

NEW JERSEY



REGISTER

IN THIS ISSUE
"INDEX OF ADOPTED RULES"
*AND "HOW TO USE THE TABLE OF CITATIONS"**

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TABLE OF RULES IN THIS ISSUE

RULE PROPOSALS	
AGRICULTURE	
Readopt Quality of Individual Shell Eggs	1050(a)
Readopt Grades of Fruits and Vegetables	1051(a)
Readopt Bonding Requirement of Commission Merchants, Dealers, Brokers, Agents	1051(b)
Readopt Controlled Atmosphere Storage for Apples	1052(a)
BANKING	
Readopt Notice of Maturity on Long-Term Time Deposits	1053(a)
COMMUNITY AFFAIRS	
State-local cooperative housing inspection	1054(a)
Row house and retirement community fire safety	1054(b)
Planned real estate development full disclosure	1055(a)
Planned real estate development registration fees	1059(a)
ENVIRONMENTAL PROTECTION	
NJPDES: local control over dischargers	1059(b)
Permits for existing hazardous waste facilities	1063(a)
Siting of commercial hazardous waste facilities	1064(a)
HEALTH	
Readopt Hospital Medical Staff rules	1065(a)
HIGHER EDUCATION	
Approval of renovation projects	1070(a)
Layoff notification at county colleges	1070(b)
Foreign nationals and student assistance eligibility	1071(a)
HUMAN SERVICES	
Capital Funding Agreement for Community-based facilities	1072(a)
Readopt Guardianship Services for mentally retarded	1073(a)
Readopt Medicaid Administrative Provisions	1075(a)
LAW AND PUBLIC SAFETY	
Engineers and Land Surveyors: readopt licensing fee schedule	1077(a)
Arson investigators: training requirements	1078(a)
TRANSPORTATION	
Parking on US 30 in Atlantic County and Route 94 in Sussex County	1080(a)
Readopt Contract Administration rules	1080(b)
TREASURY-TAXATION	
Readopt Business Personal Property Tax rules	1081(a)
Readopt Local Property Tax rules	1082(a)
Readopt Sales and Use Tax rules	1086(a)
Sales tax moratorium on mobile homes	1088(a)
Readopt Transfer Inheritance and Estate Tax rules	1088(b)
Readopt Gross Income Tax and Debt Setoff rules ...	1091(a)

(Continued on Back Cover)

RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF REGULATORY SERVICES

Grades and Standards Quality of Individual Shell Eggs

Proposed Readoption: N.J.A.C. 2:71-1

Authorized By: Arthur R. Brown, Jr., Secretary,
Department of Agriculture.
Authority: N.J.S.A. 4:3-11.12.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert C. Fringer, Director
Division of Regulatory Services
Department of Agriculture
CN 330
Trenton, NJ 08625

The Department of Agriculture thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order 66(1978), these rules would otherwise expire on November 21, 1983. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption.

This proposal is known as PRN 1983-256.

The agency proposal follows:

Summary

N.J.A.C. 2:71-1 originated with the need for an orderly marketing program for quality shell eggs. The rules relate to marketing, processing, labeling and transporting of eggs for the economic protection of the State's egg industry. The subchapter was reviewed internally in 1978 and N.J.A.C. 2:71-1.1 through 2:71-1.22 and

2:71-1.24 through 2:71-1.29 were repealed because they were no longer necessary since the United States Department of Agriculture (U.S.D.A.) standards and grades were adopted by reference. The subchapter was again internally reviewed in February 1983 in compliance with Executive Order No. 66(1978) and was found to be reasonable, adequate and necessary. The subchapter states that any eggs marketed to consumers, institutional consumers or retailers shall be edible and shall conform to the standards for consumer grades; that fees and charges for inspection and grading services by Department personnel shall be the same as those charged by U.S.D.A.; the name and address of packer or distributor shall be prominently displayed on containers of eggs; that containers of loose eggs produced in New Jersey must be properly sealed; that there must be registration of label or containers which bears the name New Jersey or Jersey; the definition of a reused egg container; prescribes that proper sanitary conditions in cleaning and handling shell eggs from the packing room to the transporting vehicle; labeling requirements for New Jersey produced eggs; use of the New Jersey map symbol on egg packages and in advertising and the definition of an egg container.

Social Impact

Readoption of these rules will protect the egg industry and the consumers it serves by high quality standards which are uniformly applied to all packers of New Jersey produced eggs by mandatory inspections conducted at the retail and wholesale marketing levels. The results of these rules past, present, and future guarantee that the consumer receives New Jersey high quality shell eggs in properly identified containers.

Economic Impact

The cost of producing a superior quality product in the past and present time, is borne both by the producer and consumer. The producer or packer incurs extra costs in producing or purchasing New Jersey eggs and packaging containers. These costs are channeled to the consumer in the form of higher price per dozen charged at the retail level.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:71-1.

NEW JERSEY REGISTER

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(a)

DIVISION OF REGULATORY SERVICES**Grades and Standards
Fruits and Vegetables****Proposed Readoption: N.J.A.C. 2:71-2**

Authorized By: Arthur R. Brown, Jr., Secretary,
Department of Agriculture.

Authority: The authority for N.J.A.C. 2:71-2.15 through 2.17 is N.J.S.A. 4:10-13. All remaining provisions of this subchapter were adopted pursuant to authority of N.J.S.A. 4:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert C. Fringer, Director
Division of Regulatory Services
Department of Agriculture
CN 330
Trenton, NJ 08625

The Department of Agriculture thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on November 21, 1983. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of readoption.

This proposal is known as PRN 1983-274.

The agency proposal follows:

Summary

The Department of Agriculture, under a cooperative agreement with the United States Department of Agriculture, has provided the fruit and vegetable industry with inspection and grading services since 1922 when the first United States Standards were promulgated. The United States Standards are a measure of quality for example: U.S. Fancy; U.S. No. 1, and U.S. No. 2. N.J.A.C. 2:71-2 was internally reviewed in February 1983 in compliance with Executive Order No. 66(1978) and was found to be reasonable, adequate and necessary in maintaining acceptable inspection and grading standards.

United States Standards are used when grading all New Jersey fruits and vegetables (N.J.A.C. 2:71-2.1) with the exception of asparagus intended for canning or freezing which are graded pursuant to N.J.A.C. 2:71-2.8. The New Jersey grades for canning or freezing are described and diameter classifications for spears are specified in N.J.A.C. 2:71-2.9. Words and terms used in this subchapter are defined in N.J.A.C. 2:71-2.10 followed by a clarification of terms used in this section (N.J.A.C. 2:71-2.11).

Asparagus acceptable for New Jersey No. 1 grade is described in N.J.A.C. 2:71-2.12. Asparagus is the only vegetable graded using New Jersey Standards because scoring defects are more clearly defined. The procedure for receiving loads of asparagus after severe wind and rainstorms is also reviewed in N.J.A.C. 2:71-2.13. The function and need for unrestricted sampling of asparagus for processing is summarized in N.J.A.C. 2:71-2.15. Unrestricted sampling is defined in N.J.A.C. 2:71-2.16 and equipment and personnel required by applicants is discussed in N.J.A.C. 2:71-2.17.

The remaining sections of the subchapter (N.J.A.C. 2:71-2.26 through 2.31) deal with the charges, fees and hourly rates charged by the Department for the inspection service.

This subchapter on inspection and grading fruits and vegetables has in the past, and continues to, enable farmers, packers, brokers and shippers to market loads of fresh products of uniform quality and provides an equitable basis for payment between buyer and seller. There is no need to amend the subchapter because the State Board of Agriculture has adopted the United States Standards which are kept current to meet industry needs.

Social Impact

The readoption of these rules will affect the producer, packer and consumer. Inspection and grading of fruits and vegetables marked as to grade or standard assures the public of compliance with the grade indicated. The service enables the farmer and packer to market a high quality product. This in turn, benefits the consumer which would otherwise be unable to compare quality with price.

Economic Impact

The subchapter has the greatest economic impact upon the farmers, packers, brokers, shippers, processors and receivers of fruits and vegetables. These groups would be adversely affected if the inspection and grading program were discontinued. Exports and imports would be drastically curtailed because of State and Federal regulations requiring inspection and certification; also, sales to the military would be completely halted. There would be no objective method to establish the true value of loads of fruits and vegetables of uniform quality commensurate with prevailing market prices. Furthermore, there would be no unbiased third party to assist in settling claims or disputes between shippers and receivers.

The applicant for the inspection and grading service is charged a minimal fee for the work performed. This fee is a marketing cost which is passed through to the product consumer. This fee is used to help the Department in the administration of the program.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:71-2, as amended in the New Jersey Register.

(b)

DIVISION OF REGULATORY SERVICES**Bonding Requirement of Commission
Merchants, Dealers, Brokers, Agents****Proposed Readoption: N.J.A.C. 2:72-1.1**

Authorized By: Arthur R. Brown, Jr., Secretary,
Department of Agriculture.

Authority: N.J.S.A. 4:11-20 and 4:11-33.1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert C. Fringer, Director
Division of Regulatory Services
Department of Agriculture
CN 330
Trenton, NJ 08625

The Department of Agriculture thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on November 21, 1983. The readoption of this rule becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption.

This proposal is known as PRN 1983-254.

The agency proposal follows:

Summary

N.J.A.C. 2:27-1.1 originated with the need to protect the New Jersey growers of perishable agricultural commodities who fell victim to unscrupulous buyers of their products. The rule was reviewed internally in 1978 and in February 1983 in compliance with Executive Order No. 66(1978) and found to be necessary, reasonable and adequate by insuring that buyers of perishable farm products doing business with New Jersey farmers have on deposit with the Department of Agriculture sufficient security to cover their purchases. The rule has provided the New Jersey farmers a method of recovering monies owed to them by licensed agricultural commission merchants (any person engaged in the business of soliciting or receiving any perishable agricultural commodity for sale on commission on behalf of the grower thereof), brokers, agents and commodity dealers in the event of bankruptcy or default by enabling the farmer to file a verified claim against the security or deposit with the Department. The rule has been amended over the years since 1930 to update the minimum and maximum values of the bond requirement, to include additional commodities and to update payment due dates.

Social Impact

All commission merchants, dealers, agents and brokers of perishable agricultural commodities in New Jersey are directly affected by this rule, as well as, New Jersey farmers. Readoption of N.J.A.C. 2:72-1.1 will require and ensure that all credit buyers of perishable agricultural commodities are uniformly bonded and licensed to buy products directly from the New Jersey farmer. All New Jersey farmers enjoy some economic protection through this process of having all buyers licensed. Unlicensed credit buyers are subject to monetary penalties pursuant to N.J.S.A. 4:11-34.

Economic Impact

Buyers of perishable agricultural commodities are annually charged an application fee of \$30.00 plus the cost of the deposited security which usually runs \$10.00 per thousand or to a maximum of \$500.00. There is also a certain economic impact upon the Department of Agriculture for administration costs.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:72-1.1.

(a)**DIVISION OF REGULATORY SERVICES****Controlled Atmosphere Storage Apples****Proposed Readoption: N.J.A.C. 2:74-1**

Authorized By: Arthur R. Brown, Jr., Secretary,
Department of Agriculture.
Authority: N.J.S.A. 4:10-26 et seq., specifically 4:10-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert C. Fringer, Director
Division of Regulatory Services
Department of Agriculture
CN 330
Trenton, NJ 08625

The Department of Agriculture thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to

Executive Order 66(1978), these rules would otherwise expire on November 21, 1983. The readoption of these rules becomes effective upon acceptance by the Office of Administrative Law of the notice of their readoption.

This proposal is known as PRN 1983-255.

The agency proposal follows:

Summary

N.J.A.C. 2:74-1 was promulgated to promote the development of the New Jersey apple industry by regulating the use of controlled atmosphere storage facilities and the disposition of apples exposed to such storage. The controlled atmosphere process through the use of atmospheric and temperature controls preserves the quality of apples in storage and extends the marketing season of the product. N.J.A.C. 2:74-1.1 and 1.2 explain the scope of the law and give a definition of terms used. Construction requirements for controlled atmosphere facilities are described in N.J.A.C. 2:74-1.3. Registration is explained in N.J.A.C. 2:74-1.4 in addition to the fee charged for each controlled atmosphere storage room. The required atmospheric and temperature controls used in this process are then summarized in N.J.A.C. 2:74-1.5. The records kept by each owner or operator are described in N.J.A.C. 2:74-1.6. The necessity for an invoice covering the sale of controlled atmosphere storage apples is explained in N.J.A.C. 2:74-1.7 in addition to the means used by the Department in verifying the process (N.J.A.C. 2:74-1.8). Misrepresentation and the requirements for trade and the requirements for storage facilities in and outside the State of New Jersey are then outlined in N.J.A.C. 2:74-1.9 through 1.11. Penalties for violating the law or the rules and regulations are described in N.J.A.C. 2:74-1.12. The subchapter was reviewed internally in 1978 and in February 1983 in compliance with Executive Order No. 66(1978) and was found to be necessary, reasonable and adequate in providing rules to regulate a process that lengthens the shelf-life of apples. The subchapter should not be allowed to expire because it has been effective in prohibiting fraudulent branding of apples which have not been stored under controlled atmosphere conditions.

Social Impact

N.J.A.C. 2:74-1 has an impact on consumers, distributors and owners/operators of apple storage facilities. The subchapter guarantees that New Jersey consumers are supplied with high quality apples on a year-round basis. The subchapter also affects owners/operators of the storage facilities who are regulated by the provisions of the subchapter.

Economic Impact

The costs of producing controlled atmosphere apples are shared by both the owners/operators of the storage facilities and consumers. The owners/operators incur extra costs in construction and maintenance and fees for storage rooms necessary for the controlled atmosphere process. These costs are passed on to the consumer through prices charged per pound at the store level.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:74-1.

BANKING

(a)

DIVISION OF BANKING

Methods of Banking Notice of Maturity on Long-Term Time Deposits

Proposed Readoption with Amendments: N.J.A.C. 3:7-4

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:9A-311B(1)a.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
CN 040
Trenton, NJ 08625

The Department of Banking thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on August 17, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-322.

The agency proposal follows:

Summary

The purpose of this proposal is to readopt the existing regulation dealing with the required notice of maturity on long term time deposits which every bank and savings bank must give to its depositors as set out in the rule. The current text of the subchapter (N.J.A.C. 3:7-4) is scheduled to expire on August 17, 1983, pursuant to Executive Order No. 66(1978), commonly known as the "sunset" Executive Order.

N.J.A.C. 3:7-4 was originally adopted in August of 1975 by the Commissioner of Banking with the concurrence of The Banking Advisory Board. This Board, consisting of members from all areas of the financial community and having public representation as well, confers with the Commissioner of Banking on varied banking matters. These include establishing regulations relative to safe and sound methods of banking which will safeguard the interests of depositors. The aforementioned regulation was adopted with this purpose in mind, in that it insures that a depositor is aware of the impending maturity of a long term deposit he has with a financial institution. With this knowledge, the depositor may make a decision on actions he should take to avoid any potential loss of income he might suffer through his failure to renew or redeem a certificate at maturity.

The regulation, at N.J.A.C. 3:7-4.1, stipulates that every bank and savings bank shall give written notice of the date on which a time deposit, payable one year or more after the date of deposit, will mature. The rule prescribes that the notice must be sent not less than 15 days nor more than 45 days prior to the maturity of the deposit.

The notice, as prescribed in N.J.A.C. 3:7-4.2, is to inform the depositor of his options at the maturity date along with information on alternate accounts available. This portion of the rule has been amended to delete the reference to rates of interest a customer may anticipate to be available at the time of maturity of his deposit. The customer will be requested to contact the institution prior to the maturity of his deposit to determine the current rates available. With the volatility of rates and changes that may take place during the period between the notice and maturity date, this modification in the rule will allow the customer to obtain a more accurate assessment of his options. The amendment is not considered a substantial change from the existing rule. The regulation, at N.J.A.C. 3:7-4.3, goes on to set standards for notifications in instances where an account may contain deposits with varying maturity dates. On August 17, 1978, the Commissioner and the Banking Advisory Board amended the variable maturity notice requirements, contained in N.J.A.C. 3:7-4.3, to provide for an alternate procedure for issuing notices on variable maturity accounts.

The Department of Banking has found this rule to be adequate, necessary and responsive in that it has effectively reduced the volume of complaints from individuals who had failed to renew or redeem time deposits due to oversight. The rule has proven reasonable, efficient and readily understandable in that it has provided depositors of the various financial institutions with a convenient means by which they can make informed decisions on maturing deposits. The rule has also afforded institutions with an opportunity to convey options they have available to customers in the prescribed notices. The amendment proposed will modify the required notice to assure a depositor receives the most up-to-date data and therefore will be able to make an informed decision.

Social Impact

Through the positive contact made with depositors in the notices concerning maturity of long-term time deposits, the financial institutions have avoided the negative impact formally created when controversies developed when matured deposits had not been properly handled. Customer relations at the institutions has been enhanced and there has been a substantial decline in complaints received by the Department of Banking.

