on February 4, 1981 as R.1981 d.40.

(c)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Movement of Livestock

On February 4, 1981, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-69 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:3-4.1 concerning movement of livestock to approved slaughtering establishments as proposed in the Notice published January 8, 1981 at 13 N.J.R. 5(b).

An order adopting this rule was filed and became effective on February 4, 1981 as R.1981 d.41.

(d)

AGRICULTURE

DIVISION OF ANIMAL HEALTH Repeal Hog Cholera Quarantines

On February 4, 1981, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 2:5-1 concerning hog cholera quarantines as proposed in the Notice published January 8, 1981 at 13 N.J.R. 5(c) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on February 4, 1981 as R.1981 d.42.

(e)

BANKING

CONSUMER CREDIT BUREAU

Proposed Amend Rules on Small Loan Licensees

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-23, proposes to repeal N.J.A.C. 3:17-4.4 concerning authorization for small loan licensees to engage in the secondary mortgage loan business and to adopt new rules to be cited as N.J.A.C. 3:17-7 concerning other business in which small loan licensees may engage.

Full text of the rule to be repealed follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

3:17-4.4 [Authorization to engage in secondary mortgage loan business] (Reserved)

[(a) A licensee may conduct the business of making loans under the provisions of the Small Loan Law in the same office, room or place of business where the licensee or any affiliate or associate thereof also engages in a secondary mortgage loan business as authorized by N.J.S.A. 17:11A-34 to 63, the Secondary Mortgage Loan Act, subject to the following conditions:

1. The provisions of N.J.S.A. 17:11A-34 to 63, the Secondary Mortgage Loan Act, shall be observed in all respects.

2. The books, accounts and records which pertain to a licensee's secondary mortgage loan business shall be kept so that all such business may be readily separated and distinguished from the licensee's small loan business.

3. Joint expenses of the small loan and secondary mortgage loan businesses shall be apportioned reasonably by the licensee so as not to distort the annual report figures which must be filed with the Commissioner.

4. The Commissioner may, by written directive and after the licensee has had an opportunity to be heard, suspend or revoke a licensee's authority to engage in the secondary mortgage loan business if it is determined that the licensee violated any of the conditions heretofore set forth.]

Full text of the proposed new rule follows.

SUBCHAPTER 7. OTHER BUSINESS

3:17-7.1 Permissible other businesses

(a) A small loan licensee may engage in certain other

types of businesses as permitted in this subchapter. Such other types of businesses may be conducted by the small loan licensee in the same office, room or place of business where the licensee conducts the business of making loans under the Small Loan Law.

(b) Upon obtaining any necessary license or authorization, a small loan licensee may engage in the following other types of businesses:

1. The secondary mortgage loan business. Any such business shall be conducted in accordance with the provisions of N.J.S.A. 17:11A-34 et seq., the Secondary Mortgage Loan Act;

2. The sales finance company business. Any such business shall be conducted in accordance with the provisions of N.J.S.A. 17:16C-1 et seq., the Retail Installment Sales Act of 1960;

3. The home financing agency business. Any such business shall be conducted in accordance with the provisions of N.J.S.A. 17:16C-62 et seq., the Home Repair Financing Act;

4. The insurance premium finance company business. Any such business shall be conducted in accordance with the provisions of N.J.S.A. 17:16D-1 et seq., the Insurance Premium Finance Company Act;

5. The making of business or commercial loans;

6. The financing of installment contracts involving the time sale of goods or services which are to be utilized by the buyer for business or commercial purposes;

7. The leasing of personal property for business or commercial purposes;

8. Income tax preparation service;

9. Such other businesses as the Commissioner in his discretion may deem appropriate and for which specific approval is obtained pursuant to N.J.A.C. 3:17-7.3.

3:17-7.2 Separation of books and records

(a) The books, accounts and records which pertain to each of the business activities specified in N.J.A.C. 3:17-7.1 conducted by the licensee shall be maintained so as to be readily separated and distinguished from the books, accounts and records associated with the licensee's small loan business.

(b) Joint expenses of the small loan business and each of the business activities specified in N.J.A.C. 3:17-7.1 conducted by the licensee shall be reasonably apportioned to each such business so as not to distort the annual report that any such licensee is required to file.

3:17-7.3 Procedure for obtaining approval

(a) Commencing 60 days from the effective date of this subchapter, no small loan licensee may conduct any business activity other than the business of making small loans, except those businesses specifically permitted by N.J.A.C. 3:17-7.1(b)1 through 8, without approval from the Commissioner obtained as specified in this section. Prior to commencing the conduct of any of the other business activities permitted by N.J.A.C. 3:17-7.1(b)9, a small loan licensee shall notify the Commissioner of its intention to do so. Such notice shall contain a detailed description of the proposed activity and a statement of the perceived public need for such activity. Within 30 days from the date of the Commissioner's Notice of Acceptance to the small loan licensee, if the Commissioner does not disapprove of that activity, the activity shall be deemed approved.

(b) Small loan licensees who have obtained, prior to the effective date of this subchapter, approval from the Commissioner to conduct businesses other than those specified in N.J.A.C. 3:17-7.1(b) must, within 60 days from the effective date of this subchapter, obtain approval as specified in this section.

3:17-7.4 Suspensions or revocation of authority

The Commissioner may, by written directive and after the licensee has had an opportunity to be heard, suspend or revoke a licensee's authority to engage in any of the business activities specified in N.J.A.C. 3:17-7.1 if it is determined that the licensee has violated any of the conditions heretofore set forth or has otherwise demonstrated unworthiness to be so authorized.

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

Roger F. Wagner, Deputy Commissioner
Division of Banking
Trenton, New Jersey 08625

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

(a)

BANKING

DIVISION OF BANKING

Emergency Rules on Home Repair Financing

On January 27, 1981, Roger F. Wagner, Deputy and Acting Commissioner of the Department of Banking, pursuant to authority of N.J.S.A. 17:16C-69 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency new rules to be cited as N.J.A.C. 3:19-2 concerning credit service charge rate regulations under the Home Repair Financing Act.

Full text of the emergency adoption follows.

CHAPTER 19

HOME REPAIR FINANCING ACT REGULATIONS

SUBCHAPTER 2. CREDIT SERVICE CHARGE RATE REGULATION NO. ONE

3:19-2.1 Maximum credit service charge rate permissible

(a) The maximum credit service charge rate to be charged, contracted for or received for the financing of home repair contracts shall not exceed an annual percentage rate of 18 percent. Such credit service charge shall be calculated in accordance with the provisions of N.J.S.A. 17:16C-69 (Chapter 174, P.L. 1980).

(b) This section shall have prospective effect only.

(c) The rate established by this section shall be effective upon filing and shall remain in force until such time as this regulation is rescinded or until said rate is increased or decreased by a subsequent regulation.

An order adopting this rule was filed and became effective on January 27, 1981 as R.1981 d.29 (Exempt, Emergency Rule).

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amend Appointment Of Eligible Certified

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-12.15 concerning extension of a certification list for 45 days under certain conditions.

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

4:1-12.15 Appointment of eligible certified

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

(c) In State service, the appointing authority shall record the disposition of the certification and [notify] forward the record of the disposition to the Department of Civil Service within 15 days [after] of receipt of the certification. [Such record shall be forwarded to the Department of Civil Service.]

(d) If the certification will result in the displacement of a provisional employee who holds permanent status in a lower title and it is necessary to institute layoff procedures, the Chief Examiner and Secretary, upon written request from the appointing authority, may extend the time period for disposing of the certification for an additional 45 days.

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

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25, 1981 to:

Peter J. Calderone, Esq.
Acting Director of Administrative Practices
and Labor Relations
215 East State Street
P.O. Box 1918
Trenton, New Jersey 08625

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

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amend CSPM: Interim Status Of Permanent Employees Promoted to Higher Class (State and Local)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend Subpart 8-6.101 in the Civil Service Personnel Manual (State and Local) concerning the return of provisional employees with permanent status at a lower title to that lower title.

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

Subpart 8-6.101 Interim Status of Permanent Employees Promoted to Higher Class

8-6.101a Subject:

This subpart [provides that] describes the policy and procedure applicable to any employee with permanent status in the classified service who [has attained permanent status in any class and] has been [elevated] promoted to a higher class in the same organizational unit [on a temporary or provisional basis, shall be] and is serving provisionally or in a working test period.

8-6.101b Policy:

The provisional or probationary employee is considered [as] to be continuing in the lower class (permanent status) [during all time] while serving [in the higher class] provisionally or in a working test period in the higher class and continues to accrue seniority in the lower class.

8-6.101c Procedures:

[In such cases] It [will] is not [be] necessary to grant this employee a leave of absence from the lower class. [and] An employee's tenure rights to the lower class [will] continue until [such time as] the employee becomes permanent (successfully completes his working test period) in the higher class. Appointments replacing the employee in the lower class [will continue to be] are made in accordance with the laws and rules concerning permanent positions. An employee [, while serving their working test period] in the higher class [will] is not [be] eligible for other promotional examinations at [that level.] the higher level while serving his/her working test period. If an employee fails the working test period, or otherwise returns to his/her lower permanent title, and a promotional examination for which she/he is eligible was announced in the interim, she/he may request a make-up examination.

[In conformance with this administrative policy,] Any such employee, [prior to attaining permanent status in the higher class,] who is discontinued in that higher class during provisional employment or his/her working test period shall be returned to the duties and responsibilities of the lower class unless she/he has been otherwise disqualified for further employment. See subpart 14-1.101 for procedures for the return of provisional employees and employees who fail their working test period and provisional employees to their permanent titles.

8-6.101c Application:

This policy and procedure [shall] appl[y]ies to all situations in which a permanent employee is [elevated] promoted* to a higher class whether the [elevation] promotion* is from the non-competitive or labor division to the competitive division or within any of the divisions of the classified service.

*Promotion is to be interpreted for salary reasons only: an employee in the non-competitive or labor division can be appointed to a higher position, but is not eligible for a promotion.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25, 1981 to:

Peter J. Calderone, Esq.
Acting Director of Administrative Practices
and Labor Relations
215 East State Street
P.O. Box 1918
Trenton, New Jersey 08625

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

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amend Discriminatory Inquiries on Pre-Employment Applications (State Service And Local Jurisdictions)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq., proposes to amend Subpart 8-10.101 of the Civil Service Personnel Manual (State Service and Local Jurisdictions) concerning discriminatory inquiries on pre-employment application forms used by appointing authorities by deleting the current text in its entirety and substituting new text therefor.

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

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

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

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

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amend CSPM: Restoration to Employment List (State and Local)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend Subpart 13-8.101 in the Civil Service Personnel Manual (State and Local) concerning return of an employee to an employment list.

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

Subpart 13-8.101 Restoration To An Employment List:

13-8.101a Subject:

This subpart [will] explains the conditions under which an employee [will be] is returned to an employment list after employment is terminated either during or at the end of a working test period. See Subpart 14-1.101 for procedure for the return of employees to their permanent title if they fail their working test period.

13-8.101b Conditions:

Employees who, either during or at the end of a working test period:

1. are removed because of unsatisfactory service,
 2. resigned in lieu of removal for unsatisfactory service, or
 3. resigned for other reasons, in good standing
- may be restored to an employment list. Such restoration to the employment list will occur subject to the following conditions:

1. Employees who have separated for reasons other than 1 or 2 above shall upon request be automatically restored to the employment list.

2. Employees who have been removed or have resigned in lieu of removal, either during or at the end of their working test period, may request [restoration] to have their names restored to the employment list from the effective date of termination. After recommendation by the appointing authority, the Chief Examiner and Secretary shall determine whether the employee is suitable for employment in another position. Restoration will be made on a case by case basis.

13-8.101c Distribution of information

Upon removal or resignation of an employee, either during or at the end of [their] his/her working test period, [such] the employee will be given a copy of this subpart.

NOTE:

Employees who have been removed either during or at the end of their working test period and wish to contest such removal may appeal to the Civil Service Commission and shall be granted a hearing pursuant to N.J.A.C. 4:1-13.7.

If an employee files [such] an appeal to the Civil Service Commission for reinstatement and [also] requests that the Chief Examiner and Secretary restore his/her name to the employment list, the request shall be held in abeyance until final disposition of the hearing. [pursuant to the aforementioned rules before the Civil Service Commission.] The Director, Division of Administrative Practices and Labor Relations shall notify the Chief Examiner and Secretary of such appeal.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25, 1981 to:

Peter J. Calderone, Esq.
Acting Director of Administrative Practices and Labor Relations
215 East State Street
P.O. Box 1918
Trenton, New Jersey 08625

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

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amend CSPM: Return of Probationary and Provisionally Appointed Employees to Permanent Titles

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to adopt a new subpart to be cited as 14-1.101 in the Civil Service Personnel Manual (State and Local) concerning the procedure for return displaced employees, probationary or provisional, to their permanent titles.

Full text of the proposed new rule follows.

Subpart 14-1.101 Return of Probationary and Provisionally Appointed Employees To Their Permanent Titles

14-1.101a Subject

This subpart describes the procedure for returning dis-

placed employees, probationary or provisional, to their permanent titles.

14-1.101b Policy

When an employee with a permanent status in a lower title fails the working test period in a higher title, is displaced by a certification or has his/her provisional appointment terminated by the appointing authority, she/he will be returned to a position in the lower permanent title within the organizational unit. The organizational unit may be as narrow as the promotional unit scope or as wide as the department or legally constituted authority, office or commission, as appropriate.

14-1.101c Procedure

The appointing authority and affected employee shall resolve the situation, if possible, through the Level 1 procedures before proceeding to Level 2.

1. Level 1 - Ordinary procedure for returning displaced employees

The operating agency shall:

- (a) Reassign the displaced employee to a vacant position in his/her permanent title; or
- (b) Terminate a provisional employee with no permanent status serving in the displaced employee's permanent title and assign the displaced employee to the vacated position; or
- (c) Return a provisional employee with permanent status in a title lower than that of the displaced employee to his/her permanent title and assign the displaced employee to the vacated position.

Example: X is serving as a probationer or provisionally in a Supervising Research Analyst title and has permanent status in the lower title of Principal Research Analyst. X is being displaced.

Y is serving provisionally as Principal Research Analyst and has permanent status in the lower title of Senior Research Analyst (or comparable title).

Z is serving provisionally as a Senior Research Analyst. Z has no permanent status.

- 1. X is displaced.
- 2. Z is terminated since she/he has no permanent status.
- 3. Y is returned to his/her permanent status title as Senior Research Analyst, as vacated by 2., leaving a position as Principal Research Analyst (or comparable title) free.
- 4. X, the originally displaced employee, is then assigned to the vacant position as Principal Research Analyst (or comparable title).

2. Level 2 - Optional procedures for returning displaced employees.

The operating agency may offer to the employee other positions for which she/he qualifies, in addition to Level 1 positions. This may be in the same or different title or series.

The displaced employee may voluntarily accept appointment to a position under another title for which she/he qualifies. The status and salary of an employee who exercises this option shall be determined in accordance with CSPM subparts and policy.

(a) If the operating agency offers other options, in addition to the level 1 procedures, the employee may accept the level 1 or level 2 choices.

(b) If the operating agency offers level 1 procedures and no level 2 options the employee must accept the level 1 procedures.

(c) If the appointing authority and employee cannot utilize any of the above options, the employee must be apprised of his/her layoff, demotional and reemployment

rights pursuant to N.J.A.C. 4:1-16.5. Layoff (reduction-in-force) procedures are to be followed as described in CSPM 16-5.101.

If it is necessary to follow reduction-in-force procedures and a certification is outstanding, the operating agency shall request, in writing, that the Chief Examiner and Secretary extend the disposition of the certification for 45 days or longer to allow for the required 45 day notice of layoff.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25, 1981 to:

Peter J. Calderone, Esq.
Acting Director of Administrative Practices
and Labor Relations
215 East State Street
P.O. Box 1918
Trenton, New Jersey 08625

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

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amend Uniform Construction Code

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119 et seq., proposes to amend N.J.A.C. 5:23-1.4, 2.2, 2.3, 2.10, 5.2 and 5.11 concerning the Uniform Construction Code.

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

5:23-1.4 Definitions

“Certificate of continued occupancy” means the certificate provided for in [subchapter 2 of this chapter] N.J.A.C. 5:23-2, indicating that [there are not known or visible] as a result of a general inspection of the visible parts of the building there are no apparent violations of the regulations and that the existing use of the building has heretofore existed.

“Prior approvals” means the necessary certifications or approvals of any Federal or State agency, or any political subdivision of the State which are not inconsistent with this chapter and which are conditions precedent to the issuance of a construction permit or a certificate of occupancy, which shall include but is not limited to the following:

- 1. Zoning;
- 2. Soil erosion and sediment control;
- 3. Highway curb cuts;
- 4. Water and sewer service extension permits; and
- 5. Coastal areas facilities review.

5:23-2.2 Matter covered

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

(e) Where provisions herein specify requirements for structural, fire and sanitary safety, no provision of any municipal zoning or [general] other municipal code shall conflict, govern or have effect. Where provisions herein

specify requirements with respect to location, use, permissible area and height and the municipal zoning code established requirements as well, then the more restrictive requirements of this code or the zoning code shall govern.

(f) (No change.)

5:23-2.3 Applicability

(a) (No change.)

(b) (No change.)

1. (No change.)

2. Physical value: In applying the provisions of this section, the physical value of the structure shall be determined by the construction official and be based on current replacement costs.

i. Current replacement costs shall be calculated using the latest edition of the "Building Valuation Date Report" as published by BOCA International, Inc., [1313 East 60th Street, Chicago, Ill., 60637] as referenced in N.J.A.C. 5:23-3.

(c) - (f) (No change.)

5:23-2.10 Construction board of appeals

(a) (No change.)

(b) Rules concerning applicants right of appeal and procedure are as follows.

1. - 3. (No change.)

4. The application shall be accompanied by a fee in the sum of \$50.00, unless established otherwise by the local or county governing body. An application shall not be considered complete unless accompanied by the appeal fee. In the case of appeal based on the failure of the enforcing agency to act within any time frame specified, the fee shall be waived;

5. (No change.)

(c) - (e) (No change.)

5:23-5.2 Office established; hearings

(a) (No change.)

(b) Rules concerning hearings are:

1. (No change.)

[2. Licensure advisory board:

i. Establishment: To assist and advise the commissioner or the hearing officer, there is hereby established a licensure advisory board. The board shall consist of five citizens as follows: one public member and one licensed code enforcement official from the building subcode, electrical subcode, fire protection subcode and plumbing subcode, who shall be appointed and serve at the pleasure of the commissioner. The members of the licensure advisory board shall be nonpaid, but shall be reimbursed for expenses incident to their duties.

ii. Powers and duties: The board shall have the following duties in addition to any others specifically enumerated in this subchapter.

(1) To participate in hearings and to provide technical assistance and advice to the hearing officer;

(2) To offer separate findings to the commissioner, individually or as a group, where the board or a member of the board differs with the recommendation of the hearing officer.]

[3.12. Rules concerning hearing procedures are:

i.-xvi. (No change.)

5:23-5.11 Revocation of licenses

(a) (No change.)

(b) The Department, in addition or as an alternative, as the case may be, to revoking or suspending a license, may issue a letter of warning, reprimand, or censure with regard to any conduct which in the judgment of the Department does not warrant such revocation or sus-

pension. Such letters of warning, reprimand or censure, in addition to any other filing requirements, shall be made a part of the licensing file of the individual.

Renumber (b) as (c).

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

William M. Connolly, Deputy Director

Division of Housing

Department of Community Affairs

CN 804

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 Uniform Construction Code

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119 et seq., proposes to amend N.J.A.C. 5:23-2.5, 3.2 and 4.8 concerning the New Jersey Uniform Construction Code.

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

5:23-2.5 Construction permits

(a) (No change.)

1. - 2. (No change.)

3. An annual construction permit may be issued by the construction official to educational, industrial, institutional, and merchantile facilities upon proper application.

i. Conditions of annual construction permit:

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

(2) The life of the annual construction permit shall be limited to one year.

(3) The facility shall maintain a construction log of all work performed. The construction log shall contain the date, a brief description and estimated or actual cost of each project. This log shall be subject to a quarterly inspection by the construction official or his authorized representative.

(4) Work that is normally inspected prior to enclosing, shall be inspected by the appropriate municipal subcode inspector upon proper notice.

(5) Alterations permitted shall be limited in area to 2500 square feet.

(6) New buildings and additions regardless of size shall not be permitted.

(b) (No change.)

1. - 4. (No change.)

5. (No change.)

i. - ii. (No change.)

iii. (No change.)

(1) (No change.)

(A) - (C) (No change.)

(D) Prototype or master plan filing: Designs repeatedly used at different locations may be designated as "pro-

tototype or master plans" and filed as follows: On initial application, one additional complete set of repeated portions of the project may be submitted along with a request for prototype or master plan filing. Subsequent submittals shall consist of at least a plot plan which is signed and sealed by a registered architect or professional engineer, including utilities, floor plan, exterior elevation and the prototype or master plan file identification number;

- (E) (No change.)
- (2) (No change.)

5:23-3.2 Matters covered; exceptions

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

2. Health care facilities shall be in accordance with this code and the standards imposed by the United States Department of Health[, Education and Welfare (HEW) and Human Services (HHS), and the State Department of Health, and the department, 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 limitation), 1202.7 and 1216.0, article 5 except sections 513.0, 519.0, 520.0 and 521.0, 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 [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;

- 3. - 4. (No change.)

5:23-4.8 Fees

- (a) (No change.)
- (b) (No change.)
- 1. (No change.)
- i. - iii. (No change.)

iv. The fee to be changed for an annual construction permit shall be paid annually. This fee shall be a flat fee based on the assessed property value of the facility. The fee shall be in the amount of \$1.00 per \$10,000 of assessed property value with a minimum of \$100.00 and a maximum fee of \$1,000.

- 2. - 12. (No change.)
- (c) - (g) (No change.)

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

William M. Connolly, Deputy Director
Division of Housing
Department of Community Affairs
CN 804
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 Uniform Construction Code:
Notice of Public Hearing

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119 et seq.,

proposes to amend N.J.A.C. 5:23-3.2 through 3.7 concerning the Uniform Construction Code.

These amendments to the various subcode provisions are in the nature of substitution for 1981 editions of the subcodes for those currently in effect and the making of all appropriate changes in references. The amendments modify rules in the following areas: health care facilities; enforcement responsibility of subcode officials; the building subcode; the plumbing subcode; the electrical subcode; and the fire protection subcode.

Full text of the proposed amendments can be obtained from:

Michael L. Ticktin
Department of Community Affairs
Division of Housing
CN 804
Trenton, N.J. 08625

A public hearing on the proposed action will be held on Friday, March 13, 1981 at the Department of Community Affairs, 363 West State Street, Trenton, N.J. Persons wishing to testify at that hearing are advised to contact Michael L. Ticktin, Assistant to the Director of the Division of Housing, CN 804, Trenton, N.J. 08625, (609) 292-0505, to arrange to be scheduled as a speaker. Written statements may be submitted at the hearing or at any time on or before March 25, 1981 to Mr. Ticktin at the address indicated.

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

(b)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Proposed Rule on Form of
Tax Collection Record

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 a new rule concerning the form of tax collection record for the use of the municipal taxing districts of the State of New Jersey. The proposed form will be referenced but not reproduced in the New Jersey Administrative Code at N.J.A.C. 5:30-9.2.

Copies of the proposed forms are available for review at the Division of Local Government Services in the Department of Community Affairs at 363 West State Street, Trenton, New Jersey 08625.

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

Alice Ann Hauck
Division of Local Government Services
Department of Community Affairs
CN 803
Trenton, N.J. 08625

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

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Issuance of Interpretations On Construction Code

Take notice that Philip B. Caton, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs has issued Interpretation No. 2A modifying Interpretation 2 (construction permits) and Interpretation 11 concerning section 2.6.1 (trenching and bedding) of the National Standard Plumbing Code. Both Interpretations will be considered binding on all Code officials and will be effective on March 1, 1981.

Full text of the Interpretations follows.

Interpretation No. 2A

N.J.A.C. 5:23-2.5 sets the standards for plans required to be submitted to the Construction Official in order to obtain a construction permit.

The Commissioner has determined that the plan requirements for a One Family Residence shall be as follows:

PLAN REQUIREMENTS FOR A SINGLE FAMILY RESIDENCE

The application for a permit for a single family residence shall be accompanied by not less than two copies of plans drawn to scale, with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. Plans submitted shall not be required to show more detail or include more information than shall be reasonably necessary to assure compliance with the requirements of the code and these regulations.

Plans containing the following information shall be considered to meet the above requirements:

1. Site Diagram: A site plan showing size and location of all new and existing construction on the site with distances from lot lines. Indicate new building services, location and size.

2. Construction Plans: A scale drawing showing foundation, floor plans, and elevations, including structural framing notes for all floors, ceilings and roofs. Only girders and columns need be identified and located on the plan. Included on the drawings shall be a loading schedule indicating the live loads for which the structure is designed.

3. Details:

A. Section: A cross section through one typical wall showing construction details from footing to and including roof framing. This section shall indicate all construction materials used including roofing, vapor barriers, sheathing type and thickness, insulation type and thickness, windows, glazing type if other than standard window glazing is used, interior finish material, floor type and thickness, structure, foundation and footings. Decorative material shall not be required to be shown except when they contribute to the structural integrity of the section.

B. Electrical Details: Indicating lighting; receptacles; motors and equipment; smoke detectors; service entrance locations; size and type (overhead or underground); panel size, location; number of proposed circuits. A symbol legend shall be included.

C. Plumbing Details: Indicating the locations of fixtures and a notice or table listing water and drainage pipe

sizes. A note stating if sewage disposal is to public sewer or individual septic system.

D. Mechanical Details: Indicating the type of heating system; location, size and type of heating unit, note the distribution method and indicate design rates, location of fire dampers and safeguards; and location, type and size of flue.

4. Architects or Engineer Seal: The drawings shall bear the seal and signature of an architect or engineer who prepared the plans and is registered in the State of New Jersey. The seal and signature shall appear on each sheet of each copy of the plans submitted. The construction official shall waive the requirements for sealed plans in the case of a single family home owner who had prepared his own plans for the construction, alteration or repair of a structure used or intended to be used exclusively as his private residence, and is to be constructed by himself, providing that the owner shall submit an affidavit attesting to the fact that he has prepared the plans; and provided further that said plans are in the opinion of the construction official, and appropriate subcode officials legible and complete for purposes of ensuring compliance with the Regulations. Plumbing plans, electrical plans and mechanical plans may be prepared by licensed plumbers, licensed electrical contractors and mechanical contractors, respectively, in accordance with N.J.A.C. 5:23-2.5(b)5i(6).

5. Construction plans, and Electrical Plumbing and Mechanical Details may be shown on more than one drawing.

6. Where a prototype plan has been approved pursuant to existing Regulations only a site diagram and reference to the approved prototype plan shall be required. This site diagram must be signed and sealed by a registered architect or licensed professional engineer.

7. The Construction Official upon the advice of the appropriate subcode official may waive any or all of the above requirements for plans when the work is of a minor nature. This interpretation is effective upon publication in the New Jersey Register.

Interpretation No. 11

Section 2.6.1 of the National Standard Plumbing Code requires a stable foundation for any sewer or drain pipe installed below ground. Without a stable foundation, a pipe may deform, sag, collapse, or break open resulting in system stoppages and/or infiltration of the pipe with groundwater.

When a trench is found to be of poor bearing quality, section 2.6.1 requires that the trench be over-excavated two pipe diameters, then backfilled to the desired grade with fine gravel, crushed stone, or a concrete foundation.

Each jobsite has different conditions, such as the presence of different soil types (sand, clay, rock), or the presence of excessive ground water. Also, different piping materials require different bedding conditions other than what is required by the National Standard Plumbing Code. Therefore, the Commissioner has determined that an inspector may lessen the "two diameter" requirement under section 2.6.1 if the jobsite conditions demonstrate that a firm foundation is located less than the required "two diameter" value. Also, an inspector may require an excess of the "two diameter" value in order to achieve the necessary bed strength.

This Notice is published as a matter of public information.

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

UCC: Certificate of Occupancy

On February 5, 1981, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:23-2.7 of the Uniform Construction Code concerning certificate of occupancy as proposed in the Notice published January 8, 1981 at 13 N.J.R. 7(b).

An order adopting this rule was filed and became effective on February 5, 1981 as R.1981 d.45.

(b)

EDUCATION

STATE BOARD OF EDUCATION

Teacher Education and Academic Credentials

On January 22, 1981, Fred G. Burke, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:11-3.18 concerning teacher education and academic credentials as proposed in the Notice published August 7, 1980 at 12 N.J.R. 452(e).

An order adopting this rule was filed and became effective on January 23, 1981 as R.1981 d.22.

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Fees for 90-Day Construction Permits

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3 and N.J.S.A. 13:1D-33, proposes to amend N.J.A.C. 7:1C-1.5 concerning fees for the Department's development permits under the 90-day law. This proposal is known within the Department as Docket No. DEP 011-81-02.

The proposed amendments are intended to provide adequate fees for the cost of administering the 90-day permit program in accordance with the requirements imposed by N.J.S.A. 13:1D-33. Under the present permit fee structure, the Department is not receiving fees adequate to cover the cost of the programs involved. In several cases, the permit fees are only covering 50 percent of the costs of the program. The proposed amendment will revise the fee schedule for permits issued for stream encroachments, waterfront development, and CAFRA permits. Fees for sewer extensions are not being revised at this time; however they may be revised to meet program cost needs, pending a review of current operating costs.

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

7:1C-1.5 Fees

(a) Except as provided in [subsection] (g) below, fees shall be charged for the review of any application for a construction permit in accordance with the following schedule:

1. Waterfront development (N.J.S.A. 12:5-3) (riparian permits):

i. The fee shall be [one half of one percent ($\frac{1}{2}$ of 1%)] one percent of the construction cost, or a minimum of \$100.00;

ii. The fee for permits for minor maintenance, and/or repair or replacement of lawful existing structures shall be [one half of one percent ($\frac{1}{2}$ of 1%)] one percent of the construction cost or a minimum of \$25.00.

2. (No change.)

3. CAFRA permits (N.J.S.A. 13:19-1):

i. The fee for residential facilities shall be [\$500.00] \$1,000 plus \$10.00 per dwelling unit;

ii. The fee for non-residential and mixed-use facilities shall be [\$1,000] \$1,500 plus \$10.00 per acre to be developed.

4. Stream encroachments [(N.J.S.A. 58:1-26)] (N.J.S.A. 58:16A-55.2):

i. (No change.)

ii. For minor projects, the fee shall be [\$50.00] \$100.00, except that no fee should be charged for such project in a drainage area of less than 320 acres which has been approved by the appropriate municipal or county engineer, or a professional engineer for State agency projects, and the certification of such approval has been submitted to and acknowledged by the department.

iii. Fees:

(1) (No change.)

(2) For other major projects the fee shall be [\$500.00] \$1,000 for each structure in or along the channel, or portion of the channel thereof up to one thousand feet. This fee shall include but not be limited to the following types of projects: bridges, culverts, small dams, concrete lining, major riprap and gabion protection, channel modification, channel realignment, channel relocation and all retaining walls. The fee for major projects such as culverts or bridges shall include channel work for a distance of 300 feet upstream and downstream.

(3) For major projects outside the channel but within the 100-year flood the fee shall be [\$500.00] \$1,000 for each project.

5. (No change.)

(b) Each extension of time requested must be accompanied with a [\$25.00] \$50.00 non-refundable fee. Each extension, if granted, will be a maximum period of one year. No permit will be extended beyond a total of five years from the original date of permit.

(c) Each request for an approval of a modification in detail of the approved project must be accompanied with a fee equal to [25] 50 [per cent] percent of the total permit fee charged to that portion of the project to be modified.

(d) (No change.)

(e) (No change.)

(f) (No change.)

(g) [The maximum fee for waterfront development, wetlands, and CAFRA permit applications shall be \$5,000, except for unusually large scale or complex projects where the appropriate agency determines, after consultation with the applicant, that additional fees are necessary for a proper review of the application.] There shall be no maximum fee for a waterfront development, a wetlands or a CAFRA application for an unusually large scale or complex project. The Department, after consultation with the applicant, shall determine the fee necessary for a proper review of the application.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before April 17, 1981 to:

William McCarthy
Wallach Building
88 East State Street
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 Statewide Management of Septage Disposal

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.), the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.), the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:14-5, Appendix A, concerning the Statewide Septage Management Plan, by deleting the current text in its entirety and substituting new text therefor. This proposal is known within the Department as Docket No. DEP 008-81-01.

These proposed amendments reclassify the category designations of (and therefore, assign certain responsibilities to) many sewerage agencies. The reclassification is based upon on-going departmental review of a facility's capability to accept septage, including review of engineering justifications submitted by the agencies themselves. In some cases, a sewerage agency's responsibilities were increased through the reclassification to require the sewerage agency to provide (or plan) for the septage generated within the facility's service area. In other cases, a sewerage agency's responsibilities were decreased through the reclassification to require the sewerage agency either to provide for the disposal of the septage generated within a reduced service area or only to plan for said disposal. In addition, many sewerage agencies were granted an extension of their compliance date for septage acceptance based upon departmental review of the facility's capabilities. Finally, where other departmentally approved septage disposal alternatives are not available, septage generated in specified municipalities shall be accepted at the Middlesex County Utilities Authority on an interim basis.

The proposed amendments also include departmental estimates for numbers of unsewered houses and septage generation rates in thousand gallons per year (TGY) and thousand gallons per day (TGD).

Copies of the full text of the proposed amendments may be obtained by writing to the Department at the address listed below.

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

Michael Diamond, Administrator
Enforcement and Regulatory
Services Element
Division of Water Resources
CN 029
Trenton, N.J. 08625

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

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Water Pollution Control

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:10A-4 and 58:10A-5a, proposes to amend N.J.A.C. 7:14-8.4 concerning procedures for assessment of civil administrative penalties under the Water Pollution Control Act. This proposal is known within the Department as Docket No. DEP 071-80-12.

The purpose of this amendment is to remove the incentive inherent in the present procedure for "ordered parties" to appeal for the sole purpose of delay, as well as to remove certain inequities in the treatment of "ordered parties" of various circumstances.

Under the present procedure, a party who receives an order and notice of intent to assess a civil administrative penalty stands to gain financially by requesting a hearing and using the delay to earn a return on the penalty amount. Identically situated "ordered parties" who do not appeal, on the other hand, are in effect penalized a greater sum due to their inability to mitigate the impact of the assessment. The proposed escrow procedure is designed to remove this kind of disparity in treatment between similarly situated parties as well as to remove the purely financial incentive to take advantage of the delay occasioned by the hearing procedure.

The right to a hearing is based upon the principle that each party should have an opportunity to be heard before being deprived of his property. It is not based upon the premise that a party is entitled to mitigate the effect of a lawfully imposed penalty. If this practice was permitted, it could overload the administrative hearing process and thereby impinge on the ability of other parties to a meaningful and timely opportunity to be heard. Therefore as a precautionary measure, the amendment is proposed.

Two minor amendments are included in this proposal dealing with the same section. Specifically, references to "DEP Weekly Bulletin" in N.J.A.C. 7:14-8.4(d) have been altered to read "DEP Bulletin" for accuracy. The Bulletin is no longer a weekly publication. Secondly, references to "20 business days" in N.J.A.C. 7:14-8.4(b) and (c) have been amended to reflect the minimum requirements of N.J.S.A. 58:10A-10d. A 20-day period will be provided in order to speed up the hearing process.

Under this new procedure, the only financial advantage to appealing occurs when the ordered party prevails on the merits at the hearing. If the Department prevails, the penalty amount plus the interest attributable to that amount is released to it. Furthermore, the ability of an ordered party to mitigate the impact of a penalty is removed, thereby alleviating the potential disparities in treatment between otherwise similarly situated parties.

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

7:14-8.4 Procedures for assessment of civil administrative penalties

(a) (No change.)

(b) The order party shall have 20 [business] days from receipt of the notice within which to: [deliver a written request for a hearing to:]

1. Deliver a written request for a hearing to:

[Office of Regulatory Affairs]
Assistant Director
Enforcement Element
Division of Water Resources
CN 029

Trenton, New Jersey 08625

2. Submit with the written request noted in (b)1 above a certified check or money order for the full amount of the civil administrative penalties assessed by the notice.

i. The Department shall deposit said monetary submittal into a specially designated State escrow account, which shall bear interest at the rate equivalent to the current rate of return on the General Fund of the State of New Jersey.

(1) The principal and interest attributable thereto remaining in this account representing the civil administrative penalties assessed by the notice shall be released to the prevailing party following the issuance of a final order, unless a judicial appeal of the final order is taken and notice thereof is provided to the Department within the time allowed for the taking of judicial appeals by Court rule.

(2) If a judicial appeal is taken, said amount shall be released following the final appeal in accordance with the directions of the appropriate court.

(3) Release of the funds from the escrow account shall constitute payment as required by (d) below.

3. [1.] After a hearing, and upon finding that a violation has occurred, the Commissioner or his authorized representative may issue a final order assessing the amount of the fine specified in the notice, or such lesser amount as he may assess pursuant to the provisions on compromise of N.J.A.C. 7:14-8.5. Amounts contained in the special escrow account under (b)2 above in excess of any lesser amounts assessed as a compromise including the interest attributable to the compromise amount, shall be released to the party making the original submittal.

(c) If no hearing is requested, the original notice shall become a final order after expiration of the 20- [business] day period following receipt of the notice by the ordered party.

(d) Payment of an assessed civil administrative penalty is due when final order is issued or the notice becomes a final order. If the ordered party fails to pay the penalty, to submit the appropriate amount to the Department under (b) above, or to make acceptable arrangements to pay the penalty or submit the appropriate amount within a reasonable period of time thereafter, the Department may institute a civil action pursuant to N.J.S.A. 58:10A-10(e) for a civil penalty not to exceed \$10,000 per day.

(e) (No change.)

Copies of a "Basis and Background" document which elaborates further on the goals and reasoning behind this proposal may be obtained from:

Michael Gordon
Enforcement Element
Division of Water Resources
CN 029
Trenton, New Jersey 08625

Comments on this proposal may be submitted in writing through April 17, 1981 to Mr. Gordon at the above address.

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

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rule on Taking of Oysters

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, proposes to adopt a new rule to be cited as N.J.A.C. 7:25-7.10 concerning the taking of oysters. This proposal is known within the Department as Docket No. DEP 005-81-01.

Full text of the proposed new rule follows.

7:25-7.10 Taking of oysters

(a) No person shall catch, take or attempt to catch or take by tonging or by any hand operated device any oysters in the waters of this State unless such person has in his possession a valid oyster license issued by the Bureau of Shellfisheries of the Division of Fish, Game and Wildlife.

1. The fee for such a license shall be \$10.00 and it shall expire at the end of the calendar year in which it was issued.

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

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

Interested persons may present, in writing, statements or arguments relative to the proposed rule on or before April 17, 1981 to:

Robert Santaloci
Department of Environmental Protection
Division of Fish, Game and Wildlife
CN 400
Trenton, New Jersey 08625

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

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Proposed Amend Crab Dredging

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6 and N.J.S.A. 23:5-35.2 and subject to the disapproval of the Marine Fisheries Council, proposes to amend N.J.A.C. 7:25-7.13 concerning crab dredging in the Atlantic. This proposal is known within the Department as Docket No. DEP 013-81-02.

Full text of the proposed amendment follows (additions

indicated in boldface thus; deletions indicated in brackets [thus]).

7:25-7.13 Crab dredging

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

(d) No person shall catch, take or attempt to catch or take crabs from any of the lands of the Atlantic Coast section except from one half hour [before] after sunrise to one half hour before sunset between November 1 and March 31 above the Highlands Bridge and December 1 to March 31 below the Highlands Bridge; nor at any time on Sunday except in Raritan and Sandy Hook Bays.

(e) (No change.)

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before April 17, 1981 to:

Robert Santaloci
Department of Environmental Protection
Division of Fish, Game and Wildlife
CN 400
Trenton, N.J. 08625

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Proposed Rule on Bay Scallops

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6 and subject to the disapproval of the Marine Fisheries Council, proposes to adopt a new rule to be cited as N.J.A.C. 7:25-9.4 concerning bay scallops. This proposal is known within the Department as Docket No. DEP 012-81-02.

Full text of the proposed new rule follows.

7:25-9.4 Bay scallops

(a) No person shall catch, take or attempt to catch or take by any means any bay scallops (*Argopectens irradians*) unless such person has in his possession a valid recreational or commercial license issued by the Bureau of Shellfisheries of the Division of Fish, Game and Wildlife.

1. A recreational license entitles its holder to harvest no more than two bushels of bay scallops per day; provided however, that no more than four bushels of bay scallops per day may be harvested by any single boat regardless of the number of recreational licensees aboard.

i. The fee for a recreational license shall be \$6.00 and it shall expire at the end of the established season for which it was issued. A recreational license shall not be transferable.

2. A commercial license entitles its holder to harvest no more than 10 bushels of bay scallops per day; provided however, that no more than 20 bushels of bay scallops per day may be harvested by any single boat regardless of the number of commercial licensees aboard.

i. The fee for a commercial license shall be \$30.00 and it shall expire at the end of the established season for which it was issued. A commercial license shall not be transferable.

(b) No person shall, at any time, harvest more than 10 bushels of bay scallops per day, nor shall more than 20

bushels of bay scallops be on board any boat, at any time.

(c) No person shall catch, take or attempt to catch or take bay scallops by means of a dredge, unless such dredge is constructed with a smooth metal bar with no teeth or projections attached that may dig into the bay bottom and its total weight is less than 30 lbs.

(d) No person shall catch, take or attempt to catch or take any bay scallops except during the period between December 15 and March 31 or on any Sunday, or at any time of day except from one half hour after sunrise to one half hour before sunset.

(e) Any bay scallops caught or taken which are less than two inches in size when measured from the middle point of the hinge at right angles to the mouth shall be redeposited immediately upon the ground from which such bay scallops are caught and taken.

(f) Any clams caught or taken incidentally to the catching or taking of bay scallops shall be redeposited immediately upon the land from which such clams are caught. The simultaneous possession of clams (*Mercenaria mercenaria* or *Mya arenaria*) and bay scallops in a boat shall constitute prima facie evidence of violation of this section.

(g) No person may dredge bay scallops on any leased lands unless such person has a valid bay scallop license and is the actual lessee of such lands.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before April 17, 1981 to:

Robert Santaloci
Department of Environmental Protection
Division of Fish, Game and Wildlife
CN 400
Trenton, N.J. 08625

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

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Terrapin

John Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6 and subject to the disapproval of the Marine Fisheries Council, proposes to adopt new rules to be cited as N.J.A.C. 7:25-21 concerning terrapin. This proposal is known within the Department as Docket No. DEP 009-81-02.