Economic Impact

Depositors, who in the past may have lost income through their failure to properly negotiate their account at maturity, now have been given the opportunity to be assured that their funds are fully employed. This has resulted in increased income to these individuals. While financial institutions may now have to pay out additional income to these depositors, they also have eliminated the costs involved in handling complaints from individuals who formerly may have failed to act on their accounts at the appropriate time. No doubt these institutions have also retained deposits which formerly may have left the institution, due to the negative impact in controversies which evolve when blame is placed on a customer's loss of income on deposits not renewed on time. These retained funds are used by the institution to generate increased income for their stockholders and provide funds to be used in loans which aid the economic growth of their communities.

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

SUBCHAPTER 4. NOTICE OF MATURITY ON LONG-TERM TIME DEPOSITS

3:7-4.1 Time of notice

Every bank and savings bank shall give written notice of the date on which a time deposit, payable one year or more after the date of deposit or one year or more after the date of the instrument evidencing the deposit, will mature to each depositor not less than

15 and not more than 45 days prior to the expiration of the term of the time deposit. The notice shall be directed to the last known address of the depositor.

3:7-4.2 Content of notice

Such notice shall clearly inform the depositor of the time deposit options anticipated to be available to him at that institution as of the maturity date, including the various types of accounts [and the rates] and terms applicable thereto. **The depositor should be advised to contact the bank prior to the maturity date to determine the specific rate applicable to a particular type of account.**

3:7-4.3 Variable maturity accounts

(a) In the case of any single time deposit account which contains deposits which were deposited at varying times and therefore mature and are payable on varying maturity dates the notice required by this subchapter shall be given on:

1. The maturity date of the first deposit in such account; and
2. Any succeeding maturity date which occurs one year or more after the immediately preceding maturity date or annually thereafter, provided such notice lists the dates of each deposit in such account and indicates the maturity date of each such deposit along with the anticipated options that will be available to the depositor at each such maturity date as called for in N.J.A.C. 3:7-4.2.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Hotels and Multiple Dwellings State-Local Cooperative Housing Inspection Program

Proposed Amendment: N.J.A.C. 5:10-1.3

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 55:13A-6(e), -21.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-326.

The agency proposal follows:

Summary

The proposal will impose, as a condition of any authorization to any county or municipality to perform inspections for the Bureau

of Housing Inspection under the State-Local Cooperative Housing Inspection Program, that the county or municipality not withdraw from the Program except upon at least six months' notice to the Bureau. This provision is necessary because the sudden withdrawal of a county or municipality from the Program may put the Bureau in the position of having to perform a considerable number of inspections with its own personnel without having sufficient time to hire and train necessary staff.

Social Impact

If the Bureau has adequate advance notice of any intended withdrawal from the State-Local Cooperative Housing Inspection Program, it will be better able to hire and train staff and otherwise take such administrative measures as may be necessary in order to insure an orderly transfer of responsibility for inspections and thereby better protect the health, safety and welfare of residents of the buildings which are then more likely to be inspected in a timely fashion.

Economic Impact

If inspections can be conducted on schedule as a result of the improved planning made possible by the proposed amendment, there is less likelihood of loss of revenue from inspection fees.

Full text of the rule currently in effect can be found at 13 N.J.R. 387(b), 13 N.J.R. 704(a).

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

5:10-1.3 Administration and enforcement

(a) (No change.)

(b) However, each municipality and county of this State may be authorized by the Commissioner to enforce the provisions of this chapter within the corporate limits thereof, subject to the control and supervision of the Commissioner. Any such authorization shall be in accordance with the following terms and conditions:

1.-27. (No change.)

28. No municipality or county shall unilaterally discontinue performing inspections pursuant to the authorization except upon six months' notice to the Bureau.

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

(b)

DIVISION OF HOUSING AND DEVELOPMENT

Hotels and Multiple Dwellings Retirement Community Fire Safety; Fire Separation Walls in Row Houses

Proposed Amendments: N.J.A.C. 5:10-1.4, 1.6

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 55:13A-3(k), -6(e), P.L. 1983, c.2 and c.154.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

PROPOSALS

COMMUNITY AFFAIRS

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

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

This proposal is known as PRN 1983-318.

The agency proposal follows:

Summary

This proposal is intended to implement P.L. 1983, c. 154, which excludes from the jurisdiction of the Bureau of Housing Inspection buildings of three stories or less owned or controlled by a nonprofit corporation organized for the primary purpose of providing for its shareholders or members housing in a retirement community, but which also provides that the retirement community must comply with basic standards for fire safety established by regulation of the Commissioner of Community Affairs for its buildings. The proposal identifies the existing regulations concerning fire safety which must be complied with by retirement communities. They are the same regulations as are applicable to multiple dwellings generally, except that, in accordance with the requirements of P.L. 1983, c. 154, battery-powered single station type smoke detectors are allowed in common areas in lieu of AC-powered systems. The proposal would also allow exclusion of certain condominium, cooperative or mutual housing corporation row house-type building sections from classification of multiple dwellings if such sections are attached to other building sections by fire separation walls having a fire-resistance rating of 1 1/2 hours. Standards for fire separation walls are set forth in section 1409.0 and table 401 of the BOCA Basic Building Code/1981.

Social Impact

Retirement communities will be better able to comply with the requirements of P.L. 1983, c. 154 if they know precisely what is required of them. More buildings will be exempt from classification as multiple dwellings if 1 1/2 hour rated fire separation walls are allowed as an alternative to two hour rated fire walls.

Economic Impact

Since the rules simply restate the present fire safety requirements, as necessarily modified by P.L. 1983, c. 154, the proposed enumeration of applicable rules will not have any economic impact in and of itself. The broader definition of fire-resistant walls acceptable for purposes of exclusion from multiple dwelling classification, pursuant to P.L. 1983, c. 2, will allow many more owners of buildings in condominiums, cooperatives and mutual housing corporation projects to avoid the fees and other costs incurred by owners of hotels and multiple dwellings subject to inspection by the Bureau of Housing Inspection.

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

5:10-1.4 Scope

(a) (No change.)

(b) A building section containing not more than two dwelling units shall not be considered to be a portion of a multiple dwelling if it:

1.-3. (No change.)

4. Is attached to any adjoining building sections exclusively by fire walls having a two-hour fire resistant rating **and/or by fire separation walls having a 1 1/2 hour fire resistant rating.**

5:10-1.6 Maintenance requirements

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

(d) A nonprofit corporation owning or controlling buildings of three stories or less in a retirement community, which are excluded from the definition of "multiple dwelling" pursuant to P.L. 1983, c. 154, shall maintain all such buildings in compliance with the basic standards for fire safety set forth in the following rules:

1. N.J.A.C. 5:10-5.1(d), insofar as it relates to storage of materials near electrical or heating devices or equipment or similar possible sources of fire;

2. N.J.A.C. 5:10-5.3;

3. N.J.A.C. 5:10-5.4, insofar as it relates to garbage or refuse left on or in stairways, fire escapes and common hallways, or blocking egress from units or creating a fire hazard, or the use and maintenance of cooking and heating equipment;

4. N.J.A.C. 5:10-5.6(b) and (c);

5. N.J.A.C. 5:10-5.8, insofar as it relates to the storage of combustible materials;

6. N.J.A.C. 5:10-6.1, insofar as it relates to fire hazards;

7. N.J.A.C. 5:10-7.6;

8. N.J.A.C. 5:10-7.7;

9. N.J.A.C. 5:10-8.3;

10. N.J.A.C. 5:10-8.4;

11. N.J.A.C. 5:10-9.3(b)1.-2.;

12. N.J.A.C. 5:10-13.1(a), (b)5.-7., (c), (d) and (e);

13. N.J.A.C. 5:10-14.3;

14. N.J.A.C. 5:10-14.5(a) and (c);

15. N.J.A.C. 5:10-14.6;

16. N.J.A.C. 5:10-14.7, insofar as it relates to fire hazards;

17. N.J.A.C. 5:10-17.1(a), and (d) insofar as it relates to fire hazards;

18. N.J.A.C. 5:10-17.2;

19. N.J.A.C. 5:10-17.5;

20. N.J.A.C. 5:10-20.1(a)6;

21. N.J.A.C. 5:10-22.1(a)3;

22. N.J.A.C. 5:10-24.3;

23. N.J.A.C. 5:10-25; provided that battery-powered single station type smoke detectors shall be permitted as an alternative to the alternating current (AC) constantly active electric circuit type detection systems required in common areas, pursuant to N.J.A.C. 5:10-25.3(b), and the maintenance requirements set forth in N.J.A.C. 5:10-25.3(b) shall apply to any such common area battery-powered single station type smoke detectors.

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Planned Real Estate Development Full Disclosure

Proposed Amendments: N.J.A.C. 5:26-2.3, 3.1, 3.2, 3.4, 4.1-4.3, 4.4, 5.2, 6.3, 9.1, 10.1, 10.2, 11.1

Authorized By: William M. Connolly, Director, Division of Housing and Development, Department of Community Affairs.

Authority: N.J.S.A. 45:22A-35.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-316.

The agency proposal follows:

Summary

The following amendments are proposed:

N.J.A.C. 5:26-2.3 is amended to provide that a fee in the amount of \$50.00 shall accompany a request for exemption.

N.J.A.C. 5:26-3.1(a)7, 8, 9, 10 and 13 are amended to delete requirements that are adequately addressed elsewhere in the rules. The information being required in place of the deletions formalizes and clarifies requirements previously imposed as a matter of policy.

N.J.A.C. 5:26-3.1(a)12 is amended to limit the need for disclosure to adverse conditions that affect the site.

N.J.A.C. 5:26-3.1(a)16 is amended to require submission of two, rather than three, copies of the proposed Public Offering Statement.

N.J.A.C. 5:26-3.1(a)17 is amended to provide for audited, rather than certified, financial statements and to require submissions on parent and subsidiary entities.

N.J.A.C. 5:26-3.1(a)18 is amended to require information concerning adjudication of bankruptcy against parent and subsidiary entities as well as against the developer.

N.J.A.C. 5:26-3.1(a)15, 21, 22 and 24 are deleted to eliminate duplication.

N.J.A.C. 5:26-3.2(a)1 is amended to provide for an abbreviated application for registration of projects of 24 or fewer units.

N.J.A.C. 5:26-3.4 is amended to require the submission of a fee in the amount of \$250.00 with each application for amendment, other than an amendment solely relating to a price change or additional advertising.

N.J.A.C. 5:26-4.1(a) is amended to permit developers of new construction projects to distribute the Public Offering Statement in two parts, one narrative and one having detailed information.

N.J.A.C. 5:26-4.1(d) is amended to clarify when copies of the Public Offering Statement must be provided to potential purchasers.

N.J.A.C. 5:26-4.2(a)7 is amended to clearly identify the two separate requirements with which it deals.

N.J.A.C. 5:26-4.2(a)8 is amended to clarify an existing requirement.

N.J.A.C. 5:26-4.2(a)9 is amended to require inclusion of copies of certain relevant leases or agreements in the Public Offering Statement.

N.J.A.C. 5:26-4.2(a)17 is amended to delete extraneous language.

N.J.A.C. 5:26-4.2(a)20 is amended to specify that the taxes and assessments required to be disclosed are those which are of record.

N.J.A.C. 5:26-4.3(a)3 is amended to make it consistent with the provision concerning a two-part Public Offering Statement.

N.J.A.C. 5:26-4.4 is amended to require two, rather than three, copies of the Public Offering Statement.

N.J.A.C. 5:26-5.2(a)1, 10, 12, and 13 are deleted.

N.J.A.C. 5:26-6.3 is amended to incorporate a stylistic change in the required notice of cancellation.

N.J.A.C. 5:26-9.1(a)3 is amended to incorporate the requirement for energy audits in all conversions which was previously required under N.J.A.C. 5:26-3.1.

N.J.A.C. 5:26-9.3(a)1 is amended to limit the comment period on proposed Public Offering Statements to 45 days.

N.J.A.C. 5:26-10.1 is amended to allow developers to accept non-binding deposits of up to \$2,500 instead of the present \$250.00.

N.J.A.C. 5:26-10.2 is amended to provide for a filing fee in the amount of \$250.00.

N.J.A.C. 5:26-11.1 is amended to change Urban Renewal to Development and Housing and Renewal Services to Construction Code Enforcement.

Social Impact

The effect of the amendments will be to eliminate duplication in the documentation required to be given to prospective purchasers, to make the regulations more readily understandable to developers and purchasers alike and to provide for fees that will allow the review process of the Department to be adequately funded and better able to provide the expedited service that will benefit both developers and purchasers.

Economic Impact

The \$50.00 fee for requests for exemptions and the \$250.00 fees for requests for amendments and for application filings will impose added costs upon developers. However, since this revenue is intended to be used to provide additional staff to review applications, the shorter processing time will result in even greater savings to developers. The reduction in the volume of the documentation required to be provided to prospective purchasers, particularly at the stage of initial inquiry, will reduce printing costs for developers.

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

5:26-2.3 Request for exemptions

(a) Any person who believes **that** a planned real estate development or retirement community may be exempt from the provisions of the Act, or who is contemplating a planned real estate development or retirement community which he believes may be exempt, may apply to the Director for a Letter of Exemption. Such application shall be in writing and shall list the reasons why such planned real estate development or retirement community or proposed planned real estate development or proposed retirement community may be exempt from the Act. **An application for exemption pursuant to N.J.A.C. 5:26-2.2(a) shall be accompanied by a fee of \$50.00.**

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

5:26-3.1 Contents of application for registration

(a) The application for registration shall contain the following documents and information:

1.-6. (No change.)

7. [Copies of the instruments which will be delivered to the association to evidence their interest in the common elements and facilities;] **A statement concerning any litigation which might affect this offering;**

8. [Copies of all proposed and/or actual management, service or other contracts or agreements affecting the use, maintenance or access of all or part of the development;] **In the event that the application for registration is for the conversion of a vacant building, an affidavit to that effect shall be submitted by the developer;**

9. [A statement of the zoning and other governmental regulations affecting the use of the development including but not limited to the approved site plans, building permits and their status;] **In the event that the application for registration is for the conversion of a building occupied by residential tenants, an affidavit of service of the proposed Public Offering Statement as required by N.J.A.C. 5:26-9.3 shall be submitted;**

10. [A statement of the existing use and zoning of adjoining lands;] **In the event that the application for registration is for**

a newly-constructed property, evidence of registration under the New Home Warranty and Builders Registration Act (N.J.S.A. 46:3B-1 et seq.) shall be submitted;

11. (No change.)

12. A statement of the present condition of access to the development and the existence of any [unusual] **adverse** conditions [relating to noise and safety] that affect the development[, and] that are known, should be known or are readily ascertainable;

13. [A statement of the availability of sewage disposal facilities and other public utilities including but not limited to water, gas, electric and telephone;] **Copies of all contracts and agreements which the purchaser may be required to execute in connection with this offering;**

14. (No change.)

15. [A narrative description of the promotional plan for the disposition of the lots, parcels, units or interests in the development together with copies of all existing or proposed advertising material to be disseminated to the public and the means of dissemination of each;] **(Reserved)**

16. [Three] **Two** copies of the proposed public offering statement;

17. A current financial statement of the developer and [or its] any predecessor, **parent or subsidiary company**, including but not limited to a current profit and loss statement and balance sheet [certified] **audited** by an independent public accountant;

18. A statement concerning any adjudication of bankruptcy during the last five years against the developer, its [predecessor] **parent or subsidiary company** and any principal owning more than 10 percent of the interests in the development at the time of the filing of the application for registration. This requirement shall not extend to limited partners or those whose interests are solely those of investors;

19.–20. (No change.)

21. [A copy of the proposed budget for the operation of the common elements and facilities based on full occupancy together with the proposed annual assessment and the monthly charges to be assessed to each type of unit. The budget shall specifically state the amount set aside as reserves for the replacement of the common elements and facilities and shall be accompanied by a letter of adequacy certified by an independent public accountant or other independent expert and by a letter of adequacy of the hazard and liability insurance coverage certified by an independent insurance broker;] **(Reserved)**

22. [In the event the application for filing is for a conversion, the developer shall submit an engineering survey which shall include mechanical, structural, electrical and engineering reports to disclose the condition of the building, as well as an approved energy audit which shall show the energy efficiency of the building;] **(Reserved)**

23. (No change.)

24. [A copy of any existing or proposed leases for the common elements and facilities;] **(Reserved)**

25.–27. (No change.)

5:26-3.2 Form of the application for registration

(a) An application for registration shall be submitted in the following form:

1. Two sets of the information and documents required to be filed shall be submitted in separate binders, fastened at the top in such a manner as to permit the reading of each page without requiring removal. **The two required copies of the Public Offering Statement shall be submitted in separate binders. The items set forth in N.J.A.C. 5:26-3.1(a)2 and 15 need not be submitted for developments of 24 or fewer units.**

2.–7. (No change.)

(b) (No change.)

5:26-3.4 Review of requests for amendment

The Agency shall process and review requests for amendments of an application for registration in accordance with the standards and

procedures established in [the] this chapter for review of application for registration. **Requests for amendment, other than price changes and advertising, shall be accompanied by a fee of \$250.00.**

5:26-4.1 Public offering statement required

(a) No developer may dispose of any lot, parcel, unit or interest in a planned real estate development or retirement community unless said developer delivers to the purchaser a current Public Offering Statement on or before the contract date.

1. The Public Offering Statement for new construction applications may be prepared in two parts. Part I shall be in narrative form and shall consist of the information required by N.J.A.C. 5:26-4.2(a)1 through 6, 7i, 8, 9i, 10, 12, 14 and 16 through 25. Part II shall consist of the documents required by N.J.A.C. 5:26-4.2(a)7ii through 9ii, 11, 13 and 24.