Full text of the proposed new rules follows.

CHAPTER 25

DIVISION OF FISH, GAME AND SHELLFISHERIES

...

SUBCHAPTER 21. TERRAPIN REGULATIONS

7:25-21.1 Designation of terrapin season

No person shall take, catch, possess, expose for sale or attempt to catch or take any *Malaclemys palustris*, commonly known as diamondbacked terrapin, except between November 1 and March 31.

7:25-21.2 Taking of terrapin

No person shall catch, take or attempt to catch or take

any terrapin from any of the waters of this State by means of a trap, pot, fyke, seine, weir or net of any description.

7:25-21.3 Size requirement

No person shall take, catch, or possess any terrapin less than five inches long, measured lengthwise along the under shell, nor take or destroy the eggs of any terrapin.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before April 17, 1981 to:

Robert Santaloci
Department of Environmental Protection
Division of Fish, Game and Wildlife
CN 400
Trenton, N.J. 08625

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Proposed Amend Air Pollution: Notice of Public Hearing

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:10-1 et seq. and 26:2C-1 et seq., proposes to amend N.J.A.C. 7:27-16 concerning control and prohibition of air pollution by volatile organic substances. This proposal is known within the Department as Docket No. DEP 006-81-01.

The proposed amendments add standards for six categories of sources that are not regulated under N.J.A.C. 7:27-16. These six categories have been identified as emitting into the atmosphere significant quantities of volatile organic substances, which are a major contributing factor to ozone air pollution. These additional categories are: the surface coating of flat wood paneling; the surface coating of miscellaneous metal parts and products, graphic arts operations; storage tanks equipped with external floating roofs; fugitive emissions from petroleum refineries; and fugitive emissions from gasoline loading facilities and tank trucks. The State must incorporate these categories of sources into the air pollution control regulations in order to be granted an extension until 1987 to achieve attainment with the national ozone air quality standard and in order to avoid Federal sanctions against issuing permits for major sources of volatile organic substances.

Copies of the full text of the proposed amendments and the basis thereof may be obtained from, and written testimony relating thereto will be accepted prior to April 20, 1981 by:

Herbert Wortreich, Assistant Director
Division of Environmental Quality
CN 027
Trenton, New Jersey 08625

Copies of the departmental notice, the proposed amendments and the basis and background document are being deposited and will be available for inspection during normal office hours from at least 30 days prior to the hearing until the closing of the hearing record on April 20, 1981 at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, New Jersey 08330

N.J. Bureau of Air Pollution Control
Room 1108, Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control
Metropolitan Field Office
1259 Route 46
Parsippany, New Jersey 07054

N.J. Bureau of Air Pollution Control
Newark Field Office
1110 Raymond Boulevard, Fifth Floor
Newark, New Jersey 07102

N.J. Bureau of Air Pollution Control
Southern Field Office
100 Larwin Road
Cherry Hill, New Jersey 08002

Warren County Health Department
151 West Washington Avenue
Washington, New Jersey 07882

Written and/or oral testimony concerning the proposed rules will be received at a public hearing to be held from 9:00 A.M. to the close of testimony, on April 9, 1981 at:

Labor Education Center Auditorium
Ryders Lane
New Brunswick, New Jersey

This hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended (N.J.S.A. 26:2C-1 et seq.) and under Title 40, section 51.4, of the Code of Federal Regulations as a proposed amendment to the New Jersey State Implementation Plan to meet National Ambient Air Quality Standards.

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

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Proposed Rules on Noise Determination

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 13:1G-1 et seq., proposes to adopt new rules to be cited as N.J.A.C. 7:29B concerning procedures for the determination of noise from stationary sources. This proposal is known within the Department as Docket No. DEP 007-81-01.

N.J.A.C. 7:29 was promulgated in 1974 to control environmental noise from stationary, industrial and commercial sources. Enforcement of that chapter has resulted in the abatement of community noise in approximately 80 cases. A step-by-step procedure to determine noise from stationary sources has not yet been published by this Department. The proposed rule will establish these procedures.

This new chapter, N.J.A.C. 7:29B, includes definitions, test methods, measurement principles, operating conditions, equipment specifications, required data, calculations, and personnel qualifications. Adherence to these provisions will allow qualified investigator's to perform noise tests and measurements acceptable to the Department.

Copies of the full text of the proposed rules and the basis thereof may be obtained from, and written statements related thereto, will be accepted until March 25, 1981 by:

Edward DiPolvere, Chief
Office of Noise Control
65 Prospect Street
Trenton, New Jersey 08618

Copies of the departmental notice, the proposed rules, and the basis and background document are being deposited and will be available for inspection during normal office hours until the close of the record on March 25, 1981 at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, New Jersey 08330

N.J. Bureau of Air Pollution Control
Room 1108, Labor & Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control
Metropolitan Field Office
1259 Route 46
Parsippany, New Jersey 07054

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

N.J. Bureau of Air Pollution Control
Southern Field Office
100-A Larwin Road
Cherry Hill, New Jersey 08034

Warren County Health Department
151 West Washington Avenue
Washington, New Jersey 07882

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

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Public Notice of State Certifications of Draft NPDES Permits

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

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

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

90-Day Construction Permits

On February 5, 1981, Jerry Fitzgerald English, pursuant to authority of N.J.S.A. 13:1D-33 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 7:1C-1.13 concerning over-the-counter processing of ninety-day construction permits.

According to the Department, the rules establish the procedure for obtaining over-the-counter permits. As such, they are procedural only and do not vest the Department with any additional jurisdiction beyond that contained within the statutes under which the Department exercises its regulatory functions.

Full text of the adoption follows.

7:1C-1.13 Over-the-counter processing

(a) As a means of expediting permit review for certain minor projects, the Department will fast process, to the extent possible, reasonable, and practical, unless emergencies dictate otherwise, minor projects in the categories of stream encroachment, sewer extensions, and waterfront development.

(b) Stream encroachment rules are as follows.

1. The Department will provide, workload and staff permitting, a 24-hour, one-day processing service for certain "minor" stream encroachment permits (listed below). Projects must be in-house by 9:30 A.M., and may be picked up at 4:30 P.M., otherwise the permit will be mailed, or can be picked up the next day. Pre-application conferences are recommended to ensure that all necessary material will be submitted. An appointment must be made for the over-the-counter submittal, review, and permit issuance. Over-the-counter processing will be limited to one project per day per applicant.

2. The construction permit "Standard Application Form (CP-1)" must be properly completed, but it does not need to be forwarded to any county or municipal agency. (See N.J.A.C. 7:1C-1.3(c).) An Engineering Data Sheet (DWR-086) must be completed for all stream encroachment projects.

3. Minor stream encroachment projects are projects which do not adversely change the water carrying capacity of the floodway, do not increase erosion or sedimentation in the stream, and do not require substantial channel modification or relocation.

i. Minor stream encroachment projects which may be processed on an "over-the-counter" basis include, but are not limited to:

- (1) Outlet structures along one stream;
- (2) One sewer outlet diffuser;
- (3) One minor water intake;
- (4) Minor regrading, outside of the channel but within the 100-year flood area;
- (5) Utilities that are constructed within the 100-year flood area—limited to total length of 500 linear feet along the channel;
- (6) One utility crossing of the channel;
- (7) Minor bank reestablishment and/or protection projects, limited to 100 linear feet (see (b)3 above);
- (8) Bridge deck replacements (see (b)3 above);
- (9) Farming practices (including ditches) approved by the Soil Conservation Service;

(10) Projects whose major purpose is mosquito control pursuant to N.J.S.A. 26:9-1 et seq.;

(11) "Over-stream" utility crossings "attached" to an existing bridge or culvert above the underclearance or within the superstructure.

ii. Minor stream encroachment projects which will not be processed on an "over-the-counter" basis shall include:

- (1) Desnagging and stream cleaning;
- (2) Minor dredging projects;
- (3) Dug ponds without structures;
- (4) Residential footbridges;
- (5) Recreation and habitat management structures of the Division of Fish, Game and Wildlife;

(6) Combined projects of government agencies submitted as one minor project for a calendar year will not be considered as a minor project for "over-the-counter" permit purposes.

(c) Sewer extensions rules are as follows.

1. The Department of Environmental Protection has a 24-hour, one-day processing service for "minor" sewer extension projects. "Minor" sewer extension projects must be:

- i. A length of 1,000 linear feet or less;
 - ii. At a cost of \$25,000 or less;
 - iii. Of a sewage flow per day of 12,000 gallons or less.
2. No projects with pump stations force mains, siphons, gallonge transfers, or holding tanks will be processed over-the-counter. Projects cannot be located in areas under sewer ban, administrative orders, or litigation.

3. Projects must be in-house by 9:30 A.M., and all administrative documents must be in proper order. Pre-application conferences are strongly recommended. Over-the-counter projects will be processed by appointment only.

4. Applicants must include in the application package proof of a prior approval, endorsement, or a letter of no objection from all required local agencies prior to filing application with the State.

5. An "engineer's report" form, available from the Bureau of Municipal Waste Management of the Division of Water Resources, must be completed and certified by a licensed New Jersey engineer and submitted with the application.

(d) Waterfront development rules are as follows.

1. The Department of Environmental Protection has a 24-hour, one-day processing service for "minor" maintenance and/or repair or replacement of lawful existing structures. Minor maintenance and/or repair or replacement projects are those projects which:

- i. Are confined to existing structures;
- ii. Have been previously authorized by permit; and
- iii. Are in a present state of disrepair which has existed for less than two years.

2. Applications shall be accompanied by:

- i. A copy of the tidelands conveyance (a grant, lease, or license from the State of New Jersey) for the project site, if applicable; and
- ii. A site inspection report from the Bureau of Coastal Enforcement and Field Services, 1433 Hooper Avenue, Toms River, New Jersey, (609) 292-5120.

3. No over-the-counter authorization will be given for dredging, filling, or additions to or changes in configuration of structures.

4. As a condition of approval, the applicant must give a 48-hour notice prior to commencing work.

5. An applicant should apply for a same day permit by 11:30 A.M., otherwise his permit can be picked up the next day or mailed.

6. For general permits, the Department may, by rule, establish criteria and conditions for the approval of minor maintenance projects by general permits. The projects authorized under such a general permit must conform with those criteria and special conditions.

An order adopting this rule was filed and became effective on February 6, 1981 as R.1981 d.48 (Exempt, Procedure Rule).

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Solid Waste Collection and Haulage

On February 5, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:26-3.2 and 4.7 concerning solid waste collection and haulage. This rulemaking action is known within the Department as Docket No. DEP 010-81-02.

The rule changes modify the dates of registration application submission to allow the contents of the registration statements to reflect any changes made as a result of Division of Motor Vehicle registration activity.

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

7:26-3.2 Registration

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

(d) Prior to [February 1¹] March 15 (for the registration year of implementation, a pro rata adjustment of fees will be made by the Department) in each calendar year, each registrant shall submit to the Department a statement updating the information contained in the registration statement. Such information shall be submitted on forms supplied by the Department. In no case shall the submission of an updating registration statement alter the conditions under which the approved registration is granted.

(e) (No change.)

Editor's Note: The material cited as footnote 1 in N.J.A.C. 7:26-3.2(d) has been recodified as it appears in this notice.

7:26-4.7 Fee schedule for collection and haulage

(a) For all solid waste collector/haulers, an annual registration and inspection fee shall be paid. The fee shall be \$20.00 for each vehicle per year or part thereof. The registration year shall extend from [April 1 through March 31] May 1 through April 30.

(b) For all hazardous waste collector/haulers, an annual registration and inspection fee shall be paid. The fee shall be \$50.00 for each vehicle per year or part thereof. The registration year shall extend from [April 1 through March 31] May 1 through April 30.

(c) (No change.)

An order adopting this rule was filed and became effective on February 6, 1981 as R.1981 d.49 (Exempt, Procedure Rule).

(a)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Amend State Sanitary Code on Campgrounds: Notice of Public Hearing

The New Jersey Public Health Council, pursuant to authority of N.J.S.A. 26:1A-7, proposes to amend N.J.A.C. 8:22-1 concerning campground regulations within the State Sanitary Code (Chapter XI).

The purpose of the amendments is to update campground rules to reference the regulations promulgated by the Departments of Environmental Protection and Community Affairs, applicable to campgrounds, which have superseded regulations formerly promulgated by the Department of Health. The amended regulations will better serve to advise State and local health department personnel, campground owners and other concerned parties of the requirements which must be met.

Copies of the full text with proposed amendments can be obtained from:

Dennis P. McDonough
Coordinator, General Sanitation
Biological Services
1911 Princeton Avenue
Trenton, N.J. 08648

A public hearing will be held on April 13, 1981 at 9:30 A.M. in Training Room A of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey. Persons wishing to testify shall contact Ms. Annette M. Hirsch at (609) 392-1180.

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

Annette Hirsch, Chief
Biological Services Program
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

(b)

HEALTH

THE COMMISSIONER

Proposed Amend Schedule II Prescription Filling Requirements

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-9, proposes to amend N.J.A.C. 8:65-7.8 concerning Schedule II prescription filling requirements.

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

8:65-7.8 Requirement of prescription; Schedule II

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

(e) A practitioner shall not prescribe or dispense a Schedule II controlled substance to an individual patient in excess of 120 dosage forms or a 30 days' supply, whichever is the lesser amount[.], except that prescriptions for

patients in a Long Term Care Facility (LTCF) may be in amounts as set forth in N.J.A.C. 8:65-7.10(d).

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

James F. Jones
Senior Field Representative, Pharmaceuticals
Community Health Services
Drug Control Program
120 South Stockton Street
Trenton, N.J. 08611

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

(c)

HEALTH

THE COMMISSIONER

Proposed Addition of Schedule II Prescriptions in a Long Term Care Facility

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-15 and 24:21-9, proposes to amend N.J.A.C. 8:65-7.10 concerning the partial filling of Schedule II prescriptions in a Long Term Care Facility.

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

8:65-7.10 Partial filling of prescriptions; Schedule II

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

(d) Prescriptions for Schedule II controlled substances written for patients in Long Term Care Facilities (LTCF) may be filled in partial quantities, to include individual dosage units. For each partial filling, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the date of the partial filling, quantity dispensed and the identification of the dispensing pharmacist. The total quantity of Schedule II controlled substances dispensed in all partial fillings must not exceed the total quantity prescribed. Schedule II prescriptions, for patients in a LTCF, shall be valid for a period not to exceed 60 days from the issue date unless sooner terminated by the discontinuance of medication.

(e) Information pertaining to current Schedule II prescriptions for patients in a LTCF may be maintained in a computerized system if this system has the capability to permit:

1. Output (display or printout) of the original number, date of issue, identification of prescribing individual practitioner, identification of patient, identification of LTCF, identification of medication authorized (to include dosage form, strength and quantity), and listing of partial fillings that have been dispensed under each prescription and the information required in (d) above;

2. Immediate (real time) updating of the prescription record each time a partial filling of the prescription is conducted;

3. Retrieval of partially filled Schedule II prescription information in accordance with procedures specified in N.J.A.C. 8:65-7.14(e)1 through 5 for Schedule III and IV prescription refill information.

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

James F. Jones
Senior Field Representative, Pharmaceuticals
Community Health Services
Drug Control Program
120 South Stockton Street
Trenton, N.J. 08611

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

(a)

HEALTH

THE COMMISSIONER

Proposed Amend CDS: Distribution Upon Discontinuance or Transfer of Business

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-9, proposes to amend N.J.A.C. 8:65-8.7 concerning controlled dangerous substances and their distribution upon discontinuance or transfer of business.

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

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

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

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

1. Name, address, State CDS and Federal DEA registration number of the registrant discontinuing or transferring his controlled dangerous substances activities;

2. Name, address, State CDS and Federal DEA registration number of registrant to whom the controlled dangerous substances are to be transferred;

3. Name, address, State CDS and Federal DEA number of the registrant receiving the records, which include prescription files, or patient orders of practitioners of the discontinued business;

4. The name, and address of the person or firm who will maintain business records, such as invoices, purchase records and executed order forms of the discontinued or transferred business for a period of not less than two years; and

5. The date on which the discontinuance or transfer of business activity will take place.

(d) Upon the final date of discontinuance or transfer of the business activity with respect to controlled dangerous substances, the registrant shall return his State CDS certificate of registration to the Drug Control Program, New Jersey State Department of Health, Trenton, N.J. 08625 for cancellation together with his Federal DEA registration and all unused Federal Purchase Order Forms (DEA 222).

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

James F. Jones
Senior Field Representative, Pharmaceuticals
Community Health Services
120 South Stockton Street
Trenton, N.J. 08611

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

(b)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

On January 7, 1981, the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(d) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:71 concerning interchangeable drug products as proposed in the Notice published September 4, 1980 at 12 N.J.R. 516(b).

An order adopting this rule was filed and became effective on January 26, 1981 as R.1981 d.25.

(c)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Amend Interchangeable Drug Products

On January 7, 1981, the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(b) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:71 concerning interchangeable drug products as proposed in the Notice published August 7, 1980 at 12 N.J.R. 465(b) but with substantive changes not detrimental to the public in the opinion of the Drug Utilization Review Council.

The following drug products noticed in the original proposal were not adopted:

| | |
|--|---------|
| Amitriptyline HCL tabs, 25 mg | Halsey |
| Chlordiazepoxide/clidinium Br caps | Chelsea |
| Chlorpromazine conc. 30 mg/ml | Cord |
| Chlorpromazine conc. 100 mg/ml | Cord |
| Chlorpromazine conc. 30 mg/ml | Cord |
| Erythromycin estolate caps, 250 mg | Danbury |
| Levothyroxine sodium tabs 0.1, 0.2 mg | Chelsea |
| Multiple vitamin/fluoride drops 0.25 mg | MJ |
| Phenylbutazone tabs 100 mg | Cord |
| Primidone tabs, 250 mg | Bolar |
| Spironolactone/hydrochlorothiazide tabs. | Zenith |
| Sulfasalazine tabs. 500 mg | Chelsea |
| Terbutaline tabs. 2.5, 5 mg | Astra |
| Tolbutamide tabs, 500 mg | Zenith |

The following drug products noticed in the original proposal were not adopted but will be held for possible future adoption:

| | |
|--|------------------------------|
| Chlorpromazine tabs, 10, 25, 50, 100, 200 mg | KV |
| Chlorpromazine HCL tabs 25, 50 mg | Chelsea |
| Spironolactone tabs 25 mg | Bolar, Zenith |
| Theophylline/guaifenesin caps | Scherer, Bolar Pharmacaps |

An order adopting this rule was filed and became effective on January 26, 1981 as R.1981 d.26.

(a)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Emergency Amend Interchangeable Drug Products

On January 7, 1981, the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(d) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 8:71 concerning interchangeable drug products.

The emergency adoption involves the deletion of Doxycycline Hyclate capsules (50 mg, 100 mg) from the list of interchangeable drug products.

An order adopting this rule was filed and became effective on January 26, 1981 as R.1981 d.27 (Exempt, Emergency Rule).

(b)

HEALTH

THE COMMISSIONER

Emergency Amend Controlled Dangerous Substances

On February 4, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 8:65-10.1, 10.2, 10.4 and 10.8 concerning controlled dangerous substances.

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

8:65-10.1 Controlled dangerous substances; Schedule I

(a) (No change.)

(b) The following is Schedule I listing [of] the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code number.

| | |
|-------------------|------|
| 1. . . . | |
| Sufentanil | 9740 |
| Tilidine | 9750 |

2.-3. (No change.)

8:65-10.2 Controlled dangerous substances; Schedule II

(a) (No change.)

(b) The following is Schedule II listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code number[s].

1.-5. (No change.)

6. **Bulk chemical: bulk dextropropoxyphene**
(non-dosage forms) 9273

8:65-10.4 Controlled dangerous substances; Schedule IV

(a) (No change.)

(b) The following is Schedule IV listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code number[s].

1. Stimulants: Unless specifically excepted or unless

listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or generic), and salts of such isomer whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

| | |
|--|------|
| Diethylpropion | 1608 |
| Fenfluramine | 1670 |
| Phentermine | 1640 |
| Pemoline (including organometallic complexes and chelates thereof) | 1530 |
| Pipradrol | 1750 |
| SPA (1-)-1-dimethylamino-1, 2-diphenylethane) | 1635 |

2.-4. (No change.)

8:65-10.8 Exempt chemical preparations

(a) A list of preparations and mixtures in 21 CFR 1308.24(i) as amended through Volume 45, [No. 35,] No. 191, of the Federal Register dated [February 20, 1980] September 30, 1980, which in form and quantity listed in the application (indicated as the "date of application"), including chloral, are designated as exempt chemical preparations and not subject to the provisions of the New Jersey Controlled Dangerous Substance Act.

(b) (No change.)

An order adopting this rule was filed and became effective on February 9, 1981 as R.1981 d.50 (Exempt, Emergency Rule).

(c)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Notice of Correction

Take notice that the following rules in Title 9 of the New Jersey Administrative Code are erroneous and should appear as follows:

1. 9:2-9.9 Contracts for professional staff (nonfaculty)

(a) Members of the professional staff not holding faculty rank may be appointed for one-year terms concurrent either with the calendar or academic years, provided, however, that after employment in a college for five consecutive calendar or academic years, such employees shall be eligible for multiyear contracts. For professional staff who are members of the State College negotiating unit each initial appointment of a multiyear contract (after completion of five years of probationary service) shall be for three full calendar years in length. Subsequent reappointments shall be for four years, and then five years. All subsequent contracts shall be for five full calendar years in length. When a member of the professional staff is offered a multiyear appointment or reappointment contract, he or she shall be provided with the information described in N.J.A.C. 9:2-2.5(a).

(b) For the purposes of this section, the calendar year shall be defined as January 1 through December 31 and the academic year shall be defined as July 1 through June 30. Eligible professional staff members whose initial appointment is from October 1 through March 31 may be given a term from the date of appointment to December

31, following March 31, and this appointment shall be considered as one full calendar year of service for the purpose of this regulation. Eligible professional staff members whose initial appointment is from April 1 through September 30 may be given a term from the date of appointment to June 30, following September 30, and this appointment shall be considered as one full academic year of service for the purpose of this section.

(c) Eligible professional staff members serving a term which is concurrent with the academic year must be notified by the president no later than December 15 in their fifth full academic year of service of their reappointment or nonreappointment to a contract of from two to five full academic years in length. Eligible professional staff members serving a term which is concurrent with the calendar year must be notified by the president no later than July 15 in their fifth full calendar year of service of their reappointment or nonreappointment to a contract of from two to five full calendar years in length. An offer of a multiyear contract shall be made on a form prescribed by the Chancellor of Higher Education.

(d) Notwithstanding (a) above, professional staff members serving under multiyear contracts who are promoted in title shall, at minimum, serve one year in his/her new position before becoming eligible for consideration of a multiyear contract in that new position.

(e) Professional staff members serving under a multi-year contract may be assigned by the president to any professional position within their area of competence and qualifications during the term of the contract, but their salary may not be reduced during the duration of the contract below that which they would have received had they continued in their original position, and they may be dismissed from the college during the term of the contract only for cause consistent with appropriate statutory provisions.

(f) Prior to the implementation of these guidelines, the board of each college shall establish a formal procedure for considering and approving the offering of multiyear contract. This procedure should, at minimum, encompass a thorough review of all personnel records including the reports of regular, systematic, and formal evaluations conducted during the employment of the individual.

2. N.J.A.C. 9:3-2.14 (criteria; merit award recipients) will be recodified as 9:2-9.11.

3. 9:3-1.3 Program approval

(a) The Board of Higher Education will grant approval for development of construction contract documents when it receives and favorably reviews a detailed program document. A program document submitted for approval will be accompanied by a resolution of approval from the governing board of the institution.

(b)-(f) (Correct as it appears in the Code.)

This Notice is published as a matter of public information.

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Admission and Baccalaureate Degree Standards for State Colleges

On January 13, 1981, T. Edward Hollander, Chancellor of the Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18:3-14

and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:2-1.1, 1.2 and 9:2-8.1, 8.2, 8.3, 8.4 and 8.9 and repealed 9:2-8.5 through 8.8 and 8.10 concerning admission and baccalaureate degree standards for State Colleges as proposed in the Notice published November 6, 1980 at 12 N.J.R. 645(d).

An order adopting this rule was filed January 20, 1981 as R.1981 d.19 to become effective according to the schedule below:

Admissions Standards

- 9:2-1.1(a)1. Effective for students entering college in the Fall of 1985.
- 9:2-1.1(a)2. Effective for students entering the state colleges in Fall, 1981.
- 9:2-1.1(b) Effective January 20, 1981.

Baccalaureate Degree Standards

- 9:2-8.1 Effective in Fall, 1981.
- 9:2-8.2 Effective for students entering the college in Fall, 1981.
- 9:2-8.3 Effective for students entering the college in Fall, 1981.
- 9:2-8.4 Effective January 20, 1981.

(b)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

State College Reduction In Force Policies

On January 19, 1981, T. Edward Hollander, Chancellor and Secretary to the Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:3-14(h) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 9:2-3 concerning reduction in force at State Colleges as proposed in the Notice published July 10, 1980 at 12 N.J.R. 407(d).

An order adopting this rule was filed and became effective on February 4, 1981 as R.1981 d.38.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Administration Manual: Final Audits

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules to be cited as N.J.A.C. 10:49-1.26 concerning final audits.

Full text of the proposed new rule follows.

10:49-1.26 Final audit

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 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 Pharmaceutical 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. 10:51-1 (Appendices B and D) concerning the Pharmaceutical Services Manual. The proposed amendments provide a listing of non-legend drugs and the corresponding National Drug Code (Appendix B) and legend devices (Debrisan) (Appendix D).

Copies of the 28 pages of the full text of the proposal may be obtained from or made available for review by contacting:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 25, 1981 to the Division of Medical Assistance and Health Services at the above address.

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

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Dental Services Manual: Orthodontics

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. 10:56-3.15 in the Dental Services Manual concerning reimbursement for orthodontic treatment.

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

10:56-3.15 Orthodontics

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

(d) Comprehensive orthodontic treatment: Case type—fixed or removable appliances—[Itemized] itemize fee for diagnostic procedures and formal treatment separately

(indicate anticipated time under treatment—maximum treatment plus retention, three years) has the following procedure codes and maximum allowances for S and NS respectively:

| | | | | |
|-------|---|------------|--------|----|
| *8410 | Appliances | \$[126.00] | 162.00 | — |
| *8420 | First through 12th month of treatment (to start on day insertion of appliance(s) is completed), per month | [28.00] | 30.00 | — |
| *8430 | 13th through 24th month of treatment, per month | | 28.00 | — |
| *8440 | 25th through 30th month of treatment, per month | [21.00] | 11.00 | — |
| *8450 | 31st through 36th month (maximum of treatment), per month | | 11.00 | — |
| *8999 | Any other uncoded orthodontic services, by report | | IC | IC |

1. This fee schedule applies to comprehensive orthodontic treatment authorized on or after May 1, 1981.

2. Reimbursement is based on one or more visits to the orthodontist during any calendar month for which the monthly fee is requested.

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

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend Day Care Rates

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3 proposes to amend N.J.A.C. 10:82-5.3 of the Assistance Standards Handbook concerning day care rates and rates for care in homes for unwed mothers.

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

10:82-5.3 Child care

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

(d) Day care center rules are:

1. "Day care center" means group care for children, usually two to five years old, which includes supervised educational work and play experiences under the direction of a trained teacher. Day care centers, which provide care, for a fee, to more than five children between the ages of two to five, are required by law to be licensed and approved by the Division of Youth and Family Services. No payments are authorized to or for any day care center which is subject to the Division of Youth and Family Services licensure but lacks such a license.

(Continued on Page 145)

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 February 13, 1981.

RULES NOT YET IN PRINT IN CODE: Adoption Notices may be found in N.J. Register beginning with March 6, 1980. Full text (in proposal form), if published, may be found in N.J. Register beginning with April 5, 1979.

**N.J.A.C.
CITATION**

**DOCUMENT
CITATION** **ADOPTION NOTICE
(N.J.R. CITATION)**

ADMINISTRATIVE LAW — TITLE 1

| | | | |
|--|----------------------------------|--------------|------------------|
| 1:1 | Rules on administrative hearings | R.1980 d.275 | 12 N.J.R. 362(a) |
| 1:1-9.7, 11.2, 11.3, 12.4, 14.3, 15.2 | Finality of procedural decisions | R.1981 d.55 | 13 N.J.R. 144(a) |

AGRICULTURE — TITLE 2

| | | | |
|---------------------------------|--|--------------|------------------|
| 2:2-2.4 | Amend conformity of brucellosis tests and federal standards | R.1980 d.237 | 12 N.J.R. 377(c) |
| 2:2-2.4 | Amend conformity of brucellosis tests with Federal standards | R.1980 d.422 | 12 N.J.R. 627(b) |
| 2:2-2.16 | Slaughtering of market cattle and goats | R.1981 d.40 | 13 N.J.R. 115(b) |
| 2:3-2.3, 2.4 | Brucellosis and tuberculosis tests for cattle | R.1981 d.39 | 13 N.J.R. 115(a) |
| 2:3-4.1 | Amend movement of livestock | R.1981 d.41 | 13 N.J.R. 115(c) |
| 2:5-1 | Repeal hog cholera quarantines | R.1981 d.42 | 13 N.J.R. 115(d) |
| 2:6-1.3, 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.)

BANKING — TITLE 3

| | | | |
|----------|---|--------------|------------------|
| 3:1-1.1 | Amend interest rates | R.1980 d.151 | 12 N.J.R. 249(b) |
| 3:1-12 | 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) |
| 3:19-2 | Energy rules on home repair financing | R.1981 d.29 | 13 N.J.R. 116(a) |
| 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

| | | | |
|-----------|--|--------------|------------------|
| 4:1-9.1 | Amend review of scoring key | R.1980 d.236 | 12 N.J.R. 383(c) |
| 4:1-11.7 | Amend employment lists | R.1980 d.406 | 12 N.J.R. 628(b) |
| 4:1-17.9 | 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) |

(Title 4, Transmittal 14 dated May 17, 1980 includes all rules through June 5, 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) |
| 5:23-2.7 | Amend UCC: Certificate of occupancy | R.1981 d.45 | 13 N.J.R. 123(a) |
| 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

| | | | |
|---------------|--|--------------|------------------|
| 6:11-3.18 | Amend teacher education and academic credentials | R.1981 d.22 | 13 N.J.R. 123(b) |
| 6:20-2.6(d)4 | Bookkeeping and accounting in local school districts | R.1980 d.331 | 12 N.J.R. 569(d) |
| 6:20-2.12 | Bookkeeping and accounting in local districts | R.1980 d.427 | 12 N.J.R. 639(a) |
| 6:20-5.1 | Repeal special State aid for children resident in institutions | R.1980 d.426 | 12 N.J.R. 638(b) |
| 6:20-5.3 | Repeal rules on emergency State building aid | R.1980 d.425 | 12 N.J.R. 638(a) |
| 6:21-1.4 | Pupil transportation: retirement of school buses | R.1980 d.382 | 12 N.J.R. 569(e) |
| 6:29-7.1 | Amend family life education programs | R.1980 d.353 | 12 N.J.R. 505(c) |
| 6:39-1.3, 1.4 | Amend Statewide assessment | R.1980 d.352 | 12 N.J.R. 505(b) |

(Title 6, Transmittal 16 dated May 17, 1980 includes all rules through August 7, 1980 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) |
| 7:1C-1.13 | 90-day construction permits | R.1981 d.48 | 13 N.J.R. 128(b) |
| 7:1D | Repeal of various rules | R.1980 d.433 | 12 N.J.R. 643(a) |
| 7:1E-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.161 | 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) |
| 7:26-3.2, 4.7 | Amend solid waste collection and haulage | R.1981 d.49 | 13 N.J.R. 129(a) |
| 7:26-5.4 | Repeal of various rules | R.1980 d.433 | 12 N.J.R. 643(a) |
| 7:27-18 | Amend air pollution in non-attainment areas | R.1980 d.307 | 12 N.J.R. 462(c) |
| 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

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|------------|-------------------------------------|--------------|------------------|
| 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) |

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| 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. 510(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(e) |
| 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(e) |
| 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) |
| 8:65-10.1, 10.2 | Emergency amend controlled dangerous substances | R.1981 d.50 | 13 N.J.R. 132(b) |
| 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) |
| 8:65-10.4, 10.8 | Emergency amend controlled dangerous substances | R.1981 d.50 | 13 N.J.R. 132(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) |
| 8:71 | Amend interchangeable drug products | R.1981 d.25 | 13 N.J.R. 131(b) |
| 8:71 | Amend interchangeable drug products | R.1981 d.26 | 13 N.J.R. 131(c) |
| 8:71 | Emergency amend interchangeable drug products | R.1981 d.27 | 13 N.J.R. 132(a) |

(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) |
| 9:2-1.1, 1.2 | Amend admission and baccalaureate degree standards for State Colleges | R.1981 d.19 | 13 N.J.R. 133(a) |
| 9:2-2.8 | Amend "visiting specialist" title at State colleges | R.1980 d.525 | 13 N.J.R. 14(b) |
| 9:2-3 | State College reduction in force policies | R.1981 d.38 | 13 N.J.R. 133(b) |
| 9:2-8.1-8.10 | Amend admission and degree standards for State Colleges | R.1981 d.19 | 13 N.J.R. 133(a) |
| 9:5-1.1, 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) |
| 10:49-1.2 | Amend recipient controls | R.1980 d.549 | 13 N.J.R. 100(c) |
| 10:49-1.5 | Amend recipient controls | R.1980 d.549 | 13 N.J.R. 100(c) |
| 10:49-1.12 | 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) |
| 10:49-5.6 | 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) |
| 10:51 | 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) |
| 10:52-1.1, 1.4 | Amend Hospital and Special Services Manual: Professional Standards Review Organization | R.1981 d.51 | 13 N.J.R. 147(c) |
| 10:52-1.6 | Amend outpatient hospital services | R.1980 d.313 | 12 N.J.R. 483(c) |
| 10:52-1.6(c) | Reimbursement for outpatient hospital services | R.1980 d.337 | 12 N.J.R. 536(a) |
| 10:52-1.16 | Abortions | R.1980 d.264 | 12 N.J.R. 419(b) |
| 10:53-1.1, 1.4 | Amend Hospital and Special Services Manual: Professional Standards Review Organization | R.1981 d.51 | 13 N.J.R. 147(c) |
| 10:53-1.6 | Special Hospital Services Manual | R.1980 d.392 | 12 N.J.R. 600(c) |
| 10:53-1.14 | Abortions | R.1980 d.264 | 12 N.J.R. 419(b) |
| 10:54-1.1 | Definition of specialist, Physician's Services Manual | R.1980 d.463 | 12 N.J.R. 703(d) |
| 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 | 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) |
| 10:58 | 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) |
| 10:63-1.4 | 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) |
| 10:63-1.8 | Amend clinical records in long-term care facilities | R.1981 d.33 | 13 N.J.R. 146(c) |
| 10:63-1.14 | Nurses' notes in long term care facilities | R.1980 d.393 | 12 N.J.R. 600(d) |
| 10:63-1.21 | Three-year audit cycle | R.1981 d.23 | 13 N.J.R. 146(a) |
| 10:63-3.18, 3.19 | Long term care rate review guidelines | R.1980 d.377 | 12 N.J.R. 586(d) |
| 10:63-3.21 | Long-term care per diem rates | R.1980 d.341 | 12 N.J.R. 536(b) |
| 10:66 | 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) |
| 10:81-2.7 | Amend PAM: Deprivation of parental support in AFDC-C | R.1981 d.28 | 13 N.J.R. 146(b) |
| 10:81-3.27 | Amend documentation in AFDC transfers | R.1980 d.330 | 12 N.J.R. 483(f) |
| 10:81-3.37, 3.38 | Amend PAM: Identification of resources | R.1980 d.450 | 12 N.J.R. 664(b) |
| 10:81-7.22, 7.26 | Amend payment of burial and funeral costs | R.1980 d.244 | 12 N.J.R. 518(a) |
| 10:81-7.32 | Amend subpoena notification | R.1980 d.329 | 12 N.J.R. 483(e) |
| 10:82-1.2 | Amend ASH: Allowances | R.1980 d.294 | 12 N.J.R. 481(b) |
| 10:82-2.3 | Amend grant effective date | R.1980 d.331 | 12 N.J.R. 484(a) |
| 10:82-2.13 | Amend ASH: Allowances | R.1980 d.294 | 12 N.J.R. 481(b) |
| 10:82-2.14 | Amend ASH | R.1980 d.332 | 12 N.J.R. 484(b) |
| 10:82-2.14 | Amend ASH: Established monthly earnings | R.1981 d.47 | 13 N.J.R. 147(b) |

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| 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.333 | 12 N.J.R. 599(b) |
| 10:82-3.2 | Amend ASH: Savings | R.1980 d.442 | 12 N.J.R. 663(d) |
| 10:82-4.6 | Disregard of certain allowances and payments in AFDC | R.1980 d.384 | 12 N.J.R. 599(c) |
| 10:82-4.9 | Amend ASH | R.1980 d.332 | 12 N.J.R. 484(b) |
| 10:82-4.13 | Contributions of support by legally responsible relative | R.1980 d.389 | 12 N.J.R. 600(a) |
| 10:82-5.10 | Amend ASH: Emergency assistance | R.1980 d.552 | 13 N.J.R. 101(a) |
| 10:85-2.2 | Amend GAM: Temporary and acting directors of municipal welfare | R.1980 d.505 | 13 N.J.R. 17(c) |
| 10:85-3.2 | Amend out-of-State individuals entering New Jersey medical facilities | R.1980 d.245 | 12 N.J.R. 418(b) |
| 10:85-3.2 | Amend GAM | R.1980 d.252 | 12 N.J.R. 419(a) |
| 10:85-3.2 | Amend General Assistance application process | R.1980 d.514 | 13 N.J.R. 18(a) |
| 10:85-3.3 | Allowance schedule | R.1980 d.310 | 12 N.J.R. 483(a) |
| 10:85-3.3 | Amend General Assistance Manual | R.1980 d.311 | 12 N.J.R. 483(b) |
| 10:85-3.3 | Treatment of funds in trust or joint accounts in GA eligibility | R.1980 d.388 | 12 N.J.R. 599(f) |
| 10:85-3.3 | Amend GAM: Referral for Medicaid | R.1980 d.466 | 12 N.J.R. 704(a) |
| 10:85-3.3 | Amend GAM: "Immediate need" | R.1980 d.486 | 12 N.J.R. 724(a) |
| 10:85-3.3 | Amend GAM: Rate increases for recipients in residential health care facilities | R.1980 d.547 | 13 N.J.R. 100(a) |
| 10:85-3.3 | Amend GAM: Financial eligibility | R.1981 d.46 | 13 N.J.R. 147(a) |
| 10:85-3.4 | Treatment of funds in trust or joint accounts in GA eligibility | R.1980 d.388 | 12 N.J.R. 599(f) |
| 10:85-3.4 | Amend GAM: Savings | R.1980 d.452 | 12 N.J.R. 664(d) |
| 10:85-3.5 | Amend General Assistance Manual | R.1980 d.311 | 12 N.J.R. 483(b) |
| 10:85-3.6 | GAM: Overpayments and underpayments | R.1980 d.391 | 12 N.J.R. 600(b) |
| 10:85-4.6 | Amend GAM: Emergency grants | R.1980 d.538 | 13 N.J.R. 18(d) |
| 10:85-4.8 | Amend payment of burial and funeral costs | R.1980 d.436 | 12 N.J.R. 663(c) |
| 10:85-5.2 | Amend GAM: Referral for Medicaid | R.1980 d.466 | 12 N.J.R. 704(a) |
| 10:85-5.2 | Amend GAM: Diagnostic-Related Group payments | R.1980 d.515 | 13 N.J.R. 18(b) |
| 10:85-5.2, 5.3 | Amend General Assistance Manual | R.1980 d.311 | 12 N.J.R. 483(b) |
| 10:85-5.3 | Amend submission of Form GA-18 | R.1980 d.531 | 13 N.J.R. 18(c) |
| 10:85-5.3 | Amend GAM: Rate increases for recipients in residential health care facilities | R.1980 d.547 | 13 N.J.R. 100(a) |
| 10:85-5.3, 5.4 | Amend general assistance clients in certain municipalities | R.1980 d.252 | 12 N.J.R. 419(a) |
| 10:85-5.8, 5.9 | Amend general assistance clients in certain municipalities | R.1980 d.252 | 12 N.J.R. 419(a) |
| 10:85-6.5 | Amend GAM: Repayment by SSI recipients | R.1980 d.551 | 13 N.J.R. 100(d) |
| 10:85-6.8 | Amend general assistance clients in certain municipalities | R.1980 d.252 | 12 N.J.R. 419(a) |
| 10:85-7.2 | Amend GAM: Receipt of assistance | R.1981 d.53 | 13 N.J.R. 147(d) |
| 10:85-8.2 | Amend GAM: Referral for Medicaid | R.1980 d.466 | 12 N.J.R. 704(a) |
| 10:85-App. C | Amend GAM: Income and allowance standards | R.1980 d.295 | 12 N.J.R. 482(a) |
| 10:87-5.10 | FSM: Shelter cost deductions | R.1980 d.387 | 12 N.J.R. 599(e) |
| 10:87-6.9, 6.11 6.13, 6.15 | Amend Food Stamp Manual | R.1980 d.459 | 12 N.J.R. 40(c) |
| 10:87-12 | Amend Food Stamp allotment and income | R.1980 d.296 | 12 N.J.R. 482(b) |
| 10:87-12.1 | Emergency amend FSM: Standard utility allowance | R.1980 d.418 | 12 N.J.R. 663(b) |
| 10:87-12.1, 12.2, 12.4 | Emergency amend Food Stamp Manual | R.1980 d.558 | 13 N.J.R. 100(e) |
| 10:89 | Emerg. Home Energy Assistance | R.1980 d.497 | 12 N.J.R. 724(b) |
| 10:89-3.6 | Emergency rule on Home Energy Assistance | R.1980 d.548 | 13 N.J.R. 100(b) |
| 10:100-3.5, 3.6, 3.7 | Amend payment of burial and funeral costs | R.1980 d.246 | 12 N.J.R. 418(c) |
| 10:109-App.I, II | Salary increases for county welfare agencies' employees | R.1980 d.386 | 12 N.J.R. 599(d) |
| 10:120- Foreword | Amend DYFS administrative foreword | R.1980 d.308 | 12 N.J.R. 482(c) |
| 10:122 | Amend child care standards | R.1980 d.314 | 12 N.J.R. 483(d) |
| 10:122A | Recodify AFDC Foster Care | R.1980 d.314 | 12 N.J.R. 483(d) |
| 10:122B | Recodify Family Day Care | R.1980 d.314 | 12 N.J.R. 483(d) |
| 10:123-2 | Boarding homes | R.1980 d.371 | 12 N.J.R. 586(c) |
| 10:123-3 | Adopt personal needs allowance | R.1980 d.358 | 12 N.J.R. 536(e) |
| 10:130 | Dependent/neglected children's shelters | R.1980 d.446 | 12 N.J.R. 664(a) |

(Title 10, Transmittal 14 dated May 17, 1980 includes all rules through June 5, 1980 N.J. Register.)