2. For new construction applications containing 24 or fewer units, the information specified in N.J.A.C. 5:26-4.2(a)4 need not be included.

3. Public Offering Statements for the conversion of existing buildings shall include all information required by this subchapter and N.J.A.C. 5:26-9.

(b)–(c) (No change.)

(d) [The developer shall make copies of the Public Offering Statement freely available to prospective purchasers prior to the date a contract is executed;] **The developer shall provide copies of the Public Offering Statement, Part I, at no charge to prospective purchasers upon their request. In any event, the Public Offering Statements, Parts I and II, must be provided at, or prior to, the time a contract is executed, at no charge to the prospective purchaser;**

(e) (No change.)

5:26-4.2 Contents of public offering statement

(a) The public offering statement shall contain the following information:

1.–6. (No change.)

7. The following documents:

i. A statement as to who will control the operation and management of the common elements and facilities **and** when control will be vested in any association, trust or other entity[.];

ii. A copy of the instrument creating the association, trust or other entity, and a copy of the by-laws and rules and regulations of such association, trust or other entity;

8. A copy of the proposed budget for the operation and maintenance of the common elements and facilities **based on full occupancy, together with [and] the proposed annual assessment [on each lot, unit, parcel or interest] and the monthly charges to be assessed to each type of unit.** The budget shall specifically state the amount set aside [for] **as reserves for the replacement [and reserves for] of the common elements and facilities and shall be accompanied by a [include the] letter of adequacy [and the insurance adequacy letter;] certified by an independent public accountant or other independent expert and by a letter of adequacy of the hazard and liability insurance coverage certified by an independent insurance agent or broker;**

9. The following documents:

i. A description of any management or service contract, lease or other contract or agreement affecting the use, maintenance or access of **or to any [and] or all of the common elements or community facilities together with a statement as to the effect of each upon the purchaser;**

ii. **Copies of any management or service contract, lease or agreement affecting the use, maintenance or access of or to any or all of the common elements or facilities;**

10.–12. (No change.)

13. Copies of the instruments that will be delivered to purchasers to evidence their interest in the development [together with copies of all contracts, riders and agreements that purchasers may be required to sign];

14. (No change.)

15. [A copy of the proposed certificate of title or title insurance policy to be issued to purchasers, containing all exceptions anticipated, if offered by the developer;] **(Reserved)**

16. (No change.)

17. A statement as to whether the property or any portion thereof is regularly or periodically subject to natural forces that would tend to adversely affect the use or enjoyment of the property [, such as, but not limited to, flooding, drought, earthquake or other forces of nature] and whether the property or any portion thereof is located in a Federally designated flood hazard area.

18.-19. (No change.)

20. A statement of all existing or proposed special taxes or assessments of record and who shall be responsible for payment thereof;

21.-22. (No change.)

23. [A statement or listing of all developments constructed by the developer, its parent or subsidiary company or predecessor within the State and within a radius of 100 miles of the site if without the State, during the last 5 years;] **(Reserved)**

24.-25. (No change.)

5:26-4.3 Form

(a) The proposed public offering statement shall be in the following form:

1.-2. (No change.)

3. [The text, in a narrative form, containing the items listed in N.J.A.C. 5:26-4.2 followed by the required documents marked as exhibits.] **As set forth in N.J.A.C. 5:26-4.1(a), Part I of the Public Offering Statement shall be in narrative form and, in addition to the items set forth in N.J.A.C. 5:26-4.1(a), shall contain an explanation that the documents referred to in Part I will be provided to prospective purchasers at the time a contract is executed.**

4.-5. (No change.)

5:26-4.4 Filing

[Three] **Two** copies of the proposed public offering statement shall be filed with the application for registration and, if the Agency requires revision to the proposed public offering statement, [three] **two** copies of the revised public offering statement.

5:26-5.2 Specific standards

(a) Without limiting the general standards of advertising in this chapter, all advertising, except billboards, shall substantially conform to the following specific standards:

1. [When a city, town, community or other political subdivision or natural feature is referred to in advertising it shall include the approximate distance in road miles from the planned real estate development or retirement community.] **(Reserved)**

2.-9. (No change.)

10. [Advertising that refers to streets or roads shall indicate the nature of the street or road, i.e. dirt, gravel or paved and shall indicate if they are existing or proposed and, if proposed, the measures taken to insure their construction;] **(Reserved)**

11. (No change.)

12. [Advertising that refers to lots, parcels, units or interests as waterfront shall state the number of lots, parcels, units or interests that actually front on the water and whether the body of water is natural or man made and its width and depth;] **(Reserved)**

13. [Advertising shall not describe a lot as a homesite or building lot unless:

i. Public water and sewerage is available at a reasonable cost or unless approval has been obtained for a well and septic system; and

ii. The lot meets the minimum lot size, area, depth, frontage and all other zoning or planning criteria required by any agency or regulatory authority requiring approval for the issuance of a building permit;] **(Reserved)**

14.-16. (No change.)

5:26-6.3 Notice of cancellation

Every contract or agreement shall contain the following notice in 10-point bold face type or larger, directly above the space provided for the signature of the purchaser.

NOTICE TO THE PURCHASER: YOU HAVE THE RIGHT TO CANCEL THIS CONTRACT OR AGREEMENT BY SENDING OR DELIVERING WRITTEN NOTICE OF CANCELLATION TO THE DEVELOPER BY MIDNIGHT OF THE SEVENTH CALENDAR DAY FOLLOWING THE DAY ON WHICH IT WAS EXECUTED. SUCH CANCELLATION IS WITHOUT PENALTY, AND [ANY DEPOSIT MADE] ALL MONIES PAID BY YOU SHALL BE PROMPTLY REFUNDED IN [ITS] THEIR ENTIRETY.

5:26-9.1 Requirements

(a) In addition to the requirements set forth in N.J.A.C. 5:26-4.2 (Contents of Public Offering Statement) the developer shall, in the case of conversion from a residential rental or hotel use to a condominium, cooperative or time-sharing venture, include in the public offering statement the following information:

1.-2. (No change.)

3. An engineering survey in the form set forth in the appendix prepared by a licensed engineer or architect which shall include mechanical, structural, electrical and engineering reports to disclose the condition of the building, **as well as an energy audit, in a form approved by the Agency, setting forth the energy efficiency of the building;**

4. (No change.)

5:26-9.3 Public Offering Statement

(a) Simultaneously with the filing of an application for registration with the Agency, the developer shall serve upon all tenants in the building a copy of the proposed Public Offering Statement and file an affidavit of service with the Agency within 10 days.

1. The proposed Public Offering Statement that is given to the tenants shall contain the following statement on the first page:

THIS IS THE PROPOSED PUBLIC OFFERING STATEMENT SUBMITTED TO THE DIVISION OF HOUSING, DEPARTMENT OF COMMUNITY AFFAIRS, IN AN APPLICATION FOR REGISTRATION TO CONVERT THE BUILDING TO A CONDOMINIUM OR CO-OPERATIVE. THIS STATEMENT IS SUBJECT TO CHANGE. THE DEPARTMENT OF COMMUNITY AFFAIRS WILL ACCEPT WRITTEN COMMENTS FOR A PERIOD OF 45 DAYS CONCERNING THIS STATEMENT ADDRESSED TO:

Department of Community Affairs
Planned Real Estate Development
Section
Bureau of [Housing Services]
Construction Code Enforcement
CN [804] 805
Trenton, NJ 08625

THIS DOCUMENT IS NOT THE NOTICE OF INTENTION TO CONVERT AND FULL PLAN OF CONVERSION REQUIRED UNDER THE [N.J.] NEW JERSEY STATUTE GOVERNING REMOVAL OF TENANTS (N.J.S.A. 2A:18-61.1 et seq).

5:26-10.1 Scope

Upon application to and registration by the Agency as provided

PROPOSALS

ENVIRONMENTAL PROTECTION

below, a developer may accept a nominal sum, not to exceed [\$250.00] **\$2,500**, which sum shall be held in trust, as a nonbinding reservation for the purpose of determining the market demand for a planned real estate development or retirement community, and shall not be deemed to be an offer or disposition of an interest therein, provided that the developer shall do so under the terms and conditions contained in this subchapter.

5:26-10.2 Application

(a) (No change.)

(b) **The application shall be accompanied by a filing fee in the amount of \$250.00.**

5:26-11.1 Administration

The Division of Housing and [Urban Renewal] **Development** in the Department of Community Affairs shall administer and enforce these regulations. Within the Division, responsibilities for administration and enforcement of these regulations shall be vested in the Bureau of [Housing and Renewal Services] **Construction Code Enforcement**. All powers and responsibilities vested in the Director, Division of Housing and [Urban Renewal] **Development**, shall be executed by the Chief, Bureau of [Housing and Renewal Services] **Construction Code Enforcement**, with the exception of the power to make final determinations resulting from any hearing required or permitted pursuant to law.

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Planned Real Estate Development Registration Fees

Proposed Amendment: N.J.A.C. 5:26-2.4

Authorized By: William M. Connolly, Director, Division of Housing and Development, Department of Community Affairs.

Authority: N.J.S.A. 45:22A-35(a).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing and Development
CN 804
Trenton, NJ 08625

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

This proposal is known as PRN 1983-324.

The agency proposal follows:

Summary

The proposal increases the Planned Real Estate Development registration fees from \$500.00 plus \$35.00 per unit to \$500.00 plus \$45.00 per unit.

Social Impact

The additional funding is needed to maintain sufficient staff to continue to provide prompt service to applicants and to complete reviews in a considerably shorter time than is required by statute.

Economic Impact

The increased fees will allow staffing at a level that will insure prompt review with consequent savings to the developers, whose costs can mount up while they are awaiting the results of the Department's review.

Full text of the rule currently in effect can be found at 14 N.J.R. 609(a), 14 N.J.R. 912(a).

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

5:26-2.4 Application for registration; submission and fees

(a) An application for registration shall consist of a statement containing the items set forth in N.J.A.C. 5:26-3 and shall be submitted in the manner and form as provided therein together with the filing fee in the amount of \$500.00 plus [\$35.00] **\$45.00** per lot, parcel, unit or interest, made payable to the Treasurer, State of New Jersey. In the event lots, parcels, units or interests are added during registration, an additional fee of [\$35.00] **\$45.00** per lot, parcel, unit or interest shall be paid. There will be no refunds for deletions.

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

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF WATER RESOURCES

New Jersey Pollutant Discharge Elimination System Significant Industrial Users; Sludge Quality Assurance

Proposed Amendments: N.J.A.C. 7:14-4.4, 7:14A-1.9, 10.1, 10.5, 13.1 and 13.2
Proposed New Rules: N.J.A.C. 7:14A-13.5, 13.6, 13.7 and 13.8

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 58:10A-1 et seq., specifically 58:10A-2,4 and 6; and N.J.S.A. 58:11-51.
DEP Docket No. 034-83-06.

A **public hearing** concerning this proposal will be held on July 28, 1983 from 1:30 P.M. until the close of receipt of comments at:

Labor Education Center
Rutgers University
Ryders Lane and Clifton Avenue
New Brunswick, NJ

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. The Department has prepared a Basis and Background document for the proposal. Submissions by interested parties, any inquiries about submissions and responses, and requests for copies of the Basis and Background should be addressed to:

Kenneth Goldstein, Chief
 Pretreatment Section
 Division of Water Resources
 CN 029
 Trenton, NJ 08625
 Telephone: (609)292-4860

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

This proposal is known as PRN 1983-338.

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 7:14A would exempt certain industrial dischargers to sewerage systems from the requirement of obtaining individual New Jersey Pollutant Discharge Elimination System (NJPDES) Permits. Currently, all Significant Industrial Users (SIUs) of Domestic Treatment Works (DTWs) are required to obtain a NJPDES Permit from the Department.

Essentially, the proposal shifts primary responsibility for discharges to sewerage systems from the State to local governments. The amendments recognize the ability of many DTWs to control the wastewater discharged to their facility through the development and implementation of an Industrial Pretreatment Program. The Department would retain permit responsibility for dischargers over 500,000 gallons per day, indirect discharges from hazardous waste and industrial waste management facilities, landfill leachate collection systems, groundwater decontamination programs and facilities which are found by the Department to be in violation of State laws, regulations or otherwise would be necessary in accordance with the intent of the Water Pollution Control Act, or local ordinances. Industries within the DTW service areas without industrial pretreatment programs must still obtain a discharge permit from the Department.

Other portions of the amendments clarify ambiguous paragraphs of the existing rules. In addition, the amendments add specific requirements for the control of the discharge to DTWs of toxic pollutants that pass-through the DTW into surface waters or contaminate the DTW's sludge.

Note should be taken of the proposed amendment to the definition of "SIU" in the Sludge Quality Assurance rules, N.J.A.C. 7:14-4. This amendment is being made in order to distinguish between the definitions of "SIU" in N.J.A.C. 7:14-4.4 and in 7:14A-1.9. The amendments in this proposal will have no effect on the requirements of the Sludge Quality Assurance rules.

Social Impact

The amendments place primary responsibility for discharges to sewerage systems at the local level. By authorizing the sewerage authorities to issue individual permits, it is the objective of these amendments to provide the incentives necessary for careful review, evaluation and monitoring of discharges. Local authorities would then impose the necessary restrictions to insure that a DTW meets its NJPDES Permit limitations.

Economic Impact

While there may be some costs associated with enforcement and monitoring by DTWs, the amendments will result in a significant overall reduction of regulatory costs. Savings of over \$2,000,000 will result primarily from the non-imposition of State permit fees and from a reduction in reporting requirements due to the greater efficiency of DTW monitoring through the use of key manholes and more selective sampling of industries.

Environmental Impact

The amendments will result in no change in the impact on the

environment. It is the objective of the Department to encourage close monitoring of discharges by giving direct responsibility to the local DTW. Industries which violate the law or regulations by polluting the environment will be dealt with by the local DTW. The Department will continue to maintain its authority to enforce the Water Pollution Control Act in the event the local DTW fails or is unable to control the discharger.

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

7:14-4.4 Definitions

"SIU" (Significant Industrial User) means, **solely for the purposes of this subchapter governing sludge quality assurance**, any user who discharges, into a domestic treatment works, industrial process wastewater which either exceeds 25,000 gallons per day, or exceeds the mass equivalent of 25,000 gallons per day of the domestic waste of that particular treatment works based on design values as filed with the Department for any one of the following parameters— **Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Suspended Solids**, or exceeds five percent of the average daily flow of the treatment works, or contributes five percent or more of the daily mass loading of any of the pollutants listed in Appendix B-2 and B-3 which are entering the treatment works.

1. BOD, COD, and Suspended Solids are defined in Manual of Methods for Chemical Analysis of Water and Wastes (see N.J.A.C. 7:14-4.7(a)3).

2. Where the design values for BOD, COD, or Suspended Solids have not been filed with the Department, the domestic treatment works may use the influent BOD, COD or Suspended Solids for the purpose of these calculations.

7:14A-1.9 Definitions

"**Indirect discharge**" means any discharge, **excluding any discharges by municipal collection systems, into any domestic treatment works.**

"Indirect discharger" means any person, **excluding municipal collection systems**, who discharges primarily non-domestic pollutants into a DTW.

["Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from any waste.] "**Leachate**" means **liquid that has been in contact with solid waste and contains dissolved or suspended materials from that solid waste.**

"Significant [Industrial] Indirect User" ("SIU") means, **solely for the purposes of this chapter**, any user, **excluding municipal collection systems**, who discharges on any one day [industrial process] wastewater into a DTW where:

1. The volume of **industrial process wastewater** exceeds 25,000 gallons per day; or

2. The amount of BOD, COD or Suspended Solids in the **industrial process wastewater** discharge exceeds the mass equivalent of 25,000 gallons per day of the domestic waste of the affected DTW; or

3. The volume of **industrial process wastewater in the discharge** exceeds five percent or more of the average daily flow of the [treatment works] DTW; or

4. The discharge of **industrial process wastewater** contributes, **prior to any pretreatment**, five percent or more of the daily mass loading of any of the pollutants listed in [Appendices B-2 or B-3 of "Regulations for Sludge Quality Assurance Required of Domestic and Industrial Treatment Works, and Pretreatment Works for Significant Industrial Users", N.J.A.C. 7:14-4] **Appendix B Tables II-VI**; or

PROPOSALS

ENVIRONMENTAL PROTECTION

5. The user of a DTW is determined to be a Hazardous Waste Management Facility under N.J.A.C. 7:26-12; or

6. The user is determined to be an Industrial Waste Management Facility under N.J.A.C. 7:14A-4; or

7. The user has been found by the Department to be in violation of State laws or regulations, or local ordinances; or

8. The discharge consists of landfill leachate, either pure or diluted by groundwater or surface runoff; or

9. The discharge consists of polluted groundwater which is pumped from the ground in order to decontaminate an aquifer; or

[5.]10. The Department determines [the discharge is not] it would be consistent with the intent of the Pretreatment Act or State Act to permit the discharge.

“SIU” means, solely for the purposes of this chapter, “Significant [Industrial] Indirect User”.

7:14A-10.1 Schedule for submission of applications

(a)–(g) (No change.)

(h)1.–3. (No change.)