CORRECTIONS — TITLE 10A

| | | | |
|-------------|---------------------------|--------------|------------------|
| 10A:33 | Repeal parole regulations | R.1980 d.367 | 12 N.J.R. 600(e) |
| 10A:35 | Repeal parole regulations | R.1980 d.367 | 12 N.J.R. 600(e) |
| 10A:70-1 | Parole Board rules | R.1980 d.359 | 12 N.J.R. 538(a) |
| 10A:70-1.11 | Parole Board rules | R.1980 d.359 | 12 N.J.R. 538(a) |
| 10A:70-8.1 | Parole Board rules | R.1980 d.359 | 12 N.J.R. 538(a) |
| 10A:71 | Parole Board rules | R.1980 d.359 | 12 N.J.R. 538(a) |

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|------------------|--------------------------------|--------------|------------------|
| 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:71-3.20—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:71-7.18 | Amend State Parole Board rules | R.1980 d.434 | 12 N.J.R. 665(a) |

(Title 10A, Transmittal 5 dated May 17, 1980 includes all rules through August 7, 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. 494(d) |
| 11:5-1.15(1) | Amend advertising | R.1980 d.52 | 12 N.J.R. 128(a) |
| 11:5-1.15(m) | Amend advertising | R.1980 d.213 | 12 N.J.R. 343(a) |
| 11:5-1.16 | 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(b) |
| 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) |
| 13:19-5.1 | Amend rules on convulsive seizures | R.1981 d.18 | 13 N.J.R. 150(b) |
| 13:19-10.3 | Amend driver improvement school fees | R.1980 d.494 | 12 N.J.R. 727(a) |
| 13:20-25.2 | Amend approval of safety glazing material | R.1981 d.15 | 13 N.J.R. 149(d) |
| 13:20-28 | Inspection of new passenger vehicles and motorcycles | R.1980 d.345 | 12 N.J.R. 551(c) |
| 13:20-33.53 | Amend motorcycle handlebars and grips | R.1981 d.16 | 13 N.J.R. 149(e) |
| 13:20-33.72 | Repeal handhold devices | R.1981 d.17 | 13 N.J.R. 150(a) |
| 13:20-36 | Special National Guard plates | R.1981 d.31 | 13 N.J.R. 150(e) |
| 13:21-2.3 | Amend motor licensing statutory interpretation | R.1980 d.495 | 12 N.J.R. 727(b) |
| 13:21-3 | Repeal rules on dealer's temporary certificates | R.1981 d.14 | 13 N.J.R. 149(c) |
| 13:21-4.1 | 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) |

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| 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 sympathomimetic amines | R.1980 d.380 | 12 N.J.R. 609(c) |
| 13:35-6.16(a) | Uses of amphetamines and sympathomimetic amines | R.1980 d.379 | 12 N.J.R. 609(b) |
| 13:35-6.18 | Provision of radiological services | R.1980 d.344 | 12 N.J.R. 551(b) |
| 13:35-9 | Certified nurse/midwife | R.1980 d.535 | 13 N.J.R. 41(e) |
| 13:35-9.3 | Emergency amend certified nurse/midwife | R.1981 d.21 | 13 N.J.R. 150(c) |
| 13:35-9.3(c) | Emergency amend operative date on certified nurse/midwife standards | R.1981 d.24 | 13 N.J.R. 150(d) |
| 13:36-3.5 | 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) |
| 13:70-29.48 | Emergency amend daily double pool | R.1981 d.32 | 13 N.J.R. 150(f) |
| 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)
 16:28-1.23 Emergency amend speed limit on Route 18 R.1981 d.34 13 N.J.R. 158(b)
 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-1.4 Emergency amend restricted parking along Route 4 R.1981 d.35 13 N.J.R. 159(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)
 16:30-8 No trespassing zones R.1981 d.36 13 N.J.R. 159(b)
 16:31-1.4, 1.7 Turns along various State highways R.1980 d.412 12 N.J.R. 674(a)
 16:31-1.15 Turns along various State highways R.1980 d.412 12 N.J.R. 674(a)
 16:31A Amend prohibited right turns on red signals R.1980 d.518 13 N.J.R. 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)
 17:3-4.1 Amend creditable salary R.1981 d.30 13 N.J.R. 162(a)
 17:4-1.8, 1.11 Amend Police and Firemen's Retirement System R.1980 d.135 12 N.J.R. 290(a)
 3.3, 4.10, 6.7,
 6.8, 6.12, 6.14
 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)

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| 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) |
| 18:12A-1.20 | County boards of taxation | R.1981 d.44 | 13 N.J.R. 165(a) |
| 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. 729(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) |
| 19:9-3.1 | Amend towing rates | R.1981 d.37 | 13 N.J.R. 165(c) |
| 19:25 | Election activity | R.1980 d.348 | 12 N.J.R. 557(a) |
| 19:25 | Lobbying | R.1980 d.350 | 12 N.J.R. 558(a) |
| 19:25-8 | 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.)

(Continued from Page 134)

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend GAM: Referral and Appeal for Recipients Prospectively Eligible for SSI

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J. A.C. 10:85-3.1, 3.2, and 8.3 of the General Assistance Manual concerning referral and appeal procedures for recipients prospectively eligible for SSI.

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

10:85-3.1 Persons eligible for General Assistance

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

(d) Rules concerning aged, blind and disabled are as follows.

[(1)] 1. Referral for SSI: Individuals who are aged, blind or disabled shall be referred to the nearest Social Security District Office (SSA/DO) to apply for Supplemental Security Income (SSI). However, any immediate need shall be met through General Assistance as a loan to the needy individual. (See N.J.A.C. 10:85-8.3(c)iii for referral procedures and [subchapter 6 of this chapter] N.J.A.C. 10:85-6 for reimbursement procedures.)

2. Ineligible for SSI: In the event an aged, blind or disabled individual is determined by the SSA/DO to be ineligible for SSI, he/she may apply for and/or continue to receive General Assistance, so long as financial eligibility exists. (See N.J.A.C. 10:85-8.3(c)iii for procedures for appeal of SSI denials.)

3. (No change.)

(e)-(f) (No change.)

10:85-3.2 Application process

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

(g) Eligibility for public assistance in New Jersey is directly related to an individual's willingness to work when he/she is able to do so. It is, therefore, a part of the application process to explain the work requirement to the applicant and to record in the case file the reasons for any exemption from this requirement.

1. - 3. (No change.)

4. Actions in situations of exemption:

2. [The maximum allowable rate for care in a day care center, regardless of the source or sources of such payment, shall not exceed the applicable rate for the particular facility and class of service as determined by the Division of Youth and Family Services. This rate shall be construed to be inclusive of all transportation costs pertaining to attendance at the day care center.]

The maximum allowable rate for care in a licensed (if required) day care center, regardless of the source or sources of payment, shall be the rate established by the Division of Youth and Family Services for that center for the class of service provided. If no such rate has been established, the CWA will notify the Division of Youth and Family Services of the need for an established rate. In this event, until a rate is established, the CWA maximum per child rate, regardless of the source or sources of payment, shall be the least of the following:

i. The amount actually charged;

ii. The lowest amount charged by the center for any child for the same class of service;

iii. \$10.50 per day for full day care, prorated for less than a full day.

3. In addition to (d)2 above, when transportation or the cost of transportation is not available from any other source, the CWA may allow the actual cost up to \$8.00 per week maximum per child.

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

(h) When an eligible child who is an expectant mother is receiving care in an approved maternity home, the maximum rate for such care shall be the applicable rate for that facility as determined by the Division of Youth and Family Services, not to exceed a maximum of \$[360.00]683.00 per month. Such rate shall include all maintenance and care except medical services and shall be made as a vendor payment from the assistance account.

1. (No change.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 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.

TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

| | | | |
|--------------|---|--------------|------------------|
| 19:41-8.6 | Amend withdrawal of applications | R.1980 d.159 | 12 N.J.R. 295(a) |
| 19:41-8.8 | Reapplication by natural persons | R.1980 d.160 | 12 N.J.R. 295(b) |
| 19:41-9 | 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.)

i. Action by MWS:

(1)-(2) (No change.)

(3) When appropriate, the MWD will make referral of the recipient to the Division of Vocational Rehabilitation Services (see N.J.A.C. 10:85-8.4(h)) and/or to the Social Security Administration for RSDI and/or SSI benefits (see N.J.A.C. 10:85-8.3(c)).

ii. (No change.)

5.-8. (No change.)

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

10:85-8.3 Referral to SSA district office

(a) (No change.)

(b) Referral for RSDI benefits shall be made via Form PA-14 (Referral for Services). This form shall be given to the client, one copy shall be sent to the SSA district office, and the remaining copy shall be kept on file in the municipal department of welfare. Referral for SSI benefits shall be made in accordance with (c)3ii below.

(c) (No change.)

1.-2. (No change.)

3. Supplemental Security Income (SSI): This Federal program provides cash benefits to eligible individuals who are over 65 years of age, blind, or disabled.

i. (No change.)

ii. Referral procedures: Whenever an individual appears to be eligible for SSI, the MWD shall provide the individual with a copy of the pamphlet, How to Apply for SSI (Form GA-191). Such individuals are to be referred to the appropriate Social Security Administration district office (SSA/DO). Referrals for blind and disabled individuals shall be made via Form GA-41 (Supplemental Referral Form) which shall be completed in duplicate, the original shall be sent to the SSA/DO and copy retained in the case record. All aged individuals shall be referred via Form PA-14. If a client who appears to be ineligible for SSI requests a referral, this shall also be made via Form PA-14 or GA-41 as deemed appropriate.

iii. Appeal procedures: Whenever SSI benefits are denied to an individual referred by the MWD for reasons related to degree of disability or blindness, or for any other reason, and in the view of the MWD the denial seems inappropriate to the circumstances, the MWD shall refer the individual, with his/her knowledge, via Form PA-14 to the appropriate Legal Services office for assistance in the appeal process. The MWD will supply to Legal Services, with the client's consent, whatever required information is available.

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

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

Three-Year Audit Cycle

On January 5, 1981, 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 a new rule to be cited as N.J.A.C. 10:63-1.21 in the Long Term Care Services Manual concerning the three-year audit cycle as proposed in the Notice published December 4, 1980 at 12 N.J.R. 701(b).

An order adopting this rule was filed January 23, 1981 to become effective on February 1, 1981 as R.1981 d.23.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

**PAM: Deprivation of Parental
Support in AFDC-C**

On January 21, 1981, 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. 10:81-2.7 in the Public Assistance Manual concerning deprivation of parental support in AFDC-C as proposed in the Notice published December 4, 1980 at 12 N.J.R. 703(a).

An order adopting this rule was filed January 26, 1981 to become effective on March 1, 1981 as R.1981 d.28.

(c)

HUMAN SERVICES

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Clinical Records in Long
Term Care Facilities**

On January 14, 1981, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:40-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:63-1.8 concerning clinical records in long term care facilities as proposed in the Notice published December 4, 1980 at 12 N.J.R. 701(a).

An order adopting this rule was filed February 2, 1981 to become effective on March 1, 1981 as R.1981 d.33.

(d)

HUMAN SERVICES

THE COMMISSIONER

**Withdrawal of Proposal on
Reporting Criminal Offenses**

On February 3, 1981, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 withdrew the proposal concerning reporting of criminal offenses to law enforcement authorities which was proposed in the Notice published January 8, 1981 at 13 N.J.R. 15(c).

This withdrawal was filed on February 4, 1981 as R.1981 d.43.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

GAM: Financial Eligibility

On February 2, 1981, 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 in the General Assistance Manual concerning "earned income" in the determination of financial eligibility and grant entitlement as proposed in the Notice published January 8, 1981 at 13 N.J.R. 16(b).

An order adopting this rule was filed and became effective on February 5, 1981 as R.1981 d.46.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

ASH: Established Monthly Earnings

On February 2, 1981, 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. 10:82-2.14 of the Assistance Standards Handbook concerning the establishment of monthly earnings in the determination of eligibility and grant entitlement as proposed in the Notice published January 8, 1981 at 13 N.J.R. 16(a).

An order adopting this rule was filed and became effective on February 5, 1981 as R.1981 d.47.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Hospital and Special Services Manual: Professional Standards Review Organization

On February 15, 1981, 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. 10:52-1.1 and 1.4, and 10:53-1.1 and 1.4 concerning the Professional Standards Review Organization (PSRO) as proposed in the Notice published November 6, 1980 at 12 N.J.R. 661(c) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

Full text of the changed material as adopted follows (additions to proposal indicated in boldface thus).

10:52-1.4(a)9i(2)(D) Additional inpatient care beyond the 40th day will not be reimbursed unless supported by prior authorization (see (a)9i(1) above). However, within the span of prior authorized days, a PSRO decision to terminate benefits based on a concurrent review will be binding for payment purposes.

An order adopting this rule was filed February 10, 1981 to become effective on February 15, 1981 as R.1981 d.51.

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

GAM: Receipt of Assistance

On February 5, 1981, 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. 10:85-7.2 of the General Assistance Manual concerning receipt of assistance as proposed in the Notice published September 4, 1980 at 12 N.J.R. 535(b).

An order adopting this rule was filed February 11, 1981 to become effective on March 1, 1981 as R.1981 d.53.

(e)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS

Proposed Amend Wage Orders for Minors

John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56a30, proposes to amend N.J.A.C. 12:57-1.3, 2.1, 3.3, 4.3, and 5.3, together with the foreword to this chapter concerning wage orders for minors.

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

CHAPTER 57

WAGE ORDERS FOR MINORS

FOREWORD

This amended chapter of Title 12 of the New Jersey Administrative Code replaces N.J.A.C. 12:57, [Minimum Wage Orders Applicable to Persons under 18 Years of Age, effective prior to September 1, 1969] Wage Orders for Minors, effective November 1, 1980.

[The mandatory wage orders Nos. 11, 12, 13 applicable to persons under 18 years of age were included in the New Jersey Administrative Code as Subchapter 1, 2, and 3 of N.J.A.C. 12:57, Minimum Wage Orders Applicable to Persons Under 18 Years of Age.]

This edition of Chapter 57, Wage Orders for Minors, [is based upon research conducted by the staff of the Division of Workplace Standards as a result of amendments to the New Jersey State Wage and Hour Law, N.J.S.A. 34:11-56a through 34:11-56a19.] has been promulgated to recognize the addition of N.J.S.A. 34:11-56a30 to the New Jersey State Wage and Hour Law, N.J.S.A. 34:11-56a et seq.

12:57-1.3 Scope

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

(c) Other wage orders and regulations for minors under 18 years of age are provided for under N.J.A.C. 12:56-11, 13 and 14 and shall apply.

12:57-2.1 Definitions

"Act" means Minimum Wage Standards Act, N.J.S.A. 34:11-34 et seq., or New Jersey State Wage and Hour Law, N.J.S.A. 34:11-56a et seq.

"Commissioner" means the Commissioner of Labor and Industry. [or his authorized agent.]

["Occupation" means an industry, trade or business or branch thereof or class or work therein in which minors are gainfully employed but shall not include domestic service in the home of the employer or labor on a farm.]

"Statutory minimum wage rate" means the current minimum wage rate established by law, namely N.J.S.A. 34:11-56a4.

12:57-3.3 Minimum wage

Minors under 18 years of age at mercantile occupations shall be paid not less than the statutory minimum wage rate. [, of \$3.10 per hour for each hour of working time, effective November 1, 1980.]

12:57-3.5 Regular hourly wage

(a) (No change.)

(b) The regular rate of pay at which the employee is employed shall not be less than the minimum rate established by N.J.A.C. 12:57-[3.4]3.3.

(c)-(d) (No change.)

12:57-4.3 Minimum wage

Minors under 18 years of age at beauty culture occupations shall be paid not less than the statutory minimum wage rate. [of \$3.10 per hour for each hour of working time, effective November 1, 1980.]

12:57-5.3 Minimum wage

Minors under 18 years of age at laundry, cleaning and dyeing occupations shall be paid not less than the statutory minimum wage rate. [of \$3.10 per hour for each hour of working time, effective November 1, 1980.]

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

William J. Clark, Assistant Commissioner
Division of Workplace Standards
Department of Labor and Industry
Post Office Box 2191
Trenton, N.J. 08625

The Division of Workplace Standards may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

STATE BOARD OF MEDICAL EXAMINERS

Proposed Amend Guidelines for Externship Programs

Edwin H. Albano, M.D., President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursu-

ant to authority of N.J.S.A. 45:9-2, proposes to amend N.J.A.C. 13:35-6.2 concerning guidelines for externship programs.

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

13:35-6.2 Guidelines for an externship program

(a) "Extern" shall mean an undergraduate medical student of an allopathic or osteopathic school accredited either by the Liaison Committee on Medical Education or the American Osteopathic Association or a Foreign Medical School listed in the World Health Organization Directory and whose graduates are accepted by the New Jersey Board of Medical Examiners as eligible to sit for the licensure examination. Externships are limited to the student's vacation period in an extra-curricular professional experience as hereunto delineated.

[(a)] (b) An externship [training] program shall be limited to:

1. Observation of operative procedures;
2. The taking of histories;
3. The performance of physical examinations;
4. The performance of [limited] non-invasive procedures under the direct supervision of [a] and in the immediate presence of the supervising licensed physician; and
5. The participation in patient rounds and other organized patient care [activity functions] activities of the supervising physician.

[(b)] (c) At no time shall the extern be delegated [direct and sole] any responsibility for the care of the patient, the patient's diagnosis or any aspect of the patient's treatment, including the prescription of medication for the patient. [All notes or comments placed on the patient's chart by externs shall be clearly identified as to their extern status and countersigned by the responsible supervising physician.] An extern shall make no entries on the patient's permanent record.

[(c)] (c) Patients shall be informed that they are being seen by an extern who has been granted written permission for participation in such a community hospital externship program.]

(d) The extern shall at all times of patient contact wear an identifying badge inscribed "Medical Student."

(e) Prior to commencing participation in an externship program, the student shall have obtained written permission from the Chief of Staff and the Administration of the participating hospital and shall retain such letter.

[(d)] (f) Under no circumstances [should] shall the performance of any of the above duties by an extern, while engaged in such a program, be construed as the practice of medicine.

(g) The time spent in an externship program shall not be considered as part of or credited towards fulfillment of any statutory academic or clinical requirements for licensure.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25, 1981 to:

State Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

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

(a)

LAW AND PUBLIC SAFETY

BOARD OF NURSING

Proposed Rule on Change Of Address of Licensee

Dorothy J. DeMaio, President of the Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24, proposes to adopt a new rule to be cited as N.J.A.C. 13:37-1.26 concerning the requirement that licensees give written notice of any change of address to the Board.

Full text of the proposed new rule follows.

13:37-1.26 Change of address

A licensee of the Board of Nursing shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued license. Such notice shall be given not later than 30 days following the change of address.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25, 1981 to:

Richard E. David, Executive Secretary
State Board of Nursing
Room 319
1100 Raymond Boulevard
Newark, New Jersey 07102

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Notice of Common Carrier Application

Take notice that Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-E.11, hereby lists the names and addresses of applicants who have filed an application for a common carrier's certificate of public convenience and necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

Ron Miller Excavation
Jacobst. Cookst. Rd., Box 188
Wrightstown, N.J. 08562

Genario & Sons, Inc.
411 Railroad Ave.
E. Rutherford, N.J. 07073

Bruce Transportation Co., Inc.
32 Barry Dr.
Rockaway Twp., N.J. 07866

James M. Hannah
508 Ireland Ave.
Millville, N.J. 08332

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 on or before March 25, 1981 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
25 South Montgomery Street
Trenton, N.J. 08666

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Repeal Rules on Dealer's Temporary Certificates

On December 22, 1980, Patrick R. Brannigan, Deputy Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-4c and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 13:21-3 concerning dealer's temporary certificates as proposed in the Notice published October 9, 1980 at 12 N.J.R. 607(b).

An order adopting this rule was filed and became effective on January 16, 1981 as R.1981 d.14.

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Approval of Safety Glazing Material

On December 22, 1980, Patrick R. Brannigan, Deputy Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-43 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:20-25.2 concerning approval of safety glazing material as proposed in the Notice published October 9, 1980 at 12 N.J.R. 606(b).

An order adopting this rule was filed and became effective on January 16, 1981 as R.1981 d.15.

(e)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Motorcycle Handlebars and Handlebar Grips

On December 22, 1980, Patrick R. Brannigan, Deputy Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:20-33.53 concerning motorcycle handlebars and handlebar grips as proposed in the Notice published October 9, 1980 at 12 N.J.R. 606(c).