4. Dischargers into a domestic treatment works (DTW):

i. Dischargers with design or daily average flows greater than one million gallons per day shall submit an application for a NJPDES permit within six months of the effective date of these regulations.

ii. Dischargers with design or daily average flows greater than 500,000 gallons per day but less than one million gallons per day shall submit applications between seven and 12 months after the effective date of these regulations.

iii. Dischargers with design or daily average flows greater than 100,000 gallons per day but less than 500,000 gallons per day must submit applications between 13 and 24 months after the effective date of these regulations.

iv. Dischargers with design or daily average flow greater than 50,000 gallons per day but less than 100,000 gallons per day shall submit applications between 25 and 36 months after the effective date of these regulations.

v. Dischargers with design or daily average flow greater than 25,000 gallons per day but less than 50,000 gallons per day, and dischargers with design and daily average flow less than 25,000 gallons per day that are SIUs shall submit applications between 37 and 48 months after the effective date of these regulations.

vi. Dischargers of less than 25,000 gallons per day are exempt unless notified otherwise by the Department.]

i. Existing SIUs will be notified by the Department at least 90 days prior to the date for submittal of a permit application. The following criteria may be used by the Department for determining the order for notifying existing SIUs. This list is not all inclusive. Some criteria are listed as follows:

(1) Potential endangerment to public health or the environment;

(2) DTW permit non-compliance due to interference;

(3) Location of DTW effluent, that is, discharge's effect on present or future stream use;

(4) Restrictions on DTW's sludge disposal; and

(5) The indirect discharge's quantity and quality.

ii. Submittal in less than 90 days may be required when:

(1) The SIU is subject to an enforcement action by the Department or a local municipality; or

(2) There is or has been a potential danger to public health or the environment due to the SIU's discharge.

5. (No change.)

(i)–(j) (No change.)

7:14A-10.5 Indirect discharges

(a) An individual NJPDES permit is required for an indirect discharger when:

1. The indirect discharger is [a significant industrial user as defined in these regulations; or] one of the following types of SIUs:

i. The user is determined to be a Hazardous Waste Management Facility under N.J.A.C. 7:26-12;

ii. The user is determined to be an Industrial Waste Management Facility under N.J.A.C. 7:14A-4;

iii. The user has been found by the Department to be in significant violation of State laws or regulations, or local ordinances;

iv. The discharge consists of landfill leachate, either pure or diluted by groundwater or surface runoff;

v. The discharge consists of polluted groundwater which is pumped from the ground in order to decontaminate an aquifer;

vi. The volume of industrial process wastewater exceeds 500,000 gallons on any one day; or

vii. The Department determines it would be consistent with the intent of the Pretreatment Act or State Act to permit the discharge.

2. The indirect discharger discharges into a privately owned treatment works and is not permitted as a limited co-permittee as described in N.J.A.C. 7:14A-3.13(a)13[.]; or

3. The indirect discharger is an SIU and discharges to a DTW that does not have a Pretreatment Program approved pursuant to 40 CFR Part 403 and N.J.A.C. 7:14A-13.1.

(b) (No change.)

(c) An indirect discharger required to apply for a NJPDES permit in accordance with (a) above shall submit the following [information] on forms available from the Department:

1.–5. (No change.)

6. Average flows and treatment. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and storm water runoff, the average flow which each process contributes, and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge.

i. Processes, operations or production areas may be described in general terms (for example, “dye-making reactor”, “distillation tower”). [This information shall include the identity of each user of the treatment works.]

ii. If discharge is due to rain runoff, state acres of land drained, give runoff coefficient, and calculate flow based on a 10-year storm frequency.

7.–9. (No change.)

10. Effluent characteristics. Information on the discharge of pollutants, to a DTW, specified in this paragraph. When “quantitative data” for a pollutant is required, the applicant must collect a sample of effluent and analyze [if] it for the pollutant in accordance with analytical methods approved under 40 CFR Part 136. When no analytical method is approved the applicant shall comply with N.J.A.C. 7:14A-2.5(a)10iii. The requirements in (c)10iv and v below that an applicant must provide quantitative data for certain pollutants known or believed to be present does not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an applicant must report such pollutants as present. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and fecal coliform. For all other pollutants, 24-hour composite samples must be used, unless otherwise specified by the Department. An applicant is expected to “know or have reason to believe” that a pollutant is present in an effluent, based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. (For example, any pesticide manufactured by a facility may be expected to be present in contaminated storm water runoff from the facility).

i. Every applicant must report quantitative data for every outfall for the following pollutants:

(1)–(5) (No change.)

(6) Temperature [(both winter and summer)] (both maximum and average);

(7) (No change.)

ii.-iii. (No change.)
 iv. For each outfall each applicant must report quantitative data for the following pollutants, if the applicant knows or has reason to believe that the pollutant is discharged from the outfall:

(1) (No change.)

(2) All pollutants in Table IV of Appendix B (certain conventional and nonconventional pollutants) **except fecal coliform. Oil and grease shall be the petroleum hydrocarbon fraction as determined by freon extraction-silica gel-adsorption-infrared analysis methodology.**

v.-vi. (No change.)

11. (No change.)

12. Used or manufactured toxics. A listing of any toxic pollutant listed in Appendix B, Tables II-VI, which the applicant uses or manufactures, or expects that it will use or manufacture during the next five years, as an intermediate or final product or byproduct.

i. The permittee may be required to supply supplemental information to fulfill this requirement during the term of the permit.

13.-16. (No change.)

17. [Notification] **For new discharges only, notification** from the affected DTW and owner of applicable wastewater conveyance systems stating that the discharge is acceptable.

18. [Specific listing of any and all building floor drains and their ultimate discharge point.] **Indication of the ultimate discharge point of all building floor drains, including the path through the facility collection system.**

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

(f) Except for those SIUs which are required by (a) above to obtain a NJPDES Permit, all other SIUs which discharge to a DTW that has a Pretreatment Program, approved pursuant to 40 CFR Part 403 and N.J.A.C. 7:14A-13.1(a), are exempt from applying for a NJPDES Permit and are deemed to possess a NJPDES permit-by-rule and must comply with N.J.A.C. 7:14A-13.5.

7:14A-13.1 Purpose and scope

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

(d) The Department may require the owner or operator of a privately owned treatment works to implement the equivalent of an approved pretreatment program pursuant to (a) above.

7:14A-13.2 Application for an SIU permit

(a) Duty to apply: Any person who discharges or is planning to discharge pollutants as an SIU **and is subject to N.J.A.C. 7:14A-10.5(a)** shall submit a complete application to the Department in accordance with N.J.A.C. 7:14A-2.1, **10.1(h)** and 10.5(a).

(b) Time to apply for an SIU permit:

1. New SIUs: Any person planning to discharge pollutants as an SIU, where a treatment works is required, shall submit an application for a draft final NJPDES permit at least 90 days prior to initiation of final engineering design, specifications and plans. Such application shall be made in accordance with N.J.A.C. 7:14A-7.2] **and subject to N.J.A.C. 7:14A-10.5(a) shall apply for a NJPDES permit at least 90 days prior to initiation of discharge. If a treatment works approval is required, submittal shall be made at least 90 days prior to initiation of final engineering design.**

2. Existing SIUs: Any person who discharges pollutants as an SIU **and is subject to N.J.A.C. 7:14A-10.5(a)**, as of the effective date of these regulations, shall apply for an SIU permit in accordance with the schedule in N.J.A.C. 7:14A-10.1(h)4.

(c) (No change.)

7:14-13.5 Permit-by-rule

(a) All indirect dischargers which are not SIUs or which are not required by N.J.A.C. 7:14A-10.5(a) to obtain an individual NJPDES permit shall be deemed to possess a NJPDES permit-by-rule and must comply with the standards specified in (c) below.

(b) Termination of eligibility for a permit-by-rule.

1. Based upon non-compliance with (c) below, the Department may terminate the eligibility of any indirect discharger for a permit-by-rule. Where eligibility for a permit-by-rule has been terminated by the Department, the indirect discharger shall apply for and is required to obtain a NJPDES/SIU Permit in accordance with N.J.A.C. 7:14A-10.5(c).

2. Whenever a DTW's Pretreatment Program approval has been withdrawn based upon the criteria set forth in N.J.A.C. 7:14A-13.8, all SIUs discharging to the DTW will lose their eligibility for a permit-by-rule and will be required to obtain an individual NJPDES/SIU permit in accordance with N.J.A.C. 7:14A-10.1(h).

(c) Standards for NJPDES/SIU Permit-by-Rule. All indirect dischargers shall comply with the following:

1. Prohibited discharges standards, see N.J.A.C. 7:14A-13.3(a)1;

2. Categorical standards, see N.J.A.C. 7:14A-13.3(a)2;

3. DTW ordinances which have been approved by the Department, see N.J.A.C. 7:14A-13.3(a)4;

4. Water quality violations, see N.J.A.C. 7:14A-13.6;

5. Sludge quality violations, see N.J.A.C. 7:14A-13.7; and

6. Any other standards promulgated by the Department under the Pretreatment Act or State Act.

7:14A-13.6 Water quality violations

(a) No indirect discharger shall discharge into a DTW any pollutant in such quantities or concentration such that the discharge alone causes the DTW to exceed the values assigned to the toxic substances listed in Appendix F.

(b) The following limitations shall apply in order to control gross pollution of surface waters by any of the pollutants listed in Appendix F. The amount of any substance listed in Appendix F which is discharged by any user shall not exceed the amount W determined by the equations listed below:

1. For discharges into DTWs which discharge into surface waters of the State with essentially one dimensional flow (stream discharge):

$$i. \quad W = \frac{0.0864 \times C \times Q}{1-R}$$

1-R

ii. W = The maximum total weight in kilograms per day (kg/d) of a pollutant which may be discharged by an indirect discharger of any pollutant listed in Appendix F, over any 24 hour period.

iii. C = The values for determination of NJPDES permit toxic effluent limitation, in micrograms per liter (ug/l) of any pollutant listed in Appendix F.

iv. Q = The seven day, 10 year, low flow in cubic meters/second (m³/sec) of the receiving stream immediately downstream of the treatment works outfall.

v. R = Efficiency of a DTW to remove a toxic pollutant from the influent, computed according to the procedure in (c) below.

2. For discharges into DTWs which discharge into surface waters of the State with essentially multi-dimensional flow:

$$i. \quad W = \frac{0.0864 \times C \times Q \times S}{1-R}$$

1-R

ii. W = The maximum total weight in kilograms per day (kg/d) which may be discharged by an indirect discharger of any pollutant listed in Appendix F, over any 24 hour period.

iii. C = The values for determination of NJPDES permit toxic effluent limitations in micrograms per liter (ug/l) of any pollutant listed in Appendix F. This concentration cannot be exceeded at the water surface at the point indicated as S (see N.J.A.C. 7:14A-3.14(l)3ii).

iv. Q = The effluent discharge flow rate of the treatment works in cubic meters per second (m³/sec.).

v. R = Efficiency of a DTW to remove a toxic pollutant from

its influent, computed according to the procedure in N.J.A.C. (c) below.

vi. S = The dilution factor of the effluent at the surface (see N.J.A.C. 7:14A-3.14(1)3ii).

(c) Removal efficiency (R) may be calculated as follows:

1. The Department will utilize existing DTW data in order to calculate R .

2. An indirect discharger of a DTW may determine at its own expense the removal efficiency. The determination shall be made in accordance with this section. Computation of the removal efficiency of a DTW shall be based upon influent and effluent operational data and any other information which demonstrates consistent removal of the pollutants in Appendix F. This data shall meet the following requirements:

i. The data shall be representative of the quality and quantity of average influent and effluent flow of the system;

ii. The data shall be obtained through composite samples taken on three consecutive working days. Each composite sample shall contain a minimum of 12 discrete samples taken at equal intervals and proportional to the flow over a 24 hour period; and

iii. Where the Department determines that a composite sample is not an appropriate sampling technique, a grab sample shall be taken. Grab samples will be required where the parameters being evaluated, such as cyanide and phenol, may not be held for any extended period because of biological or chemical decomposition.

7:14A-13.7 Sludge quality violation

(a) No indirect discharger shall discharge into a DTW any pollutant in such quantities or concentration such that the discharge alone causes the DTW to exceed the State's criteria or standards for the disposal of sludge.

(b) The following limitations shall apply in order to control gross contamination of sludge by any of the pollutants listed in Appendix B. The amount of any substance listed in Appendix B which is discharged by any user shall not exceed the amount W determined by the equations listed below.

1. For all DTWs:

$$i. \quad W = \frac{86.4 \times C \times V}{A}$$

A

ii. W = The maximum total weight in kilograms per day (kg/d) which may be discharged by an indirect discharger over any 24 hour period.

iii. C = Concentration, in milligrams per kilograms (mg/kg) of any Federal or State sludge disposal criteria or standard, for any pollutant listed in Appendix B.

iv. V = Dry weight of sludge generated by DTW (kg/day).

v. A = Efficiency of a DTW to accumulate a toxic pollutant in its sludge from its influent, computed according to the procedure in (c) below.

(c) Accumulation efficiencies (A) may be calculated as follows:

1. The Department will utilize existing DTW data in order to calculate A .

2. An indirect discharger of a DTW may determine at its own expense the accumulation efficiency. The determination shall be made in accordance with this section. Computation of the accumulation efficiency of a DTW shall be based upon influent and sludge operational data plus any other information which demonstrates consistent accumulation of the pollutants in Appendix B. This data shall meet the following requirements:

i. The data shall be representative of the quality and quantity of average influent flow and sludge generation of the system.

ii. The data shall be obtained through composite samples on three consecutive working days. Each composite sample shall contain a minimum of 12 discrete samples taken at equal intervals and proportional to the flow over a 24 hour period; and

iii. Where the Department determines that a composite sample is not an appropriate sampling technique, a grab sample shall be taken. Grab samples will be required where the parameters being evaluated, such as cyanide and phenol, may not be held for any extended period because of biological or chemical decomposition.

7:14A-13.8 Criteria for withdrawal of Pretreatment

Program approval

(a) The Department may withdraw Pretreatment Program approval when a DTW's program no longer complies with the requirements of this chapter and the DTW fails to take corrective action. Such circumstances include the following:

1. When the DTW's legal authority no longer complies with the requirements of this chapter, including, but not limited to:

i. Failure of the DTW to enact new legal authority where necessary; or

ii. Action by the DTW's governing body limiting the DTW's legal authority.

2. When the procedures of the DTW's program no longer complies with the requirements of this chapter, including but not limited to:

i. Failure to exercise control over activities required to be regulated, including the enforcement of National Categorical Pretreatment Standards (40 CFR Chapter I, Subchapter N);

ii. Failure to comply with the public participation requirements of this chapter (N.J.A.C. 7:14A-8);

iii. Failure to act on violations of permits or other program activities; or

iv. Failure to inspect and monitor activities subject to regulation.

(b) The Department will issue notice of intent to withdraw approval for a program. The notice shall be equivalent to the notice requirements of 40 CFR 403.11.

1. If the problems are not satisfactorily resolved within 90 days of the issuance of the notice, the approval will be withdrawn.

2. The notice shall identify any and all instances of non-compliance with these regulations.

3. A public hearing may be held at the discretion of the Department.

(c) The DTW may reapply for program approval only at the time of NJPDES/DSW Permit renewal or five years from the date of withdrawal, whichever comes first. The reapplication shall identify corrective action taken to mitigate the non-compliance listed in the Department's notice in (b) above.

(a)

DIVISION OF WASTE MANAGEMENT

Hazardous Waste Management

Removal of Precondition of Federal Phase II Authorization Prior to Submission of Part B of Permit Application for Existing Hazardous Waste Facilities

Proposed Amendment: N.J.A.C. 7:26-12.3

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1E-6a(2).

DEP Docket No. 032-83-06.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983.

These submissions, and any inquiries about submissions and responses, should be addressed to:

Barbara M. Greer, Esq.
Office of Regulatory Services
CN 402
Trenton, NJ 08625

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

This proposal is known as PRN 1983-336.

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 7:26-12.3(h) shall expedite the process of issuing permits for existing hazardous waste facilities in New Jersey. Final disposition of a permit to operate a hazardous waste facility in New Jersey requires submission of Part A and Part B of a permit application including a Disclosure Statement and an Environmental and Health Impact Statement, if required, pursuant to N.J.A.C. 7:26-12.1(a). The current language of N.J.A.C. 7:26-12.3(h) states that the owner or operator of an existing hazardous waste facility may be required to submit Part B of their application, along with a Disclosure Statement and an Environmental and Health Impact Statement, when applicable, only after the Department has been authorized to administer Phase II of the Federal Resource Conservation and Recovery Act hazardous waste management program pursuant to 40 CFR 123. Since Phase II authorization cannot be expected for an undetermined length of time, the proposed amendment will remove the authorization precondition thus allowing the Department to require the submission of all information necessary to complete the permit issuance process. Removal of the authorization precondition will allow the Department to determine which existing hazardous waste facilities must submit Part B of the permit application along with a Disclosure Statement and an Environmental and Health Impact Statement, where applicable, according to the level of environmental risk and other factors, thus allowing the Department to finalize and issue permits.

Social Impact

The social impact of the proposed amendment arises from the benefit to the citizens of New Jersey that will result from the issuance of permits for existing hazardous waste facilities. New Jersey's hazardous waste management rules require that all hazardous waste facilities have a permit, issued after proof by the facility owner or operator that the hazardous waste facility is designed and operated in compliance with the hazardous waste management rules of New Jersey and the Federal government. The permit review process will insure that existing hazardous waste facilities are operated in a manner which protects the health, safety and welfare of the citizens of New Jersey.

Economic Impact

The major economic impact of the proposed amendment results from the obligation of owners or operators of existing hazardous waste facilities to complete, when requested by the Department, Part B of the permit application requirements, including a Disclosure Statement and an Environmental and Health Impact Statement, if required. The application requirements of New Jersey and the Federal government are virtually identical. As a result, the practical problem of submitting applications to two agencies will be primarily a problem of making additional copies and undertaking application changes requested by both agencies. However, State requirements beyond those set by the Federal government must be complied with before any existing hazardous waste facility permit is issued, and any burden which those additional requirements may place upon the hazardous waste industry is justified and necessary

to protect New Jersey's citizens. Finally, by amending the rule as proposed, owners and operators of existing hazardous waste facilities will be able to receive final facility approvals.

Environmental Impact

The proposed amendment will allow the permit process to begin for existing hazardous waste facilities, thus insuring that such facilities are operated and designed to protect the environment from the potential damaging effects, especially to groundwater, likely to be created by such facilities unless carefully regulated.

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

7:26-12.3 Existing facilities

(a)-(g) (No change.)

(h) [At any time after the Department is authorized pursuant to 40 CFR 123 to administer Phase II of the RCRA hazardous waste management program the] **The** owner or operator of an existing hazardous waste facility may be required **at the Department's discretion** to submit Part B of [their] **its** permit application along with a Disclosure Statement and an Environmental and Health Impact Statement, where applicable.

1. Any owner or operator shall be allowed at least six months from the date of request to submit the requested information.
2. Any owner or operator of an existing hazardous waste facility may voluntarily submit Part B and other required information at any time.

(a)

DIVISION OF WASTE MANAGEMENT

Siting Criteria for New Major Commercial Hazardous Waste Facilities

Proposed Amendment: N.J.A.C. 7:26-13.7

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.
Authority: N.J.S.A. 13:1B-3, specifically 13:1E-57, and
13:1E-85.
DEP Docket No. 033-83-06.

Public hearings concerning this proposal will be held at the following times and locations:

July 22, 1983
10:00 A.M.
State Museum Auditorium
203 West State Street
Trenton, NJ 08625

July 26, 1983
7:30 P.M.
Jersey City State College
Student Union Building, 2nd Floor
2039 Kennedy Boulevard
Jersey City, NJ 07305

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Barbara M. Greer, Esq.
Office of Regulatory Services
Department of Environmental
Protection
CN 402
Trenton, NJ 08625

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

This proposal is known as PRN 1983-337.

The agency proposal follows:

Summary

The Department of Environmental Protection, with the advice of the Hazardous Waste Advisory Council, is proposing to amend the Siting Criteria for New Major Commercial Hazardous Waste Facilities, originally proposed as N.J.A.C. 7:1-8 and 9, to clarify and expand a section specifically aimed at protecting the population of the State from the adverse effects which the improper siting of such facilities might cause.

After many months of deliberation and seven public meetings held throughout the State, the Department proposed criteria, including a section concerning population protection, in the February 7, 1983 New Jersey Register. Three public hearings to receive comments on the proposed rules were held in February and March 1983. In response to the comments received at those hearings, and after further deliberation with the assistance of experts in the field of emergency management, the Department substantially revised and supplemented the population protection criteria. In order to afford the public an opportunity to comment on the revised section, the Department will hold public hearings on this proposal. The remainder of the siting criteria is adopted as N.J.A.C. 7:26-13. See 15 N.J.R. 1096(a), of this issue.

The new proposal would prohibit the siting of all new major commercial hazardous waste facilities, other than land emplacement or impoundment facilities, within one-half mile of residences and other similarly occupied structures. Land emplacement and impoundment facilities may not be sited within 2,000 feet of such structures. In addition, no new major commercial hazardous waste facilities may be sited so as to cause an unreasonable risk of harm to the health, safety and welfare of the population. The latter criterion is to be determined by considering a number of relevant factors, including the density of population in proximity to the facility site. The population protection siting factors to be considered by the Hazardous Waste Facilities Siting Commission and the Department were developed to ensure that the major concerns of the public are taken into consideration at every step of the siting process.

Social Impact

The proposed criteria provide for safeguarding the health, safety and welfare of the population of the State in siting hazardous waste facilities. In proposing these criteria, the Department and the Hazardous Waste Advisory Council believe that the residents of the State will be benefited in that facilities will be available for the safe and proper disposal of hazardous waste while the population will be protected from an unreasonable risk of harm from those facilities.

Economic Impact

The siting criteria will reduce the cost of hazardous waste management, which is ultimately borne by the public, by providing for safe in-State facilities, thus reducing transportation costs for proper treatment and disposal of hazardous waste generated within the State. The criteria regarding the protection of population will reduce health costs incurred by the public from damages suffered because of the improper siting of facilities.

Environmental Impact

The primary purpose of the proposed criteria is to protect the population of the State, however, an additional objective of the subchapter of which this proposal is a section, is to provide for the environmentally proper siting of hazardous waste facilities. Environmental degradation resulting from improper siting of facilities and illegal disposal of hazardous waste will be reduced through the use of these criteria in properly siting facilities in a manner which is protective of the environment and the population of the State.

Delete the text of N.J.A.C. 7:1-9.3 proposed at 15 N.J.R. 115 and **replace** it with the following.

7:26-13.7 Protection of the population of the State

(a) For the purpose of protecting the population of the State:

1. No land emplacement or impoundment type of new major commercial hazardous waste facility shall be sited within 2,000 feet of any structure which is routinely occupied by the same person or persons more than 12 hours per day, or by the same person or persons under the age of 18 for more than two hours per day;

2. No new major commercial hazardous waste facility other than land emplacement or impoundment type facilities shall be sited within one-half mile of any structure which is routinely occupied by the same person or persons more than 12 hours per day, or by the same person or persons under the age of 18 for more than two hours per day; and

3. No new major commercial hazardous waste facility shall be sited in any area within a 20-mile radius of a nuclear fission plant at which spent nuclear fuel rods are stored on-site.

(b) No new major commercial hazardous waste facility shall be sited in any area so as to cause an unreasonable risk of harm to the health, safety, and welfare of the population. In determining whether such risk would be presented, the Department and the Commission shall take into consideration, at every step of the siting process, the following factors:

1. The density of population in proximity to the facility;

2. The size and type of the facility;

3. The type of waste expected to be present at the facility;

4. The transportation means and routes available to evacuate the population at risk in a maximum credible accident, including both spills and fires;

5. The size and types of other hazardous waste facilities and facilities that handle hazardous materials in the adjacent area; and

6. The availability of fire, police, and other emergency management personnel and medical facilities in the area.

HEALTH

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Standards for Licensure of Hospital Facilities
Medical Staff**

**Proposed Readoption as a New Rule: N.J.A.C.
8:43B**

Authorized By: J. Richard Goldstein, M.D.,
Commissioner, Department of Health.

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Wanda J. Marra, Coordinator
Standards Program
Division of Health Facilities Evaluation
Department of Health
CN 367
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on September 18, 1983. The new rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-325.

The agency proposal follows:

Summary

Subchapter 6 of the current Manual of Standards for Hospital Facilities, N.J.A.C. 8:43B, will expire on September 18, 1983, pursuant to the "sunset" provisions of Executive Order No. 66 (Governor Byrne, 1978) which mandates the five-year automatic expiration of a rule. The current Subchapter 6 has been in use to regulate the activities of hospital medical staffs.

The proposed new subchapter incorporates the existing rules, with pertinent additions and amplification which will provide hospitals with more information as they seek to comply with the Department's intent. The new subchapter also incorporates many of the provisions of the Joint Commission on Accreditation of Hospitals (JCAH), bringing State licensure requirements into agreement with JCAH. This will simplify the regulatory process because hospitals will be surveyed according to congruent standards. Conflicting State and JCAH requirements are eliminated.

The proposed new rules for medical staffs have been written in concretely phrased language to make the regulations more workable and enforceable. This too will make compliance easier for the facilities. The contents have been reorganized for increased clarity. The proposed new Subchapter 6 includes more detailed contents of the areas covered in less specific terms in the existing subchapter.

The proposed subchapter on the medical staff contains the following topics: Medical staff organization; Medical staff bylaws, rules and regulations; Medical staff requirements for membership and privileges; Medical staff categories and status; Executive committee; and Organization of medical services. This is different from the arrangement of topics in the current medical staff subchapter which contains: Organization; Bylaws; Staff meetings; Medication and treatments; Referral and follow-up of patients; and Medical library. Thus, the first two topics remain the same in both current and proposed subchapters, but the rest of the existing subchapter has been incorporated into the bylaws, rules and regulations of the new subchapter. The rule on patient transfer (N.J.A.C. 8:43B-6.5(b) of the current subchapter) was not retained because it is covered elsewhere in the hospital manual. The medical library rule (N.J.A.C. 8:43B-6.6) has been deleted because it is not addressed in the JCAH standards for accreditation of medical staffs. Other major changes in the proposed new rules are as follows:

Organization of the medical staff is to be specified in a written plan, developed in the bylaws of the medical staff and the governing authority (N.J.A.C. 8:43B-6.1). The medical staff bylaws have been expanded to specify methods of changing the bylaws, a description of medical staff structure, and requirements for officers and meetings. The rigid requirement for standing committees has been changed to a requirement for monitoring of medical staff functions; this change allows for greater flexibility in the method chosen by the hospital for evaluating its medical activities. The change also reflects the JCAH call for "functions" rather than mandated committees.

N.J.A.C. 8:43B-6.2(a)10 of the proposed new rules covers medical record entries more thoroughly than in the current rules. The rules still state that entries are to be dated and signed; in addition, criteria for contents and time frames for completion have been added. Preadmission testing is addressed for the first time.

The proposed bylaws also include a rule for verbal and telephone orders and for surgical procedures such that the preoperative diagnosis must be entered in the patient's medical record prior to surgery. (N.J.A.C. 8:43B-6.2(a)11).

The rules for continuing education of physicians have been expanded so that a written plan is now required, with the hospital expected to develop the content and time frames (N.J.A.C. 8:43B-6.2(a)14.). Physician-directors of departments are responsible for implementing the plan among their department's staff. A written record of educational participation will be kept for each staff member, as part of the general requirement for a credentials file for each medical staff member and applicant.

The proposed new subchapter contains a new section on requirements for medical staff membership and privileges (N.J.A.C. 8:43B-6.3). This replaces the very brief requirements in the current rules with procedures for the application process, qualifications, information to be provided by applicants, and time frames, although the facility is still responsible for determining the specific contents of each of these areas. This section also addresses reappointment, providing for evaluation of each staff member's performance according to established criteria. The existing prohibition of unethical conduct has been expanded to include a requirement for a signed ethical pledge by each staff member to the effect that he or she will fulfill certain ethical responsibilities and refrain from specific unethical activities enumerated in the rules. (N.J.A.C. 8:43B-6.3(a)5.) For the first time, the subchapter provides for disciplinary measures of staff members, and also contains provision for a review mechanism for staff members given negative evaluations (N.J.A.C. 8:43B-6.3(a)6.)

The proposed new rules contain a new section on categories of the medical staff, set criteria for the organization and functioning of each, and delineate responsibilities for their members. (N.J.A.C. 8:43B-6.4). Procedures for granting medical staff status and privileges to individual staff members are included. Another new feature of the proposed subchapter is the expanded role given to nonphysician practitioners, in accordance with policies to be determined by each hospital. The hospital has the responsibility for staff privileges, permissible functions, and level of required physician supervision for nonphysician practitioners.

The proposed new rules mandate an executive committee, (N.J.A.C. 8:43B-6.6) similar to that found in JCAH, to meet as established in the medical staff bylaws, and, to act on behalf of the medical staff as a whole. The responsibilities of the executive committee are outlined, but the hospital retains responsibility for developing and implementing specific content areas.

In the proposed new section titled "Organization of medical services" (N.J.A.C. 8:43B-6.6) are found the responsibilities of the physician-directors of medical departments (equivalent to the "chiefs of clinical services" in the current subchapter). In delineating the range of the physician-director's duties, this section sets forth basic contents for departmental functioning, such as budgeting, planning, continuing education, conferences, documentation of medical records, supervision of care provided, and patient care evaluation. Lines of accountability are established among department heads, the executive committee, the medical staff, and the governing authority. However, the new rules no longer mandate departmentalization with overall direction by a president of the medical staff; this change allows greater flexibility to the facility to determine its own internal structure without jeopardy to patient care.

The new subchapter is less specific regarding the frequency of general meetings of the medical staff, peer group reviews, and departmental meetings, allowing the facility to determine frequency. The facility will also set attendance requirements. The

new rules are more specific, however, in calling for audit, evaluation, and utilization review activities targeting major areas of medical staff involvement, among them surgical care, tissue, and antibiotic usage review, blood utilization review, medical records, and pharmacy and therapeutics, all areas included in the JCAH standards. It is hoped that this expansion will promote a high level of clinical practice and efficient use of hospital resources in order to provide quality care to patients.

Social Impact

Because of the central role which the medical staff plays in any hospital's operations, the proposed rules will have a direct social impact on the care of hospitalized patients. The proposed subchapter establishes the organizational framework and structure of the medical staff to facilitate coordinated, responsive, and timely medical care. The bylaws, rules and regulations delineated in the subchapter create a set of operating principles by which the medical staff can carry out its medical and administrative responsibilities. Lines of authority and accountability are established. Meetings, officers, and staff functions (committees or their equivalents) are mandated to ensure that all necessary medical duties are properly assigned and discharged. The new rules also mandate evaluation and utilization review activities aimed at medical staff performance in all major areas of medical involvement, to ensure competent patient care and sound management of hospital resources. Procedures for application for medical staff membership and privileges are defined to ensure that only properly qualified personnel are allowed to care for patients. By following in substance the JCAH accreditation standards, the proposed rules foster uniformity of standards among hospitals.

Specifications for documentation apply to patients' medical records to ensure that a careful record is kept of the course of treatment throughout the patient's hospital stay. A record is to be maintained also of each member of the medical staff to ensure that he or she is properly qualified, maintains an acceptable level of professional performance, and fulfills other requirements for staff membership as specified by each facility. Nonphysician practitioners are given an expanded role (if the hospital so determines) to allow the patient more options in terms of care received; however, safeguards are maintained through the hospital's bylaws and through supervision by medical staff members.

The members of the medical staff are held to high standards of professional and ethical conduct, which they must agree in writing to maintain. Their credentials are to be reviewed at regular intervals. They are expected to play an active role not only in delivery of patient care, but in the ongoing functioning of their medical departments and of the medical staff as a whole. Each category and status of the medical staff has its own assigned functions. This is meant to ensure the smooth functioning of all medical activities in the facility. On the departmental level, the physician-director of each department is assigned overall responsibility for the performance of his or her department. A similar role is played by the executive committee for the entire medical staff: the executive committee carries out the ongoing duties of the medical staff to ensure continuity of its key operations.

In regulating the organization, standards of performance, and accountability of hospital medical staffs and of their individual members, the proposed rules will have a positive social impact upon hospital functioning as well as direct patient care.

Economic Impact

The Department of Health does not foresee any significant increase in costs as a result of the proposed subchapter, since hospitals are already required to maintain bylaws and organizational patterns for their medical staffs, in accordance with the current hospital licensure manual and the JCAH standards of accreditation. In fact, adherence to the rules is an economic necessity for the facilities because licensure is required for third-party reimbursement.

In several areas, the proposed subchapter may work to reduce hospital operating expenses. The proposed rules allow more flexibility regarding frequency of medical staff and departmental meetings, thus saving expensive physician hours; the hospital will set its own requirements for frequency and attendance. Similarly, the current rule mandating medical staff committees has been changed, in keeping with JCAH, to allow the facility to decide how it will fulfill certain specified evaluative "functions." This new flexibility will further save physicians' time. The proposed rules also allow wider use of nonphysician professionals within carefully established parameters. These provisions will contribute to conserving the time of medical personnel, for greater cost-effectiveness with no reduction in medical staff productivity.

The proposed subchapter is written in greater detail than is the current one. This detail does not, however, interfere with the hospital's ability to determine its own policies and procedures. The increased content merely clarifies specific content areas to reduce vagueness in the current rules so as to improve facility compliance and streamline the survey process. The greater specificity of the proposed subchapter is also intended to improve the management practices of medical staffs so as to promote greater efficiency, better use of professional staff time, and improved standards of accountability.

The proposed rules are designed to enhance the quality of care rendered to patients and the general functioning of medical staff activities, at no increase in cost to the facility.

Delete in its entirety the current text of N.J.A.C. 8:43B-6 in the New Jersey Administrative Code and **replace** it with the following new text.

SUBCHAPTER 6. MEDICAL STAFF

8:43B-6.1 Medical staff organization

(a) The facility shall have a medical staff accountable to the governing authority, and responsible for the quality of medical care provided to patients and for the professional practice of its members.

(b) The facility shall maintain the organization and management of medical staff services in accordance with a written organizational plan, as specified in the governing authority bylaws and the medical staff bylaws.