An order adopting this rule was filed and became effective on January 16, 1981 as R.1981 d.16.

(a)

**LAW AND PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES**

Repeal of Handhold Devices

On December 22, 1980, Patrick R. Brannigan, Deputy Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 13:20-33.72 concerning handhold devices as proposed in the Notice published October 9, 1980 at 12 N.J.R. 607(a).

An order adopting this rule was filed and became effective on January 16, 1981 as R.1981 d.17.

(b)

**LAW AND PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES**

Convulsive Seizures

On December 22, 1980, Patrick R. Brannigan, Deputy Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.A.C. 39:5-30 and 39:3-10.4 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:19-5.1 concerning convulsive seizures as proposed in the Notice published October 9, 1980 at 12 N.J.R. 606(a).

An order adopting this rule was filed and became effective on January 16, 1981 as R.1981 d.18.

(c)

**LAW AND PUBLIC SAFETY
BOARD OF MEDICAL EXAMINERS**

Emergency Amend Certified Nurse/Midwife

On January 14, 1981, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq. and 45:10-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 13:35-9.3 concerning minimum standards of practice for certified nurse/midwives.

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

13:35-9.3 Minimum standards of practice

(a) - (b) (No change.)
(c) Patients shall be ineligible for management by a C.N.M. or by a lay midwife under certain circumstances. However, the C.N.M. may perform all services within the scope of practice of a registered nurse acting at the direction and under the supervision of a licensed physician. The criteria for ineligibility shall include, but are not limited to, the following:

- 1. Demographic indices:
- i. - iii. (No change.)
- iv. Notwithstanding the provisions of (c)1 i through iii

above, the C.N.M. may participate in collaborative management of patients in those categories with an obstetrician under the following circumstances:

(1) The patient shall be examined by a licensed obstetrician during the first trimester or second visit and again during the third trimester to confirm satisfactory status under C.N.M. management;

(2) A licensed obstetrician is on the premises and available for consultation when these patients are examined during preatatal management;

(3) Delivery shall take place in a licensed hospital having a licensed obstetrician on the premises 24 hours per day.

2. - 6. (No change.)

(d) (No change.)

An order adopting this rule was filed January 22, 1981 to become effective on January 23, 1981 as R.1981 d.21.

(d)

**LAW AND PUBLIC SAFETY
BOARD OF MEDICAL EXAMINERS**

**Emergency Amend Operative Date of
N.J.A.C. 13:35-9.3(c) on Certified Nurse/Midwife**

On January 23, 1981, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 and 45:10-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an emergency amendment to N.J.A.C. 13:35-9.3(c) suspending the operative date thereof to February 19, 1981.

An order adopting this rule was filed and became effective on January 23, 1981 as R.1981 d.24 (Exempt, Emergency Rule).

(e)

**LAW AND PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES**

Special National Guard Plates

On December 22, 1981, Patrick R. Brannigan, Deputy Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-27.14 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 13:20-36 concerning special National Guard license plates as proposed in the Notice published July 10, 1980 at 12 N.J.R. 427(a).

An order adopting this rule was filed and became effective on January 28, 1981 as R.1981 d.31.

(f)

**LAW AND PUBLIC SAFETY
RACING COMMISSION**

Emergency Amend Daily Double Pool

On January 22, 1981, the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant

to authority of N.J.S.A. 5:5 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 13:70-29.48 concerning the daily double pool.

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

13:70-29.48 Daily double

(a) [Only one] No more than two daily doubles shall be permitted during any single race day. All other forms of this type of wagering are prohibited.

(b) - (r) (No change.)

An order adopting this rule was filed January 28, 1981 to become effective on February 2, 1981 as R.1981 d.32 (Exempt, Emergency Rule).

(a)

ENERGY

THE COMMISSIONER

Proposed Rules on Reporting of Energy Information

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-18, proposes to adopt new rules to be cited as N.J.A.C. 14A:11-4 concerning the reporting of energy information by selected retail dealers of motor fuel. This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 003-81-03.

This proposal requires selected retail dealers of motor fuel to report specified energy information which will be used by the Department in monitoring the price and supply of motor fuel within the State.

Full text of the proposed new rules follows.

CHAPTER 11

PERIODIC REPORTING BY ENERGY INDUSTRIES OF ENERGY INFORMATION

...

SUBCHAPTER 4. RETAIL DEALERS OF MOTOR FUEL

14A:11-4.1 Scope

Unless otherwise provided by statute or rule, this subchapter shall govern the periodic reporting of energy information by selected retail dealers of motor fuel.

14A:11-4.2 Definitions

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

"Department" means the New Jersey Department of Energy.

"Full-service station" means a station that offers a full line of services, such as service bays and offers for sale tires, batteries and other accessories in addition to the sale of motor fuel.

"Limited-service station" means a station that offers a limited line of services in addition to the sale of motor fuel.

"Motor fuel" includes motor gasoline, diesel fuel and Gasohol.

"Retail dealer" means any person who engages in the business of selling fuels from a fixed location such as a service station, filling station, store, or garage directly to the ultimate users of said fuel.

"Selected" means chosen from a pool of merchants from the various geographic areas of the state according to accepted statistical procedures for sampling from a large population. A sample is to be redrawn at least every two years excluding merchants previously in the sample so as to distribute any reporting burden fairly.

"Truck stop" means any retail dealer who provides service predominantly to trucks and truck tractors.

14A:11-4.3 Reporting

(a) Upon request, each retail dealer who is selected by the Department shall report the following background information to the Department:

1. The location of the station; for example, at an interstate highway, State highway, county road, local road, resort area or non-resort area;

2. The type of station; for example, full-service station, limited-service station or truck stop;

3. The brand of motor fuel sold;

4. The number of pumps at the station;

5. The grades of motor gasoline sold, for example, regular leaded, regular unleaded, premium leaded, premium unleaded;

6. Whether diesel fuel or Gasohol is offered for sale;

7. Total sales by month for a base period to be specified by the Department.

(b) Upon request, each retail dealer who is selected by the Department shall report the following information to the Department:

1. The retail dealer's current price for all grades of motor gasoline, diesel fuel and Gasohol offered at the station;

2. The total number of operating hours during the survey period;

3. Sales of motor gasoline, diesel fuel and Gasohol for the most recent month and the corresponding month of the preceding year;

4. Estimated supplies to be made available to the station for the current month;

5. The amount of motor gasoline, diesel fuel and Gasohol pumped as of a particular date. This information shall only be required during periods of shortage or supply interruption.

14A:11-4.4 Penalties

(a) Any person who violates the provisions of this subchapter shall be liable to a penalty of not more than \$300.00 for the first offense and not more than \$3,000 for the second or any subsequent offense, to be collected in a civil action by a summary proceeding under the penalty enforcement law (N.J.S.A. 2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall also have jurisdiction to enforce the penalty enforcement law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

(b) The department may compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

Interested persons may present, in writing, statements or arguments relevant to the above proposal on or before March 25, 1981 to:

Gerard Burke, Administrator
Office of Regulatory and Governmental Affairs
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

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

(a)

ENERGY

THE COMMISSIONER

Proposed Rules on Reporting of Energy Information

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-18, proposes to adopt new rules to be cited as N.J.A.C. 14A:11-5 concerning the reporting of energy information by selected retail fuel merchants. This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 004-81-03.

The proposal requires selected retail fuel merchants to report specified energy information which will be used by the Department in monitoring the price and supply of home heating oil within the State.

Full text of the proposed new rules follows.

CHAPTER 11

PERIODIC REPORTING BY ENERGY INDUSTRIES OF ENERGY INFORMATION

...

SUBCHAPTER 5. RETAIL FUEL MERCHANTS

14A:11-5.1 Scope

Unless otherwise provided by statute or rule, this subchapter shall govern the periodic reporting of energy information by selected retail fuel merchants.

14A:11-5.2 Definitions

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

"Department" means the New Jersey Department of Energy.

"Retail fuel merchant" means any person who engages in the business of selling home heating oil directly to the end users of such home heating oil.

"Selected" means chosen from a pool of merchants from the various geographic areas of the state according to accepted statistical procedures for sampling from a large population. A sample is to be redrawn at least every two years excluding merchants previously in the sample so as to distribute any reporting burden fairly.

14A:11-5.3 Reporting

(a) Upon request, each retail fuel merchant who is selected by the Department shall report the following background information to the Department:

1. The type of company; for example, retailer only, reseller only, reseller/retailer or refiner;
2. The number of storage areas, their location, and their current storage capacity for home heating oil. This shall include company storage that is both owned and rented;
3. Historical home heating oil inventory data as of the

last day of the month for a base period to be specified by the Department;

4. Historical home heating oil monthly sales data for the company for a base period to be specified by the Department.

(b) Upon request, each retail fuel merchant who is selected by the Department shall report the following information to the Department:

1. The company's current gross (retail) price charged to residential customers as of a specified date;
2. The company's weighted average rack price, or the price paid to their suppliers as of a specified date;
3. Current inventory of home heating oil as of a specified date;
4. Total sales of home heating oil for the most recent month;
5. Average number of customers served during the most recent month.

14A:11-5.4 Penalties

(a) Any person who violates the provisions of this subchapter shall be liable to a penalty of not more than \$300.00 for the first offense and not more than \$3,000 for the second or any subsequent offense, to be collected in a civil action by a summary proceeding under the penalty enforcement law (N.J.S.A. 2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall also have jurisdiction to enforce the penalty enforcement law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

(b) The department may compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25, 1981 to:

Gerard Burke, Administrator
Office of Regulatory and Governmental Affairs
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

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

(b)

TRANSPORTATION

BUREAU OF TRAFFIC ENGINEERING

Proposed Amend Requirements for Release of Traffic Signal Information

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. 16:26-1.1 concerning requirements for release of traffic signal information.

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

16:26-1.1 Requirements

- (a) (No change.)
- (b) Requests for such information must be submitted in writing, accompanied by a check or money order for

[\$10.00] \$50.00 made payable to the New Jersey Department of Transportation.

(c) The release of traffic signal information shall be in accordance with N.J.A.C. [16:1-2] 16:1-2.2 "Issuance and Sale of NJDOT Public Records."

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

(a)

TRANSPORTATION

BUREAU OF TRAFFIC ENGINEERING

Proposed Repeal Control of Traffic And Parking on NJDOT Property

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 et seq., proposes to repeal in its entirety N.J.A.C. 16:27-1.4 concerning control of traffic and parking on NJDOT property. The Department proposes this rule for repeal because it is duplicated in N.J.A.C. 16:30-5.2.

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

16:27-1.4 [Control of traffic and parking on N.J.D.O.T. property] (Reserved)

[(a) The following rules and regulations are adopted pursuant to Title 39:4-208 of the Revised Statutes:

1. Except as hereinafter provided, the operator of a vehicle shall not park the vehicle in any parking area constructed, owned and maintained at the headquarters of the N.J.D.O.T. unless such vehicle is registered with a parking permit issued by the Bureau of Security.

2. Applications for registration and parking permits shall be denied unless the names of those submitted are N.J.D.O.T. employees or are connected with the N.J. D.O.T. in some capacity at the main headquarters.

3. Parking permits shall be serially numbered and shall bear the number of the parking area for which issued. The permit will be designed for pasting and shall be pasted upon the inside of the rear window.

4. No person shall counterfeit a parking permit or make a substitute or temporary permit, or use such a permit with intent to evade or violate the requirements of these regulations.

5. To be valid, the parking permit must be on the car at all times while parked in designated N.J.D.O.T. parking areas.

6. Records of all permits issued will be kept on file at the issuing agent's office.

7. Temporary parking permits may be issued by the issuing agent for emergency purposes or for any other purpose that may be necessary for official State business. These permits will be void except for the dates mentioned thereon.

8. Reserved parking spaces may be established within the various parking areas including areas for visitor park-

ing and will be properly marked by signs or markings and the operator of any vehicle using such areas will obey all reserved signs or markings.

9. On special or emergency occasions any N.J.D.O.T. parking area may be designated as a closed area to permit holders. On such occasions proper notice will be given to permit holders as soon as possible and such notice will designate, providing there is space, another area available to them during such time.

10. The operator of a vehicle shall not stop or stand the vehicle in the driveways or roadways marked with signs of any of the parking areas so as to interfere with the free and orderly movement of vehicles entering or leaving the area.

11. The operator of a vehicle will park said vehicle in a proper manner in the spaces marked by white lines and they shall not park the vehicle in any other space not so marked.

12. The operator of a vehicle upon entering, remaining in or leaving the various parking areas will obey all traffic lights, signs and all Department designated officers that may be on duty at the time.

13. The Department designated officer on duty in any of the N.J.D.O.T. parking areas may regulate and control the traffic and parking and all drivers of vehicles shall obey his orders and directions, notwithstanding anything contained in these rules and regulations.

14. Parking permits may be revoked by the issuing agent at anytime the holder of such permit is found to be violating any of the rules and regulations.

15. Penalty: As prescribed by Title 39:4-209 of the Revised Statutes, "Any person who shall violate any of the said regulations shall be subject to a fine of not less than \$1.00 nor more than \$10.00".]

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

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Amend Maximum Speed Limits Along Route I-80

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to amend N.J.A.C. 16:28-1.2 concerning maximum speed limits along the Landing Road Interchange part of State highway Route I-80.

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

16:28-1.2 Route I-80 including Littleton Road and Cherry Hill interchange, Parsippany-Troy Hills, [and] Frontage Road number 2, Paterson, and Landing Road interchange

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

(e) The certain part of State highway Route I-80, Landing Road interchange, described in (e) of this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For the one-way eastbound direction of traffic along eastbound Landing Road:

i. Forty-five mph between North Frontage Road (DOT - Morris County jurisdictional line) and Route U.S. 46 (eastbound):

2. For the one-way westbound direction of traffic along westbound Landing Road:

i. Forty-five mph between Route U.S. 46 (westbound) and North Frontage Road (DOT - Morris County jurisdictional line).

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

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, 1.13, 1.15, 1.23, and 1.65 concerning restricted parking along Routes U.S. 9 and U.S. 22, and State highway Routes 23, 33, and 15.

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 in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-8. (No change.)

9. No stopping or standing in Barnegat Township, Ocean County:

i. Along the northbound side:

(1) From a point 200 feet south of the southerly curb line of East Bay Avenue to a point 85 feet north of the northerly curb line of East Bay Avenue;

ii. Along the southbound side:

(1) From a point 165 feet north of the northerly curb line of West Bay Avenue to a point 110 feet south of the southerly curb line of West Bay Avenue;

iii. Along both sides:

(1) From North Thorn Street to a point 200 feet south of the southerly curb line of Bayview Boulevard.

Renumber 9.-11. as 10.-12.

13. (Text proposed at 13 N.J.R. 105(d) as (a)12.)

[12.] 14. (No change in text.)

16:28A-1.13 Route U.S. 22

(a) The certain parts of State highway Route U.S. 22 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-3. (No change.)

4. No stopping or standing in Green Brook Township, Somerset County, along both sides of Route U.S. 22 between the Bridgewater Township Corporate Line and Rock Avenue.

16:28A-1.15 Route 23

(a) The certain parts of State highway Route 23 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing [along both sides] in Franklin Borough, Sussex County:

i. Along both sides from the northerly curb line of Washington Avenue to the southerly curb line of Mitchell Avenue-Rutherford Avenue.

ii. Along both sides from the Hardyston Township Borough Corporate Line to the Franklin Borough-Hamburg Corporate Line.

(b) (No change.)

16:28A-1.23 Route 33

(a) (No change.)

(b) The certain parts of State highway Route 33 described in (b) of this section shall be and hereby are designated and established as "restricted parking" zones for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles. No other person shall be permitted to park in these areas.

1. Restricted parking space zone along Route 33 in the Township of Hamilton, Mercer County:

i. Along the west side of Route 33 (Greenwood Avenue):

(1) (No change.)

(2) Beginning at a point 64 feet from the northerly curb line of Massachusetts Avenue and extending 22 feet westerly therefrom (1616 Greenwood Avenue).

16:28A-1.65 Route 15

(a) The certain parts of State highway Route 15 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

2. No stopping or standing in Lafayette Township, Sussex County:

i. Along the southbound side of Route 15:

(1) From a point 1210 feet south of the prolongation of the southerly curb line of Beaver Road to a point 500 feet southerly therefrom.

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

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Speed Limits Along Route 13

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt new rules to be cited as N.J.A.C. 16:28-1.15 concerning speed limits along Route 13 in Point Pleasant Borough, Ocean County.

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

16:28-1.15 [(Reserved)] Route 13

(a) The rate of speed designated for State highway Route 13 described in (a) of this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. Forty mph between milepost 0.0 near Hollywood Boulevard and milepost 0.50 at Bay Avenue.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 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 Amend Restricted Parking

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-1.19, 1.44, and 1.57 concerning restricted parking along Routes 28, 88, and U.S. 206, and to adopt a new rule to be cited as N.J.A.C. 16:28A-1.68 concerning restricted parking along Route 93.

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

16:28A-1.19 Route 28

(a) The certain parts of State highway Route 28 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-6. (No change.)

7. No stopping or standing in the Borough of Bound Brook:

i. Along the northerly (westbound) side:

(1) Between the Borough of Middlesex-Borough of Bound Brook corporate line and a point [100] 110 feet west of the prolongation of the westerly curb line of East Street;

(2)-(5) (No change.)

(6) From a point 145 feet west of the westerly curb line of Clearview Place to a point 50 feet of the westerly curb line of Thompson Avenue;

(7) From a point 270 feet west of the westerly curb line of Thompson Avenue to the Borough of Bound Brook-Township of Bridgewater corporate line;

(8) From the westerly curb line of Highland Place to a point 114 feet westerly therefrom.

ii. Along the southerly (eastbound) side:

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

(4) From the Township of Bridgewater-Borough of Bound Brook corporate line and a point 122 feet east of the easterly curb line of Thompson Avenue;

(5) From the westerly curb line of Vosseller Avenue to a point 282 feet westerly therefrom;

(6) From East Street to the Borough of Bound Brook-Borough of Middlesex corporate line;

(7) From a point 40 feet east of the easterly curb line of Highland Place to a point 72 feet west of the westerly curb line of Highland Place.

16:28A-1.44 Route 88

(a) The certain parts of State highway Route 88 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-2. (No change.)

3. No stopping or standing in Lakewood Township, Ocean County:

i. Along the south side (Ocean Avenue):

(1) From Railroad Avenue to a point 150 feet east of the easterly curb line of New Hampshire Avenue;

ii. Along the southerly side (Main Street):

(1) From the easterly curb line of Route U.S. 9 to a point 90 feet easterly therefrom;

iii. Along the northerly side (Main Street):

(1) From the easterly curb line of Route U.S. 9 to a point 212 feet easterly therefrom;

(2) Between Railroad Avenue and Lexington Avenue;

iv. Along the northerly side (Ocean Avenue):

(1) Beginning 150 feet west of the westerly curbline of New Hampshire Avenue, to a point 150 feet east of the easterly curbline of New Hampshire Avenue.

4. No parking between the hours of 3:00 A.M. to 8:00 A.M. in Lakewood Township, Ocean County: (except Sundays and legal holidays);

i. Along the southerly side (Main Street):

(1) Beginning 90 feet from the easterly curbline of Route U.S. 9 to Railroad Avenue;

ii. Along the northerly side (Main Street):

(1) Beginning 212 feet from the easterly curbline of Route U.S. 9 to Railroad Avenue.

5. No parking - loading zones are established in Lakewood Township, Ocean County as follows:

i. Along the northerly side:

(1) Between points 258 feet and 318 feet west of the westerly curbline of Lexington Avenue.

16:28A-1.57 Route U.S. 206

(a) The certain parts of State highway Route 206 described in (a) of this section 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. (Proposed at 13 N.J.R. 106(a).)

3. (Proposed at 13 N.J.R. 156(a).)

Renumber 2.-5. as 4.-7.

8. No stopping or standing in Montgomery Township, Somerset County:

i. Along both sides:

(1) From the northerly curb line of Harlinger Road to a point 275 feet northerly therefrom.

Renumber 6.-9. as 9.-12.

13. (Proposed at 13 N.J.R. 156(a).)

16:28A-1.68 Route 93

(a) The certain parts of State highway Route 93 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along Route 93 (Grand Avenue), southbound on the westerly side thereof, in the Borough of Leonia, Bergen County at:

i. Lakeview Avenue (far side):

(1) Beginning at the southerly curb line of Lakeview Avenue and extending 100 feet southerly therefrom;

ii. Ray Avenue (far side):

(1) Beginning at the southerly curb line of Ray Avenue and extending 100 feet southerly therefrom;

iii. Christie Heights Street (near side):

(1) Beginning at the prolongation of the northerly curb line of Christie Heights Street and extending 105 feet northerly therefrom;

iv. Hillside Avenue (far side):

(1) Beginning at the prolongation of the southerly curb line of Hillside Avenue and extending 100 feet southerly therefrom;

v. Schor Avenue (far side):

(1) Beginning at the southerly curb line of Schor Avenue and extending 100 feet southerly therefrom;

vi. Fort Lee Road (far side):

(1) Beginning at the southerly curb line of Fort Lee Road and extending 100 feet southerly therefrom;

vii. Prospect Street (far side):

(1) Beginning at the southerly curb line of Prospect Street and extending 100 feet southerly therefrom;

viii. Station Parkway (near side):

(1) Beginning at the northerly curb line of Station Parkway and extending 105 feet northerly therefrom;

ix. Highwood Avenue (far side):

(1) Beginning at the prolongation of the southerly curb line of Highwood Avenue and extending 100 feet southerly therefrom;

x. Ames Avenue (far side):

(1) Beginning at the prolongation of the southerly curb line of Ames Avenue and extending 100 feet southerly therefrom;

xi. Oakdene Avenue (far side):

(1) Beginning at the prolongation of the southerly curb line of Oakdene Avenue and extending 100 feet southerly therefrom.