8:43B-6.2 Medical staff bylaws, rules and regulations

(a) The medical staff shall develop and implement written medical staff bylaws, rules, and regulations which shall be approved by the governing authority, reviewed by the Department, and revised as required by the Department. The bylaws, rules and regulations shall include, but not be limited to, the following:

1. A method for adopting, amending, repealing, or revising the medical staff bylaws, rules and regulations;
2. A description of the organizational and administrative structure of the medical staff, including a listing of its services;
3. A requirement that the majority of medical staff members be physicians;
4. Mechanisms to ensure communication with and reporting to the governing authority;
5. Participation of the medical staff in functions related to the monitoring of facility services and activities, including, but not limited to, the following:
 - i. Surgical case and tissue review;
 - ii. Pharmacy and therapeutics;
 - iii. Medical records;
 - iv. Laboratory and blood utilization review;
 - v. Antibiotic usage review;
 - vi. Infection control;
 - vii. Professional library;
 - viii. Patient care policies;
 - ix. Evaluation, including medical audit and quality assurance;
 - x. Internal and external disaster plans;

xi. Emergency services;
xii. Hospital safety, including radiology and nuclear medicine; and

xiii. Continuity of care, including referral of patients and discharge planning.

6. Delineation of the qualifications, responsibilities, method of selection, and terms of office of medical staff officers and of physician-directors of facility services;

7. Delineation of the conditions that require removal from office of medical staff officers, and the mechanism for removal;

8. Policies and procedures for frequency and attendance requirements of meetings of the medical staff and of its committees (if applicable) and services, notification and holding of such meetings, and their documentation through minutes, including a record of attendance. There shall be at least one meeting of the medical staff each year;

9. A requirement that a credentials file be maintained for each medical staff applicant and member, with specification of information to be included, and where and by whom the file shall be kept;

10. Rules and regulations regarding entries made in patients' medical records, including, but not limited to, the following:

i. Criteria for the content of medical record entries;
ii. Delineation of the entries that shall be dated and signed by a member of the medical staff;

iii. Establishment of the period of time following a patient's admission (not to exceed 24 hours) within which a physician member of the medical staff shall enter an admission history and report of physical examination in the patient's medical record;

iv. Establishment of the period of time following a patient's admission (not to exceed 24 hours) for dental or podiatric care within which a dentist or podiatrist shall complete that part of the admission history and report of physical examination related to dentistry or podiatry and enter them in the patient's medical record;

v. Criteria and time frames for preadmission testing, if applicable;
vi. A requirement that the care provided to a patient be documented in his or her medical record by the practitioner providing the care, in accordance with medical staff bylaws, rules and regulations;

vii. The specific period of time in which the medical record shall be completed following patient discharge, and disciplinary action for noncompliance;

viii. Specification of the symbols and abbreviations, including an explanatory legend, approved by the medical staff, that shall be permitted in medical record entries.

11. A policy that verbal and telephone orders be limited to emergency situations only, as defined in the medical staff rules and regulations, and be countersigned by the prescriber within a period of time specified in the rules and regulations. Personnel authorized to accept verbal and telephone orders shall be designated by title or category;

12. Delineation of individuals who are not members of the medical staff who may write orders for patients, and criteria for determining when such orders shall be countersigned by a member of the medical staff;

13. Requirements regarding surgical procedures, including, but not limited to, the following:

i. For each patient, provision for a signed, dated admission history, report of physical examination, and recording of the preoperative diagnosis in the patient's medical record prior to surgery;

ii. A policy permitting a surgical procedure only on the written consent of the patient. The medical staff shall develop policies and procedures regarding contents of the consent, information to be given to the patient and/or next of kin, who of the medical staff that shall explain the consent, and who of the medical staff shall explain the consent and who of the medical staff that shall sign the consent in addition to the patient; and

iii. A policy concerning the review of tissue removed from the

patient during a surgical procedure.

14. A requirement for staff education of medical staff members, and specification of acceptable continuing education activities, in accordance with the staff education plan;

i. A written staff education plan for the medical staff shall be developed, revised, and implemented at intervals and times specified in the plan. Written records of educational activities shall be maintained, including an evaluation of their effectiveness; and

ii. A written record shall be maintained for each medical staff member, as specified in the facility's policies and procedures, documenting his or her attendance at medical education programs.

8:43B-6.3 Medical staff requirements for membership and privileges

(a) The medical staff bylaws shall include provision for medical staff membership and privileges, including, but not limited to, the following:

1. Delineation of those health care professionals who are eligible for medical staff membership and privileges, including delineation of individuals who may admit patients to the facility;

2. Policies and procedures to ensure that a credentials file is maintained for each medical staff member and applicant, and contains the information required by the medical staff bylaws;

3. Policies and procedures for recommending to the governing authority appointments and reappointments to the medical staff, including, but not limited to, the following:

i. Qualifications for membership. No applicant shall be denied medical staff membership or privileges on the basis of race, religion, creed, color, national origin, sex, or age;

ii. Criteria for appointment and reappointment, including any requirement for participation in medical staff monitoring functions and activities;

iii. Procedures for processing applications, including any requirement for a personal interview with the applicant;

iv. A requirement that an applicant submit a written request for medical staff membership, specific assignments, and clinical privileges;

v. Information to be provided by the applicant, including at least his or her name; license number and date of expiration (including Drug Enforcement Administration license); education and training; professional experience; specialty board certification(s), if any; references indicating current competency; health status; involvement in any malpractice action or any previously or currently pending action to revoke licensure or registration; or any loss of professional organizational membership, medical staff membership, or privileges at another facility;

vi. The period of time within which a decision regarding an application shall be made, and the mechanisms for notifying the applicant in writing of the decision;

vii. The duration of medical staff appointments, reappointments, and privileges; and

viii. Qualifications and criteria for recommending to the governing authority the assignment, retention, reappraisal, and reduction or withdrawal of privileges, and the period of time within which a decision shall be made and the practitioner notified in writing. Periodic, documented review of the credentials and performance of each medical staff member shall be based on at least the following:

(1) Performance based on evaluations of quality of care provided to patients and/or other medical staff monitoring activities;

(2) Performance in assuming and carrying out medical staff responsibilities, such as serving on committees or in office and attending meetings;

(3) Participation in continuing education activities;

(4) Completion of medical record entries in accordance with medical staff bylaws, rules and regulations;

(5) Health status; and

(6) Involvement in malpractice action, if applicable.

4. Requirements that every applicant for membership in the medical staff shall:

i. Be currently licensed or authorized to practice in the State of New Jersey;

ii. Consent to inspection by the medical staff of records and documents needed for an evaluation of his or her professional and ethical qualifications and ability to perform the privileges requested; and

iii. At the time of application or of appointment, sign a statement that he or she has read and agrees to abide by the medical staff bylaws, rules and regulations, and by the governing authority bylaws.

5. A requirement that, at the time of appointment, each medical staff member sign a written ethical pledge that he or she shall:

i. Inform the patient of the name and function of any medical staff member, other than himself or herself, providing health care services to the patient;

ii. Seek consultation when needed;

iii. Provide for continuity of patient care;

iv. Not delegate responsibility for the diagnosis or care of a patient to another medical staff member unless he or she believes that the staff member is qualified to undertake this responsibility; and

v. Not rebate a portion of a fee or accept other inducements in exchange for a patient referral.

6. A mechanism whereby an individual who receives an unfavorable medical staff recommendation, including denial of appointment or curtailment, suspension or revocation of privileges, may appeal that decision, and the period of time within which a final decision shall be made by the governing authority. This mechanism shall provide for review of decisions, including the right to be heard at each step of the process, if requested;

7. Mechanisms for corrective action and for suspension of medical staff members, including the period of time suspension shall be in effect;

8. A mechanism for termination of a medical staff member employed by the facility; and

9. Delineation of the responsibilities of medical staff members in providing care to patients admitted to the facility as inpatients or admitted for ambulatory care, emergency care, or home care, if provided by the facility.

8:43B-6.4 Medical staff categories and status

(a) The written medical staff bylaws shall include bylaws for determining the categories of the medical staff and the status of its members, including, but not limited to, the following:

1. Delineation of the categories of the medical staff (such as active, associate, honorary, consulting, teaching, and courtesy), the criteria for assigning individual medical staff members to specific categories, and the maximum period of time, if any, that a medical staff member may remain in a given category;

2. Definition of provisional, emergency, and temporary status, including, for each status, the criteria for assignments, delineation of privileges, specification of supervision required, if any, and the maximum time period that a medical staff member can remain in that status;

3. Policies and procedures for each category and status regarding voting privileges, meeting attendance requirements, eligibility for staff office and committee membership, emergency service responsibility, privileges, and any geographic residential requirements;

4. For each category and status of the medical staff, restrictions, if any, regarding admitting and/or treating of patients, and the number of patients who may be admitted by an individual member of that category or status;

5. Delineation of privileges for nonphysician practitioners, including qualifications, status, duties and responsibilities, procedures for acceptance for medical staff membership, and process of revoking privileges;

6. Delineation of the functions, techniques and procedures which nonphysician practitioners are and are not authorized to perform in the facility, within the limits of the law, including, but not limited to, the following:

i. Admission and discharge of patients to and from the facility. If nonphysician practitioners are permitted to admit patients, a physician member of the medical staff shall be assigned to each patient so admitted;

ii. Surgical procedures that dentists may perform; and

iii. Surgical procedures that podiatrists may perform.

7. Responsibilities of physician members of the medical staff in relation to nonphysician practitioners. Such responsibilities shall include, but not be limited to:

i. Provision of consultation to nonphysician practitioners;

ii. Assignment to patients admitted by nonphysician practitioners; and

iii. Completion, upon the patient's admission, of a signed and dated admission history and report of physical examination, an evaluation of the patient's current medical status, and provisions for the patient's medical care, if needed, during his or her stay in the facility.

8:43B-6.5 Executive committee

(a) The medical staff shall establish an executive committee or its equivalent in accordance with the medical staff bylaws. The executive committee or its equivalent shall have authority to act for the medical staff in the intervals between medical staff meetings, and shall meet at intervals stated in the medical staff bylaws.

(b) The administrator or his or her designee shall attend each meeting of the executive committee or its equivalent.

(c) The executive committee or its equivalent shall be responsible for, but not limited to, the following:

1. Implementing the medical staff bylaws, rules and regulations;

2. Reviewing and evaluating the reports and recommendations of medical staff committees and of services, and documenting the action taken, if any;

3. Recommending action to the governing authority and to the administrator concerning facility activities, policies and procedures, and matters of a medical-administrative nature;

4. Implementing corrective actions, in accordance with the medical staff bylaws;

5. Representing the medical staff in matters pertaining to the medical care rendered to patients; and

6. Recommending to the governing authority medical staff appointments, reappointments, categorizations, assignments, privileges, and committees and their membership.

8:43B-6.6 Organization of medical services

(a) If the medical staff bylaws specify medical departmentalization of the facility, the governing authority shall appoint a physician-director for each service. He or she shall be responsible for the direction, provision, and quality of medical care provided. The physician-director shall be responsible for, but not limited to, the following:

1. Monitoring the professional performance of medical staff members who exercise privileges in the service, and submitting reports to the medical staff on each member at least at the time of his or her reappointment;

2. Participating in the fiscal and budgetary planning for the service, and in the preparation of required reports;

3. Ensuring the development and direction of medical staff orientation and educational programs for the service;

4. Holding conferences of the service at intervals stated in the policy and procedure manual for the service, and ensuring service participation at meetings of staff committees or their equivalents as specified in the governing authority bylaws and the medical staff bylaws;

5. Ensuring that a plan of care is written at the time of each patient's acceptance for treatment and is kept current;

6. Delineating the responsibilities of physicians to ensure that they provide care to patients;

7. Participating in the review of the care and treatment of each patient in the service;

- 8. Entering or ensuring that the patient's physician enters in the patient medical record:
 - i. A signed and dated admission history and report of physical examination, including results of all tests and procedures performed, diagnosis, prognosis, and rehabilitation potential (if applicable);
 - ii. A physician's plan of care;
 - iii. All initial and subsequent orders for services to the patient; and
 - iv. A clinical resume.
 - 9. Establishing written policies for utilization of consultant and specialist services;
 - 10. Ensuring the development and maintenance of a system of patient care evaluation;
 - 11. With the administrator, assuming responsibility for the execution of patient care policies; and
 - 12. Designating in writing an alternate physician to act in his or her absence.
- (b) The physician-director of each service shall be accountable to the executive committee or its equivalent for all professional and medical staff administrative activities within the service.

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

Facilities Planning and Approval Standards Project Approval Procedures

Proposed Amendment: N.J.A.C. 9:3-1.1

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary of the Board.
 Authority: N.J.S.A. 18A:3-14(a), 18A:3-15.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins, Esq.
 Administrative Practice Officer
 Department of Higher Education
 225 West State Street
 CN 542
 Trenton, NJ 08625

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

This proposal is known as PRN 1983-317.

The agency proposal follows:

Summary

The Board of Higher Education proposes to establish rules concerning the process by which proposals for construction projects by public institutions of higher education, financed by the Educational Facilities Authority pursuant to N.J.S.A. 18A:72A-1 et seq., may be reviewed and approved by the Board. The current rules do not adequately address which renovation projects must be reviewed and approved, and which projects may proceed without review and approval. The proposed amendment defines the necessary review and approval according to the scope of the project.

Social Impact

The proposal will impact on students attending public institutions of higher education by permitting prompt action on renovation projects on campus facilities while reserving review on projects which will cause increased student fees.

Economic Impact

The proposal will allow projects which can be accomplished within current resources and do not require bonding or increased student fees to proceed without review. When the scope of a project requires additional resources, Board approval will be necessary to review the costs and fiscal priority of the project.

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

9:3-1.1 General provisions

(a) Responsibility for the commitment and control of State funds used for facilities planning and construction is vested in the State Board of Higher Education.

(b) Authorization for the commitment of State funds will be given on an individual project basis, subject to the availability of such funds, in accordance with the procedures outlined in [subsection] (c) below.

(c) Self-amortizing facilities financed by the New Jersey Educational Facilities Authority (EFA) (such as college centers, student housing, parking facilities, etc.) shall be subject to the same procedures. **For renewal or replacement projects in EFA-owned facilities, EFA approval is required, subject and pursuant to the Lease and Agreement.**

1. When the project financing will not require additional bonding or increased student fees or rents and where the project scope is a direct replacement of an existing facility component, no Department of Higher Education approval is necessary.

2. Where the project financing will not require additional bonding or increased student fees or rents and where the project scope includes a change in a facility that alters the function of the facility, but does not increase the size of the facility, the prior approval of the Chancellor is necessary.

3. Where the project requires an amendment to the Lease and Agreement and/or results in additional space being added to an existing facility, the prior approval of the Board of Higher Education is necessary.

(b)

BOARD OF HIGHER EDUCATION

County Colleges Reduction in Force

Proposed Amendment: N.J.A.C. 9:4-5.7

Authorized By: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
 Authority: N.J.S.A. 18A:3-14(h) and 18A:64A-7.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
CN 542
Trenton, NJ 08625

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

This proposal is known as PRN 1983-319.

The agency proposal follows:

Summary

The proposal would amend the procedures established to govern a reduction in force of employees at the 18 county colleges and two county college commissions in this State. The proposal would require 45 days notification of a layoff due to fiscal exigency and 210 days notification of a layoff due to enrollment decline or program reorientation. The current regulation (see 15 N.J.R. 128(a), 15 N.J.R. 805(b)) does not provide for specific notice periods.

Social Impact

The proposal will assure uniform notice of layoff to faculty at each of the county colleges. The regulation affects tenured faculty and multi-year contract employees of the county colleges.

Economic Impact

The proposal will enable the county colleges to respond to fiscal emergencies through the layoff of personnel. Such layoffs may be necessary in conjunction with cut backs in non-salary support services in order to permit colleges to operate with a balanced budget.

Full text of the rule currently in effect can be found at 15 N.J.R. 128(a), 15 N.J.R. 805(b).

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

9:4-5.7 Notice requirements; time period

Upon the board determining the areas that may be affected by the layoff, it shall give notice to all individuals subject to the proposed layoff two weeks prior to the formal board action on said layoffs. After formal board action on said layoff, the board of trustees shall notify each employee who is to be laid off of such fact [as soon as possible] **45 days prior to the date of layoff for layoffs due to fiscal crisis and 210 days prior to the date of layoff for layoffs due to a natural diminution in the number of students in a program or a reduction of programs.** Appeals of layoffs due to fiscal exigency shall be given emergent consideration, if requested.

(a)

STUDENT ASSISTANCE BOARD

Student Assistance Programs Foreign Nationals; Eligibility

Proposed Amendment: N.J.A.C. 9:7-2.3

Authorized By: Student Assistance Board, Joseph Streit,
Chairman.

Authority: N.J.S.A. 18A:71-26.5, 18A:71-26.8, 18A:71-46
and 18A:71-48.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
CN 542
Trenton, NJ 08625

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

This proposal is known as PRN 1983-332.

The agency proposal follows:

Summary

The proposed amendment further defines the categories of foreign nationals that are eligible to receive student assistance grants administered by the Student Assistance Board. These standards are currently used for Federal Title IV student aid programs and are sanctioned by the United States Immigration and Naturalization Service.

Social Impact

The proposed amendment defines the classification of foreign nationals and the acceptable documentation required by students to be eligible for grant assistance. The amendment provides students and institutions with a clear policy statement to support the awarding of grant funds.

Economic Impact

The proposed amendment will provide for grant assistance to some foreign nationals who have previously been determined ineligible. No appreciable increase in the number of eligible students is expected and the precise dollar figure is not available.

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

9:7-2.3 Foreign Nationals

(a) A Foreign National must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Immigration and Naturalization Service that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1. Be the holder of an Alien Registration Receipt Card form I-151 [;] or I-551; or

2. Be the holder of an Approval Notice from the Immigration and Naturalization Service stating that the non-citizen has **applied and met** the requirements for Permanent Resident status; or

3. Be the holder of an Arrival Departure Record [Parole edition,] form I-94 endorsed by the Immigration and Naturalization Service showing [Indefinite Parole Status.] **one of the following:**

i. **Parole Edition: Paroled pursuant to Sec 212(d)(5) of the Immigration and Naturalization Act;** or

ii. **Refugees: Admitted as a refugee pursuant to Sec 207 of the Immigration and Naturalization Act;** or

iii. **Employment Authorized and Adjustment Applicant: A Foreign National holding form I-94 with this endorsement would normally meet the requirements of this regulation. However, if the institution has knowledge that the student is planning to leave the United States following the completion of his or her educational program, the Office of Student Assistance shall be notified and the award canceled.**

(b) Foreign Nationals with Student Visa Status, F1 or F2

Exchange Visitor Visa and J1 or J2 even when stamped "employment authorized", are considered to be in the United States for the sole purpose of obtaining an education and are therefore not eligible for student assistance.

HUMAN SERVICES

(a)

OFFICE OF COMMUNITY MANAGEMENT SERVICES

Contract Administration Capital Funding Program and Funding Agreement for Construction, Purchase, or Purchase and Renovation of Community-Based Facilities

Proposed New Rule: N.J.A.C. 10:3-2

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:1-12; P.L. 1980, C.119.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Office of Intergovernmental Relations
Department of Human Services
CN 700
Trenton, NJ 08625

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

This proposal is known as PRN 1983-328.

The agency proposal follows:

Summary

The New Jersey Public Purpose Buildings Construction Bond Act of 1980 (P.L. 1980, C. 119) authorized the issuance of \$159 million in State bonds, of which a total of \$75 million was allocated for the improvement, rehabilitation, and construction of community-based facilities to benefit Department of Human Services clients classified as mentally retarded, mentally ill, or children in need of supervision. In response to the Bond Act, the Department established a capital funding program entailing contracting with private and local government agencies to carry out the purposes of the act.

As the capital funding program was instituted, differing contract documents were developed and employed by the Departmental divisions involved in the program. In 1982 a decision was made to consolidate these division-specific documents into standard versions usable across division lines. During this consolidation process, the Commissioner of the Department of Human Services, in response to expressed public concerns, made a commitment to the Joint Appropriations Committee of the State Legislature that the Department would no longer relinquish its interest in community facilities constructed or purchased through the capital funding program.

The proposed rule represents the culmination of Departmental efforts to develop a consolidated standard contract document,

incorporating the Commissioner's commitment to preserve the Department's interest in properties constructed, purchased, or purchased and renovated through the capital funding program.

Social Impact

The proposed rule has potential social impact on two segments of the public: first, the community agencies with which the Department contracts for the construction/purchase of community facilities; and secondly, the Department clients who benefit from such facilities.

With regard to community agencies, the social impact, while minimal, can be considered favorable. The contract document reflected in this proposed rule is standardized for use across division lines. It has been developed carefully, with input from and final approval by the Office of the Attorney General, and represents a considerable improvement over its predecessors in terms of consistency and readability. In addition, for agencies with multiple contracts benefitting different divisions, it eliminates the possible confusion engendered by the previous non-standard, division-specific documents. This document incorporates the terms and conditions that are applicable to all divisions and leaves the recording of division- and contract-specific information to separate annexes.

With regard to Department clients, the social impact of the proposed rule is negligible. Clients have no direct involvement with contract documents; and the changes represented by this document are not anticipated to alter the continuing development of community-based facilities for the mentally retarded, mentally ill, or children in need of supervision.

Economic Impact

The proposed rule will have no economic impact on Department clients nor on any other members of the public at large.

The economic impact of the proposed rule on the Department of Human Services, while difficult to quantify, is positive. The standardized contract document requires a mortgage and promissory note, in the amount of the contract, to secure and preserve the Department's interest in facilities constructed, purchased, or purchased and renovated through the capital funding program. At a future date (such date to vary depending on the length of a contract's term and any renewal(s) effected) the Department is entitled, with certain conditions governing, to receive either the title to a facility or monetary repayment of the mortgage.

The economic impact of the proposed rule on community agencies must be considered with regard to two groups: first, those agencies currently under a capital funding contract with the Department; and secondly, prospective contract agencies. Concerning the former group, the proposed rule will have no economic impact of any kind; existing contracts will remain in effect and unchanged. The proposed rule does have a significant economic impact on the latter group, however, inasmuch as contract agencies will no longer satisfy their indebtedness to the Department solely by maintaining facilities for the Department's use for a specified period of time. The Department will retain an equitable interest in facilities and will ultimately be compensated by contract agencies, either monetarily or by receipt of title, for funds paid under construction, purchase, or purchase and renovation contracts.

Full text of the proposed new rule follows.

CHAPTER 3
CONTRACT ADMINISTRATION

Leon Skowronski
Administrative Practice Officer
Division of Mental Retardation
CN 700
Trenton, NJ 08625

SUBCHAPTER 2. CAPITAL FUNDING PROGRAM
AND FUNDING AGREEMENT FOR
CONSTRUCTION, PURCHASE, OR
PURCHASE AND RENOVATION OF
COMMUNITY-BASED FACILITIES

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on September 18, 1983. The new rule becomes effective upon publication in the Register of a notice of adoption.
This proposal is known as PRN 1983-279.

10:3-2.1 Capital Funding Program

(a) The Department of Human Services has established a Capital Funding Program entailing contracting with private and local government agencies in order to carry out the purposes of the New Jersey Public Purpose Buildings Construction Bond Act of 1980 (P.L. 1980, C. 119).

The agency proposal follows:

Summary

The present chapter, which is scheduled to expire on September 18, 1983, pursuant to Executive Order No. 66(1978), commonly known as the "Sunset" Executive Order, is hereby proposed for repeal with a new rule proposed concurrently. Due to the extensive and substantial revisions to the present chapter, this rulemaking is proposed for the following reasons:

10:3-2.2 Capital Funding Agreement

(a) The Departmental efforts to consolidate heretofore existent division-specific contracts/agreements has culminated in the development of a Standard Contract/Agreement Document for the Construction, Purchase, or Purchase and Renovation of Community-Based Facilities. Copies of the Standard Document and updates may be obtained from:

Office of Community Management Services
Department of Human Services
CN 700
Trenton, NJ 08625

(a) To delineate in the simplest, clearest and most concise terms the essential elements of the comprehensive provisions for guardianship to mentally deficient clients being served by the Division of Mental Retardation.

(b) To incorporate regulatory guidelines for extending guardianship services to children receiving functional services from the Division of Mental Retardation who are orphaned, abandoned, or otherwise without a legal guardian. Mentally deficient adults in functional services are in need of guardianship of the person services in default of an appointed legal guardian; there are also children who do not have parents or guardians to act on their behalf and would similarly require and be entitled to such services. Documented procedures must be followed for determining that a mentally retarded minor is indeed abandoned or orphaned and consequently in need of these specialized services.

(b) In the event of conflict between the Standard Document referenced in this subchapter and any other agency rule in title 10, this Standard Document shall prevail. Contract administration rules or documents formerly adopted or adopted in the future pertaining to specific divisions within the Department shall apply to the extent that they are not inconsistent with the Standard Document referenced in this subchapter.

Social Impact

The proposed new rule will basically continue guardianship services for eligible adult clients of the Division of Mental Retardation and will make provision for such services to minors who would otherwise have no parent or legal guardian to fulfill this role and responsibility.

OFFICE OF ADMINISTRATIVE LAW NOTE: A copy of the Standard Contract/Agreement Document was submitted as part of this proposal but is not reproduced herein. This document may be reviewed at Office of Administrative Law, 88 East State Street, Trenton or the Office of Community Management Services, 222 South Warren Street, Trenton. This document will not be reproduced in the New Jersey Administrative Code.

Economic Impact

The only economic impact of this proposed new rule will be the additional staff time of the Bureau of Guardianship Services of the Division of Mental Retardation to extend its involvement to children receiving residential services. Since the estimated number of orphaned or abandoned minors is relatively low, the increase in caseload will not exceed one to two percent.

(a)

DIVISION OF MENTAL RETARDATION

Guardianship Services

Proposed Readoption as a New Rule: N.J.A.C. 10:45

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:1-12.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Delete in its entirety the current text of N.J.A.C. 10:45 in the New Jersey Administrative Code and **replace** it with the following new text.

SUBCHAPTER 1. GENERAL PROVISIONS

10:45-1.1 Authority

(a) The Department of Human Services is directed to provide comprehensive services to eligible mentally retarded persons, specifically including guardianship services, in order that they may be provided with adequate training, care and protection (N.J.S.A. 30:4-165.1).

(b) The Division of Mental Retardation is directed to perform such services for mentally deficient adults, for whom no guardian has been appointed, as would otherwise be rendered by a guardian of the person (N.J.S.A. 30:4-165.5).

(c) The Commissioner of the Department of Human Services is

mandated to "make all reasonable and necessary provisions to ensure the health, safety, welfare and earliest appropriate release of persons admitted to residential services for the mentally retarded" (N.J.S.A. 30:4-25.7).

(d) The Bureau of Guardianship Services within the Division of Mental Retardation has been assigned the responsibility of providing guardianship services by the Division Director.

10:45-1.2 Definitions

"Guardianship services for the mentally retarded" are defined as those services and programs provided by the Division of Mental Retardation for the purpose of implementing its responsibility toward the mentally retarded individual, for whom it is performing the services of guardian of the person (N.J.S.A. 30:4-165.4).

"Mental retardation" shall mean a state of significant subnormal intellectual development with reduction of social competence in a minor or adult person; this state of subnormal intellectual development shall have existed prior to adolescence and is expected to be of life duration (N.J.S.A. 30:4-23).

"Mental deficiency" shall mean that state of mental retardation in which the reduction of social competence is so marked that persistent social dependency requiring guardianship of the person shall have been demonstrated or be anticipated (N.J.S.A. 30:4-23). Procedures for determining clients mentally deficient are elaborated in the New Jersey Administrative Code (N.J.A.C. 10:43).

"Functional services" shall mean those services and programs in the department available to provide the mentally retarded with education, training, rehabilitation, adjustment, treatment, care and protection (N.J.S.A. 30:4-23).

"Guardian ad litem" is defined as a person appointed by a court to perform an extremely limited type of guardianship, namely to protect a child's or incompetent adult's interests during a single instance of some form of court proceedings or litigation.

10:45-1.3 Eligibility

(a) To be eligible for guardianship services, a mentally retarded adult must fulfill all of the three following criteria:

1. Be receiving functional services of the Division of Mental Retardation;
2. Be determined mentally deficient;
3. Have no legally appointed guardian of the person.

(b) To be eligible for guardianship services, a mentally retarded minor must:

1. Be receiving functional services from the Division of Mental Retardation;

2. Be orphaned or abandoned and have no legally appointed guardian. Such status shall be verified by either:

- i. Documentation that the child's legal guardian(s) is (are) deceased or;
- ii. Documentation that the following efforts to locate the child's guardian have been unsuccessful:

(A) Notice by regular mail and follow-up by certified mail, return receipt requested, to the guardian's last known address, with no response received within 45 days;

(B) Discrete inquiry among any known relations, friends and current or former employers of the parent(s); and

(C) Direct inquiries, unless otherwise restricted by law, using the guardian's name and last known or suspected address, to the local post office, the Division of Motor Vehicles and any social service and law enforcement agencies known to have had contact with the guardian(s) both in New Jersey and other states. Failure to receive a response to the inquiries within 45 days shall constitute a negative response.

(c) Eligibility for the adult client continues as long as the individual:

- i. Is receiving functional services;
 - ii. Remains mentally deficient and;
 - iii. Has no legally appointed guardian of the person.
- (d) Eligibility for a child continues as long as he or she:
- i. Is receiving functional services;

- ii. Is under the age of 18 years, and;
- iii. Has no legal guardian of the person.

(e) Prior to reaching the age of majority, a determination must be made regarding the issue of mental deficiency and the continuing need for guardianship services as an adult (N.J.S.A. 30:4-165.5; N.J.A.C. 10:43).

10:45-1.4 Provision of guardianship

(a) When an individual 18 years of age or older has met the eligibility criteria above (N.J.A.C. 10:43-1.3 (a)) and therefore has been determined in need of guardianship, this shall be provided in any one of the following ways:

1. By court appointment of a guardian of the person under N.J.S.A. 30:4-165.7 et seq.:

i. Staff of the Division of Mental Retardation shall be generally assistive to a parent or other individual interested in applying for such appointment.

ii. At the same time this shall not preclude the possibility that information may be presented to the court in a particular instance when an applicant for guardianship appointment is considered unsuitable.

2. By court appointment of a guardian of the person under N.J.S.A. 3B. The same role for Division of Mental Retardation staff shall apply as in (a) above.

3. By provision of guardianship services through the Division of Mental Retardation's Bureau of Guardianship Services when no legal guardian of the person has been appointed by a court.

(b) When a client is under 18 years of age and has met the eligibility criteria above (N.J.A.C. 10:45-1.3(b)), the Bureau of Guardianship Services shall provide guardianship of the person services.

10:45-1.5 Role and responsibility of Bureau of Guardianship Services staff

(a) Bureau of Guardianship Services staff shall be considered distinct and independent from staff of functional service components in terms of their interrelationship with Division of Mental Retardation clients.

(b) Guardianship staff shall focus exclusively on:

1. Protective services;
2. Safeguarding individual rights;
3. Substitute decision-making and;
4. Advocacy on behalf of clients.

(c) In order to exercise their role and responsibility, guardianship staff shall be expected to:

1. Be as knowledgeable and informed as possible about each client's status, program and progress. This shall be achieved in a variety of ways, including:

- i. Direct contacts;
- ii. Interviews with staff, service providers and other involved parties;
- iii. Participation at case conferences, individual habilitation plan sessions and other meetings;
- iv. Review of records.

2. Give or withhold informed consent for proposed dental/medical procedures. Such consent shall be premised upon:

i. An awareness by the guardianship work of the purpose of the procedure, the risks involved, the benefits, and the possible alternatives.

ii. Voluntariness; freedom from the subtlest hint of coercion.

iii. Responsibility by the guardianship worker to secure, and by staff involved in the medical procedure to provide, accurate and complete information which includes:

- (1) The purpose and description of the procedure.
- (2) Clear identification of experimental or irreversible procedures.
- (3) Possible or probable adverse effects, including disadvantages, discomfort, and risks involved.
- (4) Identification of anticipated benefits.
- (5) Assurance that alternatives have been identified and considered.

- (6) Identification of limitations of breadth and duration of consent.
- 3. Give or withhold consent for release of confidential information and or photographing clients.
- 4. Give or withhold approval for major changes of program or transfers.
- (d) It is necessary that guardianship staff be apprised promptly by functional service staff of any major developments or incidents involving their clients.

10:45-1.6 Limitations on Bureau of Guardianship Services staff

- (a) Guardianship services shall be limited to guardianship of the person, not property.
- (b) A guardian ad litem shall be specifically appointed by a court for the matter of consent to the following proceedings:
 - 1. Shock treatment;
 - 2. Psychosurgery;
 - 3. Sterilization, or;
 - 4. Medical, behavioral or pharmacological research (N.J.S.A. 30:6D-5a [4]).
- (c) The Chief of the Bureau of Guardianship Services shall make the decision whether to initiate referral of a case to court for appointment of a guardian ad litem.

10:45-1.7 Appeal

- (a) Whenever a difference of opinion develops between Bureau of Guardianship Services staff and the involved functional service component regarding a matter affecting the rights and/or program of a client, recourse shall be made to the administrative review procedure for resolution of the matter within the Division of Mental Retardation. This procedure involves the following steps:
 - 1. Informal discussion by the parties involved.
 - 2. Administrative review by an officer designated by the Division Director.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Administrative Provisions
Medicaid**

**Proposed Readoption: N.J.A.C. 10:49-6.1, 6.2, 6.3, 6.5 and 6.8
Proposed Readoption with Concurrent Amendment: N.J.A.C. 10:49-6.7
Proposed Repeal: N.J.A.C. 10:49-6.4 and 6.6**

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:4D-7 and 7b, 7j, 7.1 through 7.8.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order 66(1978), these rules would otherwise expire

on August 16, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption. The concurrent amendment to the existing rules becomes effective upon publication in the Register of a notice of its adoption.

This proposal is known as PRN 1983-323.

The agency proposal follows:

Summary

The proposed readoption of N.J.A.C. 10:49-6 pursuant to the provisions of Executive Order 66(1978) will repeal certain sections of subchapter 6 and readopt other sections. The sections being repealed, and appropriate reason(s), are as follows:

10:49-6.4 entitled "Reimbursement of Medicaid Approved Acute Care General Hospitals", is no longer applicable because all acute care general hospitals that participate in the Medicaid program are reimbursed under the DRG (Diagnosis Related Group) system.