2. Along Route 93 (Grand Avenue), northbound on the easterly side thereof, in the Borough of Leonia, Bergen County at:

i. Ames Avenue (near side):

(1) Beginning at the southerly curb line of Ames Avenue and extending 105 feet southerly therefrom;

ii. Highwood Avenue (far side):

(1) Beginning at the northerly curb line of Highwood Avenue and extending 100 feet northerly therefrom;

iii. Christie Street (near side):

(1) Beginning at the southerly curb line of Christie Street and extending 105 feet southerly therefrom;

iv. Prospect Street (far side):

(1) Beginning at the northerly curb line of Prospect Street and extending 100 feet northerly therefrom;

v. Fort Lee Road (far side):

(1) Beginning at the northerly curb line of Fort Lee Road and extending 100 feet northerly therefrom;

vi. Schor Avenue (near side):

(1) Beginning at the prolongation of the southerly curb line of Schor Avenue and extending 105 feet southerly therefrom;

vii. Christie Heights Street (near side):

(1) Beginning at the southerly curb line of Christie Heights Street and extending 105 feet southerly therefrom;

viii. Vreeland Avenue (far side):

(1) Beginning at the northerly curb line of Vreeland Avenue and extending 100 feet northerly therefrom;

ix. Overlook Avenue (far side):

(1) Beginning at the northerly curb line of Overlook Avenue and extending 100 feet northerly therefrom;

x. Lakeview Avenue (far side):

(1) Beginning at the northerly curb line of Lakeview Avenue and extending 100 feet northerly therefrom.

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

TRANSPORTATION

THE COMMISSIONER

Proposed Amend Restricted Parking Along Highways

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-1.23, and 1.57 concerning restricted parking along Route 33 and Route U.S. 206.

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

16:28A-1.23 Route 33

(a) (No change.)

(b) The certain parts of State highway Route 33 described in (b) of this section shall be and hereby are designated and established as "restricted parking" zones, for use by persons who have been issued special Vehicle Identification Cards by the Division of Motor Vehicles. No other person shall be permitted to park in these areas.

1. Restricted parking space zone along Route 33 in the Township of Hamilton, Mercer County:

i. Along the west side of Route 33 (Greenwood Avenue)

(1) Beginning at a point 86 feet from the northerly curb-line of Massachusetts Avenue and extending 22 feet west-erly therefrom.

16:28A-1.57 Route U.S. 206

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1 the certain parts of State highway Route U.S. 206 described in (a) of this section shall be and hereby are

designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)
2. (Proposed at 13 N.J.R. 106(a).)
3. **No stopping or standing in Eastampton and Pemberton Townships along both sides between Powell Road and North Road.**

Renumber 2.-5. as 4.-7.

8. (Proposed at 13 N.J.R. 155(b).)

Renumber 6.-9. as 9.-12.

13. **No stopping or standing along both sides for its entire length in the Township of Frankford, including all ramps and connections therein under the jurisdiction of the Commissioner of Transportation.**

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

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-1.25 and 1.64 concerning restricted parking along Routes 35 and 41, and to adopt a new rule to be cited as N.J.A.C. 16:28A-1.67 concerning restricted parking along Route 63.

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

16:28A-1.25 Route 35

(a) The certain parts of State highway Route 35 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-4. (No change.)

5. **No stopping or standing in the Township of Wall, Monmouth County:**

i. **Along both sides of Route 35:**

(1) **From the Brielle Borough - Wall Township Corporate Line to Eighteenth Avenue, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.**

16:28A-1.64 Route 41

(a) The certain parts of State highway Route 41 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. **No stopping or standing in Deptford Township in Gloucester County:**

i. [a] **Along both sides:**

(1) [f] **From the southerly curb line of Deptford Center Road to the northerly curb line of McKee Avenue.**

ii. **Along the easterly side of Route US 41 northbound:**

(1) **From Pennsylvania Avenue to Fairview Avenue.**

16:28A-1.67 Route 63

(a) The certain parts of State highway Route 63 described in (a) of this section shall be and hereby are designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. **Along Route 63 southbound on the westerly side thereof in Ridgefield Borough, Bergen County at:**

i. **Washington Avenue (near side):**

(1) **Beginning at the prolongation of the northerly curb line of Washington Avenue and extending 135 feet northerly therefrom.**

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

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 1.19 concerning restricted parking along Route U.S. 9 and Route 28.

Full text of the proposed amendments follows (additions indicated in boldface 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. (Text proposed at 13 N.J.R. 106(a).)

4. - 5. (Text proposed at 13 N.J.R. 105(d).)

Renumber 3. - 4. as 6. - 7.

8. **In the Township of Barnegat, Ocean County:**

i. **Along Route U.S. 9, northbound on the easterly side thereof at:**

(1) **Georgetown Boulevard (far side), beginning at the prolongation of the northerly curb line of Georgetown Boulevard extended and extending 100 feet northerly therefrom;**

(2) **Gunning River Road (far side), beginning at the prolongation of the northerly curb line of Gunning River Road extended and extending 100 feet northerly therefrom;**

(3) County Road 554 (Bay Avenue) (near side), beginning at the southerly curb line of County Road 554 (Bay Avenue) and extending 105 feet southerly therefrom;

(4) Bayshore Drive (far side), beginning at the northerly curb line of Bayshore Drive and extending 100 feet northerly therefrom.

ii. Along Route U.S. 9, southbound on the westerly side thereof at:

(1) Bayshore Drive (near side), beginning at the prolongation of the northerly curb line of Bayshore Drive extended and extending 105 feet northerly therefrom;

(2) County Road 554 (Bay Avenue) (far side), beginning at the southerly curb line of County Road 554 (Bay Avenue) extending 100 feet southerly therefrom;

(3) Gunning River Road (far side), beginning at the southerly curb line of Gunning River Road and extending 100 feet southerly therefrom;

(4) Georgetown Boulevard (near side), beginning at the northerly curb line of Georgetown Boulevard and extending 105 feet northerly therefrom.

[5.] 9. (No change in text.)

16:28A-1.19 Route 28

(a) (No change.)

(b) The certain parts of State highway Route 28 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. Along the eastbound, southerly side in the Borough of Bound Brook, Somerset County:

i. Near side bus stops:

(1) Thompson Avenue (105 feet);

(2) Winsor Street (105 feet);

ii. Far side bus stops:

(1) Carleton Street (100 feet);

(2) East Street (100 feet).

5. Along the westbound, northerly side in the Borough of Bound Brook, Somerset County:

i. Near side bus stops:

(1) Winsor Street (100 feet);

(2) Middlebrook Road (100 feet).

Renumber 1. - 4. as 3. - 6.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 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)

TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Proposed Amend Procurement Policies and Procedures

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 adopt new rules to be cited as N.J.A.C. 16:72 concern-

ing New Jersey Transit procurement policies and procedures.

Copies of the full text of the proposed new rules can be obtained from:

Albert R. Hasbrouck, III, Director
Office of Legal Affairs
N.J. Transit
McCarter Highway and Market Street
P.O. Box 10009
Newark, N.J. 07101

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before March 25, 1981 to Albert R. Hasbrouck, III, Director, Office of Legal Affairs, N.J. Transit, McCarter Highway and Market Street, P.O. Box 10009, Newark, N.J. 07101.

The New Jersey Transit Corporation may thereafter adopt rules concerning this subject without further notice.

(b)

TRANSPORTATION

THE COMMISSIONER

Emergency Amend Speed Limit on Route 18

On December 16, 1981, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 16:28-1.23 concerning speed limits on Route 18.

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

16:28-1.23 Route 18

(a) [In accordance with the provisions of N.J.S.A. 39:4-98 (as amended) t]The rate of speed designated for the certain part of State highway [r]Route [number] 18 described in (a) of this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic[:] in Wall, Neptune and Ocean Townships in Monmouth County:

i. [55] Fifty-five miles per hour for the entire route. [in the above municipalities.]

(b) The rate of speed designated for the certain part of State highway Route 18 described [herein below] in (b) of this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. (No change.)

(c) The rate of speed designated for the certain part of State highway Route 18 described in (c) of 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. Thirty-five miles per hour on the College Avenue bridge between George Street (City of New Brunswick) and River Road (Piscataway Township).

An order adopting this rule was filed and became effective on February 3, 1981 as R.1981 d.34 (Exempt, Emergency Rule).

(a)

TRANSPORTATION

THE COMMISSIONER

Emergency Amend Restricted Parking Along Route 4

On December 16, 1981, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 16:28A-1.4 concerning restricted parking along Route 4.

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

16:28A-1.4 Route 4

(a) The certain parts of State [H]highway Route 4 described [herein below] in (a) of this section shall be and hereby are designated and established as "[N]no [P] 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.)

(b) The certain parts of State [H]highway Route 4 described [herein below] in (b) of this section shall be and hereby are designated and established as "[N]no [P] 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 4 eastbound on the southerly side in the Township of Teaneck:

i. Beginning at a point 614 feet west of the westerly curb line of Wilson Avenue and extending 150 feet westerly therefrom;

ii. Beginning at the easterly curb line of Wilson Avenue and extending 100 feet easterly therefrom;

iii. Beginning at a point 285 feet west of the westerly curb line of Belle Avenue and extending 135 feet westerly therefrom;

iv. Beginning at a point 206 feet east of the easterly curb line of the southerly ramp of Queen Anne Road and extending 135 feet easterly therefrom;

v. Beginning at a point 796 east of the easterly curb line of the southerly ramp of Queen Anne Road and extending 135 feet easterly therefrom;

vi. Beginning at the easterly curb line of the southeast ramp of Teaneck Road and extending 100 feet easterly therefrom;

vii. Beginning at the easterly curb line of Phelps Road and extending 100 feet easterly therefrom;

viii. Beginning at a point 232 feet east of the easterly curb line of Hancock Avenue and extending 135 feet easterly therefrom.

4. Along Route 4 westbound on the northerly side in the Township of Teaneck:

i. Beginning at a point 150 feet west of the westerly curb line of Belle Avenue and extending 135 feet westerly therefrom;

ii. Beginning at a point 1060 feet west of the westerly curb line of Belle Avenue and extending 135 feet westerly therefrom;

iii. Beginning at the easterly curb line of Wilson Avenue and extending 105 feet easterly therefrom;

iv. Beginning at a point 614 feet west of the westerly

curb line of Wilson Avenue and extending 150 feet westerly therefrom.

An order adopting this rule was filed and became effective on February 3, 1981 as R.1981 d.35 (Exempt, Emergency Rule).

(b)

TRANSPORTATION

THE COMMISSIONER

No Trespassing Zones Along Route I-78

On January 13, 1981, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 16:30-8.1 concerning "no trespassing" zones on Route I-78 as proposed in the Notice published December 4, 1980 at 12 N.J.R. 727(c) but with inconsequential structural or language changes in the opinion of the Department.

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

CHAPTER [28] 30

MISCELLANEOUS TRAFFIC RULES

SUBCHAPTER 8. NO TRESPASSING ZONES

16:30-8.1 [16:28-8.1] Route I-78

(a) The parts of Route I-78 described in [1 below] (a) of this section "[N]no [T]trespassing" zones with operating hours for public safety during hours designated, and in accordance with the provisions of N.J.S.A. 39:4-198, permission is hereby granted to erect appropriate signs.

1. No trespassing along the Scenic Overlook area on Route I-78 (westbound) at milepost 31.2 from [10:00 P.M. to 8:00 A.M.] one-half hour after sunset to one-half hour before sunrise daily.

An order adopting this rule was filed and became effective on February 4, 1981 as R.1981 d.36.

(c)

TREASURY

TEACHERS' PENSION AND ANNUITY FUND

Proposed Amend Retirement Credit

The Board of Trustees of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 et seq., proposes to amend N.J.A.C. 17:3-6.6 concerning retirement credit.

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

17:3-6.6 Retirement credit

(a) A member shall receive credit toward retirement for any month or biweekly pay period in which a full normal deduction is received by the system.

(b) A member who appeals the suspension or termination of his employment and is awarded back pay for all or a portion of the period of such suspension or termination shall receive retirement credit for the period covered by the award, regardless of the amount of the back pay award, provided a full normal pension contribution is received from the member or deducted from the value of the award. The pension contribution will be based on the salary the member was receiving for pension purposes prior to the suspension or termination of employment. In the event the amount of back payment is insufficient to deduct the value of the normal pension contributions due, such contributions shall be paid by the member.

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

Mary C. Conrey, Secretary
Teachers' Pension and Annuity Fund
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

The Board of Trustees of the Teachers' Pension and Annuity Fund may thereafter adopt rules concerning this subject without further notice.

(a)

TREASURY

DIVISION OF BUILDINGS AND CONSTRUCTION

Proposed Rules on Waiver of Advertising on Small Construction Projects

S. Leonard DiDonato, Director of the Division of Building and Construction in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-30, proposes to adopt new rules to be cited as N.J.A.C. 17:19-11 concerning waiver of advertising on small construction projects (under \$10,000).

Full text of the proposed new rules follows.

CHAPTER 19

RULES GOVERNING CLASSIFICATION AND QUALIFICATION OF BIDDERS

SUBCHAPTER 11. WAIVER OF ADVERTISING ON SMALL CONSTRUCTION PROJECTS

17:19-11.1 Purpose

(a) The purpose of the rules in this subchapter is as follows:

1. To establish procedures to be followed in the negotiation and award of construction contracts without advertising when the aggregate amount of the contract does not exceed \$10,000;

2. To permit qualified Using Agencies (Option 1) to directly solicit cost proposals and supervise their own construction projects up to the level of \$10,000;

3. To provide all other Using Agencies (Option 2) with the services of the Division of Building and Construction in the award and control of small construction projects under \$10,000;

4. To insure that certain sophisticated and/or hazardous construction work remains under the control of the Division of Building and Construction.

17:19-11.2 Scope

(a) Section 2 of P.L. 1954, C.48 (N.J.S.A. 52:34-7) has been amended by passage of Assembly Bill No. 3244, introduced April 26, 1979 and signed into law on 8 February 1980. The key elements of this amendment as they relate to the responsibilities of the Division of Building and Construction are as follows:

1. Any contract or agreement may be made or awarded by the Director of the Division of Building and Construction without advertising in any manner which he may deem effective to promote full and free competition whenever competition is practicable as follows:

i. If the aggregate amount involved does not exceed \$10,000 in the case of the contracts or agreements for the erection, construction, alteration, or repair of any public building or facility;

ii. When the aggregate amount involved does not exceed \$10,000 in the case of contracts or agreements for the erection, construction, alteration or repair of any public building or facility, the Director of the Division of Building and Construction may, at his discretion, delegate to the appropriate State department or using agency his authority to make, negotiate, or award a contract or agreement without advertising.

2. For additional guidance to the using agencies as it relates to construction, it should be noted that the Director of the Division of Purchase and Property may negotiate or award contracts without advertising if:

i. The aggregate amount involved does not exceed \$7,500 in the case of the purchase of construction materials and supplies when such materials and supplies are not available from contract vendors and are necessary to the State departments or agencies in the erection, construction, alteration or repair of State buildings or facilities.

17:19-11.3 Definitions

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

"Architect/engineer (A/E)" means an architect, engineer or other design professional so recognized by the appropriate State professional licensing boards.

"Bureau of Contract Management" means the Bureau within the DBC charged with the issuance of contracts, the procurement of funds, and the payment of contractors' requisitions.

"Bureau of Contractor Services" means the Bureau within DBC charged with the receipt and opening of bids, recommendations of award and prequalification of contractors.

"Contractor" means an individual, partnership or corporation whose business is contracting work on one or more of the buildings or construction trades.

"Debarment" means an exclusion from bidding on Division projects due to lack of responsibility evidenced by an offense, failure or inadequacy of performance as determined by the Director through a hearing process.

"Designated representative" means the individual selected by the Using Agency who will be the exclusive approval authority, and signator for the Agency, on all documents processed under this subchapter. DBC will be notified of, and maintain a list of, the names of designated representatives and will only process documents signed by these individuals.

"District engineer" means the engineer in charge of the construction projects in the north, central and south regions of New Jersey respectively.

"Division (DBC)" means the Division of Building and Construction, Department of Treasury, State of New Jersey.

"Requisition encumbrance (R-E)" means the document (DBC Form 2) which encumbers and provides DBC with the funds necessary to undertake design and construction work before contracts can be awarded.

"Using Agency (U/A)" means any department, institution, college or other State body which utilizes DBC in the design and construction of buildings and facilities.

17:19-11.4 Authorities

(a) No construction work, except emergency projects, will be undertaken by the Using Agencies without prior written approval of the Director.

1. In order to obtain such approval the Using Agencies shall submit a "Request for Project Approval" (DBC Form 7) which identifies the scope and cost of the project. The "Request for Project Approval" shall be returned to the Using Agency within 15 days of mailing by the Using Agency with approval of explanation of cause of rejection. The Using Agency shall notify DBC by telephone of the date that it forwarded the DBC Form 7. Follow-up inquiries by telephone should be made if approval has not been received by the Using Agency within the 15-day time frame.

17:19-11.5 Cost proposal procedures

(a) Using Agencies have different levels of capability in undertaking construction work either by their own in-house maintenance and repair forces or by letting contracts to private contractors. One requires an in-house construction operations capability; the other requires an administrative capability including the development of plans and specifications as a basis for soliciting cost proposals or bids. Some Using Agencies have such capabilities; others have none. Depending upon the situation at the individual institutions, colleges and other facilities of the Using Agencies, each will be placed under one of the following options for undertaking construction projects with cost estimates of \$10,000 or less:

1. Option 1: Administration of Project by Using Agency:

i. Prepare a description of the work including plans, sketches and specifications on which the contractors shall base their estimates and make their cost proposals;

ii. Obtain at least three cost proposals from contractors in the general locale of the institution concerned;

iii. Open sealed bids at a specified time and place. Record the name of the person who opened the bids and those who witnessed the opening;

iv. Award contracts to successful bidder;

v. Process purchase orders (AR 45) directly to Accounting Bureau, Department of Treasury, with a copy of DBC-7 approving Option I attached;

vi. Inspect construction work;

vii. Approve and accept final completion of the work.

(1) If the aggregate cost of the project exceeds \$10,000, the Using Agency is obligated to return the project to DBC for Waiver of Advertising. No repeat no, project in excess of an aggregate cost of \$10,000 may be undertaken by the Using Agencies. This includes testing, design fees, change orders, or any other related costs;

8. Upon completion of the work, the contractor will submit an original invoice to the Using Agency. The designated representative of the Using Agency will sign the original invoice and forward directly to the Accounting Bureau for payment;

9. Under Option I the Using Agency has full administrative and operational responsibilities. DBC does not enter the picture after approval of the DBC Form 7. Compliance with the spirit and intent of the law to keep individual projects below an aggregate cost of \$10,000 rests exclusively with the agency concerned.

2. Option 2: Administration of Contract by DBC:

i. Prepare a job description including plans or sketches and specifications on which the contractors may base their estimates and make their cost proposal;

ii. Obtain at least three cost proposals in the general locale of the institution where work is to be performed;

iii. Upon receipt of the bid proposals, the Chief, Bureau of Contractor Services, will open, evaluate and tabulate the bids. The Using Agency will be advised by telephone of the name of the low responsible bidder and the amount of the cost proposal. The Using Agency will be instructed to submit an R-E (DBC Form 2) in the amount of the bid, including an additional amount of 3 percent to cover any change orders.

iv. The Chief, Bureau of Contractor Services will make a recommendation of award to the Chief, Bureau of Contract Management who will, in turn, issue a purchase order (DBC Form 5) to the successful low bidder. Copies of "entered" purchase orders will be forwarded to the contractor, the Using Agency, and to the District Engineer under whose cognizance the project falls.

v. Upon completion of the work, the contractor will submit an original invoice (DBC Form 11) to the District Engineer who will approve and initial the invoice and send it to the Bureau of Contract Management for payment. (No interim payments are authorized.)

3. Option 3: Work to be Performed by Using Agency Personnel:

i. In the event that the Using Agency has the capability of performing construction work with its own in-house forces, the DBC does not become involved. Under such circumstances, the Using Agency will requisition construction materials up to a value of \$7,500 through separate procedures established by the Division of Purchase and Property. (See N.J.A.C. 17:19-11.2(a)2i.)

17:19-11.6 Inspections

Inspections, final approval, and close-out and approval of final invoice of the contractor's work will be the responsibility of the Using Agency under Option 1 and 3. Under Option 2, the appropriate DBC District Engineer or his representative will make inspections and approve the contractor's work before signing the invoice. No payments will be processed by the Bureau of Contract Management under Option 2 unless signed by the District Engineer or his representative.

17:19-11.7 Qualified contractors

All contractors bidding on DBC projects over \$2,500 become prequalified by the Division of Building and Construction (N.J.S.A. 52:35-2). With the passage of the new laws raising the award of construction bids without advertising to \$10,000, DBC will require prequalification of contractors on projects in excess of \$10,000 only. However, DBC does have extensive records of prequalified contractors which Using Agencies may desire to avail themselves of as they seek three proposals for their work. A telephone call to the Bureau of Contractor Services will provide this information.

17:19-11.8 Technical assistance

(a) It is essential that contractors base their cost proposals upon identical plans and specifications. Using Agencies claiming qualification under Option 1 must have the in-house capability of developing their own plans and specifications.

(b) DBC will issue standard specifications to all Using Agencies for their guidance. DBC has established an in-house group capable of developing plans and specifications in certain limited categories. It also has standard speci-

fications available to it for reference. If design assistance by outside consultants is required, the services of an architect or engineer may be requested by the Bureau of Contractor Services from the DBC Miscellaneous Projects List. This list is developed annually by the DBC Architect/Engineer Selection Board and is categorized according to disciplines and location of the A/E firm. In the event that DBC has to retain the services of an outside A/E for the development of plans and specifications, the consultants' fees will be paid by the Using Agency. These costs will be considered to be a part of the \$10,000 limit placed on small projects excused from advertising.

17:19-11.9 Emergency projects

The Using Agencies will occasionally encounter emergency projects involving life-and-limb hazards. As has always been the custom, they may immediately retain a contractor without prior DBC approval; however, they are required to notify the District Engineer concerned as soon as possible. This privilege is extended to life-and-limb hazards only. On other emergencies involving health, welfare and restricted construction times, the requirement to obtain cost proposals from three contractors stands.

17:19-11.10 Prevailing wage rates

The new law raising the award of construction contracts without Waivers of Advertising from \$2,500 to \$10,000 did not alter existing statutes in regard to prevailing wage rates. All those who solicit cost proposals and who award bids are advised that the requirements of the existing Prevailing Wage Rate Law must be followed. This law requires that all contracts in excess of \$2,000 must adhere to prevailing wage rates for the areas concerned. Wage rates for each of the counties and political subdivisions of the State are published by the Department of Labor and Industry. DBC includes the prevailing wage rate schedules in all of its specifications. Using Agencies will have to do the same on those jobs for which it solicits bids and monitors construction.

17:19-11.11 General conditions

Instructions to bidders and general conditions are included in every contract awarded by DBC. It shall be the responsibility of the Using Agencies to become familiar with this document and to insure that its requirements are met in all contracts coming under the Using Agencies' cognizance and supervision.

17:19-11.12 Audits

(a) The Division of Building and Construction maintains an Internal Audit Group which has the responsibility of auditing all design and construction contracts issued by the Division.

1. The Internal Audit Group reserves the right to audit those contracts delegated to Using Agencies to insure compliance with the intent of the rules herein promulgated and to insure that normally accepted accounting practices are followed.

17:19-11.13 Affirmative action

(a) One of the motivating factors behind legislative approval of raising the limit on construction awards without advertising from \$2,500 to \$10,000 was to provide opportunities for small enterprises and especially minority contractors to obtain State work. A separate law was passed (P.L. 1979, c. 408) which does not require performance and payment bonds on jobs under \$20,000. The inability to obtain bonds had been a bar to many small contracting firms seeking State contracts.

(b) It is essential that Using Agencies and the DBC make a determined effort to insure that minority business enterprises are considered in the competition for those

construction jobs falling within the purview of this subchapter.

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

C. Stuart Townshend
Assistant Director
Division of Building and Construction
CN 235
Trenton, N.J. 08625

The Division of Building and Construction may thereafter adopt rules concerning this subject without further notice.

(a)

TREASURY

TEACHERS' PENSION AND ANNUITY FUND BOARD OF TRUSTEES

Creditable Salary

On January 21, 1981, the Teachers' Pension and Annuity Fund Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:3-4.1 concerning creditable salary as proposed in the Notice published November 6, 1980 at 12 N.J.R. 675(d).

An order adopting this rule was filed and became effective on January 27, 1981 as R.1981 d.30.

(b)

TREASURY

DIVISION OF TAXATION

Proposed Amend Local Property Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-1 et seq., proposes to amend N.J.A.C. 18:12-9.2, 9.3, 9.5 and 9.6 concerning the local property tax.

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

18:12-9.2 Mobile home not assessed and taxed as real property prior to and on March 20, 1979

Any mobile home that was not assessed and taxed as real property prior to and on March 20, 1979, shall not be assessed and taxed as real property until October 1, [1980] 1981, for the tax year [1981] 1982.

18:12-9.3 Mobile home acquired after March 20, 1979; located in mobile home park

Any mobile home located after March 20, 1979, in any mobile home park in which mobile homes were not assessed and taxed as real property prior to and on March 20, 1979, for which no appeal has been taken on the imposition of real property tax as of said date, shall not be assessed and taxed as real property until October 1, [1980] 1981, for the tax year [1981] 1982.

18:12-9.5 Mobile home not subject to added or omitted assessment

During the period of the moratorium and for the tax

years 1978, 1979 [and], 1980[,] and 1981, no mobile home subject to the moratorium shall be assessed as an added or omitted assessment and taxed as real property.

18:12-9.6 Expiration date of moratorium

(a) This moratorium expires on October 1, [1980] 1981, at which time mobile homes shall be assessed and taxed as real property for the tax year [1981] 1982.

(b) As to the implementation of the moratorium on taxation of mobile homes, see [P.L. 1979, c. 366] P.L. 1981, c. 9 (approved [February 4, 1980] January 26, 1981).

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

J. Henry Ditmars, Superintendent
Local Property and Public Utility Tax
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

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

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amend Sales and Use 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 amend N.J.A.C. 18:24-2.3 concerning the retention of records by vendors under the Sales and Use Tax Act.

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

18:24-2.3 General requirements

(a) A true copy of all sales slips, invoices, receipts, statements, memoranda of price, or cash register tapes, issued to any customer by a vendor who is required to be registered pursuant to the provisions of the Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.) must be available for inspection and examination at any time upon demand by the Director, Division of Taxation, or his duly authorized agent or employee and shall be preserved for a period of three years from the filing date of the quarterly period for the filing of sales tax returns to which such records pertain.

(b) Microfilm reproductions of general books of account, such as cash books, journals, voucher registers, ledgers, etc., are not acceptable in lieu of original records. However, microfilm reproductions of supporting records of details, such as sales invoices, purchase invoices, credit memoranda, etc., may be maintained providing the following conditions are met:

1. Appropriate facilities are provided for preservation of the films for periods required.

2. Microfilm rolls are indexed, cross referenced, labeled to show beginning and ending numbers or beginning and ending alphabetical listing of documents included, and are systematically filed.

3. The taxpayer agrees to provide transcriptions of any information contained on microfilm which may be required for purposes of verification of tax liability.

4. Proper facilities are provided for the ready inspection and location of the particular records, including modern projectors for viewing and copying the records.

(c) A posting reference must be on each invoice. Credit memoranda must carry a reference to the document evidencing the original transaction. Documents necessary to support claimed exemptions from tax liability, such as bills of lading and purchase orders, must be maintained in an order by which they readily can be related to the transactions for which exemption is sought.

(d) An automatic data processing tax accounting system must have built into its program a method of producing visible and legible records which will provide the necessary information for verification of the taxpayer's tax liability.

1. Automatic data processing records must provide an opportunity to trace any transaction back to the original source or forward to a final total. If detail printouts are not made of transactions at the time they are processed, then the system must have the ability to reconstruct these transactions.

2. A general ledger with source references will be written out to coincide with financial reports for tax reporting periods. In cases where subsidiary ledgers are used to support the general ledger accounts, the subsidiary ledgers should also be written out periodically.

3. The audit trail should be designed so that the details underlying the summary accounting data may be identified and made available on request. The system should be so designed that supporting documents, such as sales invoices, purchase invoices, credit memoranda, etc., are readily available.

4. A description of the automatic data processing portion of the accounting system should be available. The statements and illustrations as to the scope of operations should be sufficiently detailed to indicate the following:

i. The application being performed;
ii. The procedures employed in each application (which, for example, might be supported by flow charts, block diagrams or other satisfactory description of the input or output procedures); and
iii. The controls used to insure accurate and reliable processing.

5. Important changes, together with their effective dates, should be noted in order to preserve an accurate chronological record.

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

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

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

(b)

TREASURY

DIVISION OF TAXATION

Proposed Amend Sales and Use 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 amend N.J.A.C. 18:24-7.19 concerning the Sales and Use Tax Act.

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

18:24-7.19 Taxation of mobile homes through December 31, [1980] 1981

(a) The purpose of [T]his section is to clarify the taxation of mobile homes for sales tax purposes through December 31, [1980] 1981, pursuant to [P.L. 1979, c. 366 (approved February 4, 1980)] P.L. 1981, c. 9 (approved January 26, 1981) which established a moratorium on the taxation of mobile homes.

(b) The sale of any mobile home made on or after March 20, 1979, is subject to sales tax through December 31, [1980] 1981, as a motor vehicle as defined in subsection (v) of section 2 of the New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-2(v)) as was the case prior to March 20, 1979.

(c) - (d) (No change.)

(e) The purpose of [T]his section is to implement the moratorium on taxation of mobile homes, and for sales tax purposes it shall expire on December 31, [1980] 1981.

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

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

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

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules on Sales and Use 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 new rules to be cited as N.J.A.C. 18:24-27 concerning transportation of tangible personal property under the Sales and Use Tax Act.

Full text of the proposed new rules follows.

SUBCHAPTER 27. TRANSPORTATION OF TANGIBLE PERSONAL PROPERTY

18:24-27.1 Scope of subchapter

This subchapter is intended to clarify the application of the New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-1, et seq.) to charges for the transportation of tangible personal property.

18:24-27.2 Exclusion of transportation cost from a taxable receipt

(a) The cost of transportation of tangible personal property where such cost is separately stated in a written contract, if any, and on the bill rendered to the purchaser is excludible from the receipt subject to tax. To qualify for the exclusion, such cost must be for the delivery of the tangible personal property to the purchaser and must be reasonable in relation to prevailing established rates. Any charge made to a retail purchaser, whether labeled transportation, handling or some other designation, which represents the vendor's cost of transportation from a supplier, manufacturer, warehouse or catalog or other distribution point to the vendor's place of business constitutes part of the receipt subject to tax. For example:

Example 1: A vendor charges his customer \$15.00 for transportation of a refrigerator. The refrigerator is sold for \$300.00. The refrigerator is transported from the vendor's place of business to customer's home. The customer is billed as follows:

| | |
|-----------------------------|----------|
| Refrigerator | \$300.00 |
| Transportation charge | 15.00 |
| Total Due | \$315.00 |

Receipt subject to tax is \$300.00.

Example 2: A vendor charges his customer \$10.00 for transportation of a taxable purchase. The purchase is drop-shipped from the manufacturer to the purchaser. The customer is billed as follows:

| | |
|-----------------------------|----------|
| Purchase | \$100.00 |
| Transportation charge | 10.00 |
| Total Due | \$110.00 |

Receipt subject to tax is \$100.00.

Example 3: A motor vehicle dealer incurs a nontaxable transportation cost of \$130.00 on the purchase for resale of an automobile. Delivery is made to the dealer's location. The automobile is sold to a retail purchaser for \$8,320 plus the dealer's transportation cost of \$130.00 which is separately stated. Receipt subject to tax under these facts is \$8,450.

(b) The charges to a shipper or consignee, which may be designated as demurrage, for detention of the means by which the property was transported to the purchaser, such as a commercial motor vehicle, trailer, semi-trailer, railroad car, commercial ship and vessel or marine cargo container, are considered part of the transportation cost and are not subject to tax. For example:

Example 1: Company A purchases tangible personal property which is shipped in five railroad cars to a location in this State. The railroad cars are retained for ten days beyond the stipulated time for unloading. Charges for the 10-day retention are made in addition to regulated tariff rates and are designated as demurrage. Under these facts, demurrage, retention charges, holding charges, etc., imposed in the transportation industry are considered a part of the transportation cost and are not a receipt subject to tax.

(c) For the purpose of (b) above, a charge by a vendor to a customer for the holding or retention of tangible personal property beyond a stipulated time, where such charge may also be designated as demurrage, and is unrelated to the transportation of property, is subject to tax; the taxable receipt from such a transaction is considered a rental, lease or license to use the tangible personal property involved. For example:

Example 1: Company A sells propane gas which is delivered to a customer in cylinders. A cylinder is retained beyond the stipulated time under the sales agreement. Charges are incurred by the customer for the period of extended retention. Even though the charge is designated as demurrage, it is subject to tax as a rental or lease of the cylinder.

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

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

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

(a)

TREASURY

DIVISION OF TAXATION

County Boards of Taxation

On February 4, 1981, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:12A-1.20 concerning county boards of taxation as proposed in the Notice published January 8, 1981 at 13 N.J.R. 44(d).

An order adopting this rule was filed and became effective on February 4, 1981 as R.1981 d.44.

(b)

NEW JERSEY HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Amend Emergency Service

F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1, et seq. proposes to amend N.J.A.C. 19:8-2.12 concerning emergency services on the Garden State Parkway.

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

19:8-2.12 Emergency service

(a) (No change.)

(b) Rules on road service for all vehicles are as follows:[¹]

1. Service charge, 24 hours per day, \$[8.00]9.00; ---
2. - 3. (No change.)

(c) Rules on towing cars and campers up to a registered maximum gross weight of 6,999 lbs. are as follows:[¹]

1. [7:00 A.M. to 7:00 P.M.:] Towing charge, \$20.00 plus \$[1.00] 1.25 per mile or fraction thereof; [maximum towing charge \$35.00.]
2. [7:01 P.M. to 6:59 A.M.:] Towing charge, \$20.00 plus \$1.00 per mile or fraction thereof; [m]Maximum towing charge, \$[40.00] 45.00.

(d) Rules on towing trucks and buses (two-axle) and cars and campers over 6,999 lbs. registered maximum gross weight are as follows:[¹]

1. Towing charge, \$30.00 plus \$[1.50] 2.00 per mile or fraction thereof;
2. Maximum towing charge, \$[45.00] 50.00.

(e) (No change.)

(f) [These] The towing charges in (a) through (e) above shall not apply when the operator of the vehicle elects to be towed to a destination other than the nearest exit or the nearest garage licensed by the Authority. In such cases, services and towing charges shall be as mutually agreed upon between the operator of the vehicle and the garage.

1. Where the use of special equipment such as a dolly, tilt-bed truck or other special hook-up is required, the above towing charges may be increased by \$5.00.

2. Winching and wrecking charges are not included in any of the above towing charges and shall be based on

the hourly rate determined from the current edition of Chilton's Labor Guide and Parts Manual.

Editor's Note: N.J.A.C. 19:8-2.12(f) was previously codified as Footnote 1.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25 to:

F. Joseph Carragher, Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

The New Jersey Highway Authority may thereafter adopt rules concerning this subject without further notice.

(c)

TURNPIKE AUTHORITY

Towing Rates

On January 29, 1981, the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:9-3.1 concerning towing rates as proposed in the Notice published January 8, 1981 at 13 N.J.R. 49(b).

An order adopting this rule was filed and became effective on February 4, 1981 as R.1981 d.37.

(d)

ECONOMIC DEVELOPMENT AUTHORITY

Proposed Amend Targeting Of Authority Assistance

The New Jersey Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-5, proposes to amend N.J.A.C. 19:30-4.4 concerning the targeting of authority assistance.

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

19:30-4.4 Projects exempted

(a) (No change.)

1. The following projects shall be eligible for Authority financial assistance regardless of location:

i. - v. (No change.)

vi. **Agricultural and livestock production and service projects and forestry projects.**

2. The following projects shall be eligible for Authority financial assistance regardless of location, provided that an applicant is not acquiring, constructing or equipping the project for speculative purposes:

i. - iii. (No change.)

iv. [Office buildings which have a minimum of 20,000 square feet of net useable space.]

An office building in which a single user occupies a minimum of 20,000 square feet or net usable space as a central administrative office.

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

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

John F. Walsh
Director of Finance
New Jersey Economic Development Authority
P.O. Box 1446
Trenton, N.J. 08625

The Economic Development Authority may thereafter adopt rules concerning this subject without further notice.

(a)

CASINO CONTROL COMMISSION

Proposed Amend Casino Service Industry License Applications

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend N.J.A.C. 19:41-11.3 concerning casino service industry license applications.

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

19:41-11.3 Casino service industry license applications

(a) - (g) (No change.)

(h) The commission may expressly prohibit any such unlicensed enterprise from so providing goods or services or so conducting business on the basis that, after having been directed to file a casino service industry license application, such enterprise failed to properly file such application within a reasonable time.

1. Any such unlicensed enterprise prohibited from so providing goods or service or so conducting business on the basis of its failure to properly file such application may resume so providing goods and services and conducting business:

i. Ninety days following the proper filing of its casino service industry license application and after the payment of an additional late filing license fee of \$250.00; or

ii. Immediately following a determination that such enterprise is not required to be licensed as a casino service industry.

Renumber (h) - (i) as (i) - (j).

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

Joseph P. Lordi, Chairman
Casino Control Commission
379 West State Street
Trenton, N.J. 08625

The Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

(b)

CASINO CONTROL COMMISSION

Proposed Amend Issuance and Use of Tokens

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend N.J.A.C. 19:46-1.33 concerning the issuance and use of tokens.

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

19:46-1.33 Issuance and use of tokens

(a) A casino licensee may, with the approval of the Casino Control Commission, issue [\$1.00] metal tokens designed for use in its slot machines provided that such tokens:

1. - 7. (No change.)

8. [Comply with either of the following specifications:

i. measure 1.469 inches in diameter and .105 inches in thickness, to within a tolerance of plus or minus .010 of an inch, with any reeds or serrations on the periphery not to exceed 150.

ii. Measure 1.077 inches in diameter and .074 inches in thickness, to within a tolerance of plus or minus .010 of an inch, with any reeds or serrations on the periphery not to exceed 100.]

Are of a size or shape or have other characteristics which will physically prevent their use to activate slot machines of a different denomination or slot machines of other licensed casinos.

(b) (No change.)

[(c)] (c) The Commission shall have the discretion to withdraw approval of the use of tokens by a casino licensee upon his determination that United States coins of the particular denomination are available in sufficient quantities in the State of New Jersey without payment of a premium or for other cause deemed by him to warrant withdrawal of such approval.]

[(d)] (c) Tokens issued by a casino licensee shall:

1. Only be issued for use in the slot machines in the casino or such licensee and only be sold by such licensee at the request of its patrons and shall not be used or given as change in any other transaction;

2. - 3. (No change.)

[(e)] (d) Notwithstanding the provisions of [subsection (d)] (c) above, a casino licensee shall redeem promptly its own genuine tokens from other [casino licensees] legally operated casinos upon the representation that such tokens were unknowingly or inadvertently accepted, were unavoidably received in slot machines through patron play or were redeemed from patrons pursuant to [subsection (d)] (c) (3) [of this section] above.

Renumber (f) and (g) as (e) and (f).

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before March 25, 1981 to:

Joseph P. Lordi, Chairman
Casino Control Commission
379 West State Street
Trenton, New Jersey 08625

The New Jersey Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

(a)

DELAWARE RIVER BASIN COMMISSION

**Rules Establishing Ground
Water Protected Areas in
Southeastern Pennsylvania**

On January 20, 1981, the Delaware River Basin Commission, pursuant to authority of N.J.S.A. 32:11D-88, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules establishing ground water protected areas in southeastern Pennsylvania.

These rules appear in the January 2, 1981 Federal Register at 46 Fed. Reg. 23.

An order adopting these rules was filed and became effective on January 21, 1981 as R.1981 d.20 (Exempt, Exempt Agency). Take notice that these rules will not be codified in the New Jersey Administrative Code but will be incorporated by reference in Title 18, Part 430 of the Code of Federal Regulations.

(b)

**PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**Charges for the Use of the Observation Deck at
The World Trade Center**

On January 8, 1981, the Port Authority of New York and New Jersey adopted amendments to the schedule of charges for the use of the observation deck at the World Trade Center.

Full text of the adoption follows.

| Type of Admission | Rate* |
|---|--------|
| Adult | \$2.50 |
| Child | 1.25 |
| Pre-booked Adult Groups (10 or more) | 2.00 |

| | |
|--|------|
| Pre-booked Children's Groups (10 or more, 6-12 yrs. of age) | 1.15 |
| Pre-booked arrangements by representative of the travel industry accredited by the Port Authority (effective July 1, 1981) | |
| Adult | 1.75 |
| Child | 1.00 |
| Senior Citizens and disabled individuals (with impaired mobility) | 1.25 |
| Special Rates-Tenant, employee and community groups | |
| Adult | 1.35 |
| Child | .75 |

*Inclusive of 8% Sales Tax

An order adopting this rule was filed on February 10, 1981 as R.1981 d.52 (Exempt, Exempt Agency).

(c)

**STATE LAW ENFORCEMENT
PLANNING AGENCY**

Public Notice

The Law Enforcement Assistance Administration (LEAA) within the U.S. Department of Justice has notified the State Law Enforcement Planning Agency that \$282,400 has been set aside for the State out of a Federal program of \$5 million to cover unanticipated criminal justice costs as a result of the influx of Cuban and Haitian immigrants last summer.

Applications for the funds will be accepted from State agencies, counties and municipalities for extraordinary costs resulting from the provision of criminal justice system services provided or projected during the period of April 1980 to September 1981. Eligible jurisdictions which have had or anticipate expenses which would not have been incurred except for the influx of the Cuban and Haitian entrants are asked to contact the State Law Enforcement Planning Agency for additional information.

This Notice is published as a matter of public information.

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