10:49-6.6 entitled "New Jersey Medicaid Formulary" is no longer necessary because of the enactment of the Drug Price Quality Stabilization Act (P.L. 1977, c. 240, codified as N.J.S.A. 24:6E-1). The sections being readopted, and reasons therefore, are as follows.

N.J.A.C. 10:49-6.1 pertains to checks issued to providers that are not cashed. If the check is outstanding for more than six months, a letter is sent to the provider. If the check is outstanding after 12 months, it will be cancelled and the amount recredited to the Medicaid program.

This rule is used infrequently, but it is still necessary to allow the Division's Fiscal Agents, New Jersey Blue Cross and the Prudential Insurance Company, to "clear their books" when checks remain uncashed. Personnel from both Fiscal Agents have indicated that there must be a system of voiding outstanding checks, and recommend continuance of the rule because it is adequate, efficient, understandable, and responsive for the purpose for which it was promulgated. The rule is reasonable because providers are notified and allowed to resolve any problems. There is no need to change the rule at this time.

N.J.A.C. 10:49-6.2 currently requires all independent clinics, pharmacies, hearing aid dealers, skilled nursing facilities, independent laboratories, transportation carriers and opticians participating in the Medicaid program to identify each and every location from which they will provide services. Each separate location must meet all required standards for Medicaid participation. The rationale for this rule is to insure that Medicaid patients receive services from qualified providers. It is designed to prevent providers from obtaining approval at one location, and treating patients at an unapproved location, and billing from the approved location. This rule furthers the objective of Federal regulations requiring the states to be responsible for establishing and maintaining health standards for private or public institutions providing services to Medicaid recipients (42 CFR 431.610(b)). In addition, Federal regulations require each provider furnishing Medicaid services execute an agreement with the Medicaid agency (42 CFR 431.107). The phrase "each provider" would indicate a separate location approval process. The provider enrollment process also insures that each provider will hold a current valid license (where applicable) pursuant to State law (N.J.S.A. 30:4D-3h).

An administrative review has been conducted within the Division, and a determination has been made that the rule should be continued. It is necessary to insure that providers meet all applicable Federal and State standards for Medicaid provider participation. It is responsive because all providers who are qualified, and who make application for program participation, will be accepted. The rule does not need to be amended because it is effective.

Multi-location providers may use a centralized billing location;

however, the claim must reflect the proper address and provider number for the location the service was rendered.

N.J.A.C. 10:49-6.3 reduced by 40 percent the present maximum allowable laboratory fees for all services processed on or after August 1, 1975. The rule was promulgated as a result of the State Commission on Investigation's review of the scope of billing practices and procedures for independent laboratories. The rule has not been amended since its inception, but other procedure codes and corresponding fee schedules added since the rule's enactment have been published in the Procedure Code Manual (N.J.A.C. 10:54, Subchapter 3). These more recent codes were not subject to the 40 percent reduction. Independent laboratories also received an individual copy of the procedure codes and fee schedules via newsletter dated September 7, 1981.

An administrative review has been conducted, and a determination made that the rule should be continued because it is necessary, adequate, reasonable and responsive to insure continued payment for a service that is mandated by Federal regulation (42 CFR 440.30).

N.J.A.C. 10:49-6.5 was completely revised in 1982 due to changes in Federal regulations (42 CFR 433.36) and state law (P.L. 1981, c. 217, codified as N.J.S.A. 30:4D-7.1 to 7.7). Federal regulations allow states to recover correctly paid benefits from the estate of any individual age 65 or older provided there is no surviving spouse or child. (A child is defined as someone under age 21, or who is blind or permanently and totally disabled.) In addition, recovery will not be made on benefits correctly paid "if the amount sought to be recovered is less than \$500.00 or the estate is less than \$3,000.00..." (N.J.S.A. 30:4D-7.2a). The text of the rule was proposed January 18, 1982 at 14 N.J.R. 80(a) and adopted as R. 1982, d.147 effective May 3, 1982 at 14 N.J.R. 427(c).

The Division has made an administrative review and believes the rule should be continued because it conforms with state law. The rule is necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which it was promulgated. The Division is able to recover some or all of their payments made on behalf of individual Medicaid patients, but only when sufficient funds are available and there is no surviving spouse or child as defined in the regulations.

N.J.A.C. 10:49-6.7 was promulgated pursuant to Federal regulations (42 CFR 431.10) which allow the Medicaid agency (Division of Medical Assistance and Health Services) to contract with other agencies that determine eligibility for Medicaid. In New Jersey, the Division of Medical Assistance and Health Services executes agreements annually with each of the 21 county welfare agencies, who make eligibility determinations, primarily for AFDC (Aid to Families with Dependent Children) and Medicaid Only. An administrative review has been conducted, and a determination made that the rule should be readopted to insure compliance with Federal regulations and continued payment to the county welfare agencies. The rule is efficient, understandable, and responsive for the purpose for which it was promulgated, because the respective counties are processing applications, with qualified applicants being declared eligible for Medicaid benefits.

The rule is being modified on re-adoption to delete the limitation to those applicants who choose not to receive a money grant. Payment is now made for all applicants generally, not just for the "Medicaid Only" group. The amended text appears below.

N.J.A.C. 10:49-6.8 was promulgated to define the responsibilities for adjusting, compromising, settling or waiving any claim, lien, certificate of debt arising under this act (N.J.S.A. 30:4D-1 et. seq.). Normally the authority to compromise is vested in the Commissioner, Department of Human Services, Director, Division of Medical Assistance and Health Services, Assistant Director, Office of Program Integrity Administration, or anyone serving in such positions in an acting capacity. However, in certain instances, limited by dollar value of the claim, the authority to compromise may be exercised by the Chief, Bureau of Audits, the Chief, Bureau of Administrative Control, or the fiscal agents (Blue

Cross and Prudential).

The purpose of the rule was to allow flexibility, within the defined limits of authority, in settling claims expeditiously. Settlement of claims is advantageous to the Division because it encourages prompt reimbursement. It is also advantageous to the public, because it allows for resolution of claim(s) asserted by the Division.

The agency has conducted an administrative review and finds it necessary that the rule be continued. The rule is adequate, reasonable, efficient, understandable and responsive for the purposes for which it was promulgated. The rule gives the Division the right to compromise claims, and defines the scope of authority for determining any compromise.

Social Impact

N.J.A.C. 10:49-6.1 has virtually no social impact on providers or recipients, because it pertains strictly to cancelling uncashed checks.

N.J.A.C. 10:49-6.2 allows qualified providers to apply for, and be accepted by, the Medicaid program. It also insures Medicaid patients have access to qualified providers.

N.J.A.C. 10:49-6.2 impacts on those providers covered by the rule who make application for provider participation. The rule also impacts on the Department of Health, who licenses certain providers, such as SNFs, independent clinics, and laboratories. The public's reaction has generally been favorable, because there is a standardized procedure for Medicaid provider qualification. If the rule were not readopted, there would be potential compliance issue(s) raised by the Federal Government, which could possibly result in the loss of Federal funds.

N.J.A.C. 10:49-6.3 should be continued because it enables Medicaid patients to receive laboratory services without necessarily going to the outpatient department of the hospital. The rule also enables independent laboratories to be reimbursed for providing services to Medicaid patients.

N.J.A.C. 10:49-6.3 impacts on all Medicaid patients who might require testing by an independent laboratory. The rule also impacts on approximately 200 laboratories who participate in the Medicaid program.

Continuation of the rule is necessary to insure Federally mandated services are provided to Medicaid patients.

N.J.A.C. 10:49-6.5 is still governed by the same social conditions, because some Medicaid patients expire and leave an estate. The affected public potentially includes all Medicaid recipients age 65 and over but the actual effect is limited to persons whose estates exceed \$3,000.

N.J.A.C. 10:49-6.7. There has to be a system of determining eligibility for persons who wish to obtain Medicaid benefits. There are many persons who do not have sufficient third party coverage, such as other health insurance, or private resources, available to pay for medical care and services. The rule has an impact on any person who makes application for Medicaid at the appropriate county welfare agency.

N.J.A.C. 10:49-6.8 impacts on Medicaid providers, recipients, and third parties. In general, the public's reaction to the rule has been favorable, because compromising a claim, rather than requiring reimbursement of the full amount, is a necessary method of resolving claims. If the rule were not readopted, then the Division's ability to compromise might be limited.

Economic Impact

N.J.A.C. 10:49-6.1 has no impact on recipients, because the Medicaid program makes vendor payments to providers, not recipients.

The rule rarely impacts on providers, who usually cash their checks promptly. Providers who delay in cashing checks still have one year before the check is cancelled.

The rule should be continued because it enables the Fiscal Agents to maintain an accurate record of payments, which are subject to Federal matching funds.

There is minimal economic impact on the Division, because the amount of checks cancelled and credited to the Division is insignificant.

The economic impact of N.J.A.C. 10:49-6.2 is minimal, because the rule pertains to provider qualification, not reimbursement. The Division needs to renew the rule to insure continued receipt of Federal funds.

With respect to N.J.A.C. 10:49-6.3, the Division spent approximately 2.5 million dollars (Federal-State share combined) last year for independent laboratories.

Providers continue to be reimbursed in accordance with prevailing procedure codes and fee schedules.

There is no cost to the Medicaid patient.

The rule should be continued to insure Federal funding.

N.J.A.C. 10:49-6.5 has no economic impact on Medicaid providers. The rule impacts on Medicaid recipients whose estates may be valuable enough to warrant a recovery.

The Division recovered approximately one million dollars from probated estates in 1982.

N.J.A.C. 10:49-6.7-1.8 million dollars (Federal-State share combined) has been allocated for distribution among the 21 county welfare agencies.

The rule needs to be continued to insure payment to welfare agencies, and to obtain Federal matching funds for those payments.

There is no economic impact per se on either Medicaid applicants or providers of service.

N.J.A.C. 10:49-6.8 has had a positive economic impact on the Division because it is effective in obtaining recoveries. Approximately three million dollars has been recovered already in 1983 (through May 31, 1983).

Providers and recipients are affected only if the Division is asserting a claim or lien against them.

The rule should be continued because the circumstances have not changed. Providers may receive overpayments. Recipients may receive payments from third party payors.

Full text of the rule proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 10:49-6.4 and 6.6.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:49-6.1, 6.2, 6.3, 6.5 and 6.8, as amended in the New Jersey Register.

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

10:49-6.7 Contracts with county welfare [boards] **agencies**

Payment **is made** to county welfare [boards] **agencies** for investigating and determining whether applicants **qualify** for benefits under the Medical Assistance and Health Services Act. [is limited to payments for investigations made to determine the eligibility of an individual who chooses not to receive a money grant from the county, but rather, makes application solely and exclusively for the purpose of receiving medical assistance under the aforesaid Act.]

LAW AND PUBLIC SAFETY

(a)

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Examination Fees

Proposed Readoption: N.J.A.C. 13:40-6

Authorized By: New Jersey Board of Professional Engineers and Land Surveyors, Edward A. Taratko, Jr., President.

Authority: N.J.S.A. 45:1-3.2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Ruth Weisman, Executive Secretary
State Board of Professional Engineers and
Land Surveyors
1100 Raymond Boulevard, Room 319
Newark, NJ 07102

The Board of Professional Engineers and Land Surveyors thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on June 9, 1983. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1983-330.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the State Board of Professional Engineers and Land Surveyors proposes to readopt N.J.A.C. 13:40-6 concerning application, examination and reexamination, and licensing fees. The rules were first adopted in June, 1978 and amended in September 1980 to repeal the section dealing with the fee for transmittal of grades or certification. The rules were amended again in January 1983 and April 1983 to increase fees due to increased costs. The proposed readoption does not include any changes in the current text. This rule complies with N.J.S.A. 45:1-3.2 and is necessary to defray the expenses of the Board in the processing of applications for licensure and in administration of examinations required by N.J.S.A. 45:8-35.

Social Impact

The proposed readoption is expected to have no new or additional social impact since these fees are currently being paid by applicants for licensure and by licensees who are graduates of engineering schools or colleges with engineering related degrees or persons with sufficient field experience to sit for examination as land surveyors. The fees which are generated cover the cost of administering the examinations and keeping licenses current without generating any profit to the agency in accordance with N.J.S.A. 45:1-3.2.

The licensing of professional engineers and land surveyors help assure that the public will receive competent services in these fields which integrally affect public safety.

Economic Impact

The proposed readoption will have no increased economic impact on applicants for licensure and licensees since the fees

established by this subchapter already apply and the proposed readoption contains no proposed amendments. Revenues generated by such fees amounted to approximately \$275,000 in the 1982 fiscal year.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 13:40-6, as amended in the New Jersey Register.

(a)

DIVISION OF CRIMINAL JUSTICE

Arson Investigators Training Requirements

Proposed New Rule: N.J.A.C. 13:76

Authorized By: Donald R. Belsole, Director, Division of Criminal Justice.

Authority: N.J.S.A. 40A:14-7.1 and 52:17B-97 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Donald R. Belsole, Director
Division of Criminal Justice
Richard J. Hughes Justice Complex
25 Market Street
CN 085
Trenton, NJ 08625

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

This proposal is known as PRN 1983-329.

The agency proposal follows:

Summary

In accordance with the provisions of Executive Directive No. 83-1, the Director of the Division of Criminal Justice, pursuant to the general authority of N.J.S.A. 52:17B-97 et seq., and the specific authority of N.J.S.A. 40A:14-7.1, proposes to adopt training requirements and certification procedures for any paid member of a paid or part-paid municipal fire department or force, assigned full time to an arson investigation unit, with the same powers and authority of police officers, within the municipality, while engaged in the actual performance of arson investigation duties.

Social Impact

The proposed rule is designed to assist the Director of the Division of Criminal Justice in executing his statutory responsibility concerning the training of municipal arson investigators appointed pursuant to the authority provided in N.J.S.A. 40A:14-7.1. The purpose of the rule is to allow for the implementation of the provisions of N.J.S.A. 40A:14-7.1 while ensuring that the required training to become proficient in arson investigation is accomplished, hence, advancing efficient law enforcement.

Economic Impact

The adoption of this rule will not impose any significant economic impact upon the State. There will be an economic impact upon those municipalities who choose to assign individuals to an

arson investigation unit pursuant to N.J.S.A. 40A:14-7.1. This will include municipal responsibility for the costs and expenses for enrollment and attendance in all the required prerequisite and continued in-service training.

Full text of the proposed new rule follows.

SUBTITLE L. DIVISION OF CRIMINAL JUSTICE

CHAPTER 76 ARSON INVESTIGATORS: TRAINING REQUIREMENTS

SUBCHAPTER 1. GENERAL PROVISIONS

13:76-1.1 Authority

Unless otherwise expressly noted, all provisions of this Chapter 76 were adopted by the Division of Criminal Justice pursuant to authority delegated at N.J.S.A. 40A:14-7.1, N.J.S.A. 52:17B-97 et seq. and Attorney General Executive Directive No. 83-1, and were filed and became effective upon publication in the New Jersey Register.

13:76-1.2 Foreword

Executive Directive No. 83-1, signed by Attorney General Irwin I. Kimmelman on March 9, 1983, designates the Director of the Division of Criminal Justice as the responsible official on behalf of the Department of Law and Public Safety for implementing the provisions of N.J.S.A. 40A:14-7.1.

Pursuant to the provisions of N.J.S.A. 40A:14-7.1 the Department of Law and Public Safety, Division of Criminal Justice and Police Training Commission must promulgate training requirements for arson investigators.

In accordance with the fourth paragraph of Executive Directive No. 83-1, the Director of the Division of Criminal Justice has established the following rules, regulations and procedures necessary and appropriate to implement the provisions of the Directive.

13:76-1.3 Applicability

The provisions of this Chapter 76, promulgated by the Director of the Division of Criminal Justice, shall apply to all municipalities that assign full time to an arson investigation unit, any paid member of a paid or part-paid fire department or force with the same powers and authority of police officers, within the municipality, while engaged in the actual performance of arson investigation duties.

13:76-1.4 Definitions

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

"Arson Investigator" means any paid member of a paid or part-paid municipal fire department or force, assigned full-time to an arson investigation unit who has received a certification in accordance with these provisions.

"Basic Police Course for Arson Investigators" means the curriculum prescribed by the Police Training Commission, Department of Law and Public Safety, as an appropriate course of training for arson investigators.

"Basic Arson Investigation Course" means the curriculum prescribed and sponsored by the Training Section, Division of Criminal Justice, Department of Law and Public Safety, as an appropriate arson investigation course.

"In-Service Training" means the curricula prescribed and sponsored by the Training Section, Division of Criminal Justice, Department of Law and Public Safety, to provide selected advanced arson investigation training as may be deemed necessary.

"Equivalent Course" means a course of instruction recognized by the Police Training Commission as being acceptable in lieu of the

PROPOSALS**LAW AND PUBLIC SAFETY**

Basic Police Course for Arson Investigators, or a course of instruction recognized by the Training Section, Division of Criminal Justice, as being acceptable in lieu of the Basic Arson Investigation Course or In-Service Training.

"Certification" means a written document issued by the Director of the Division of Criminal Justice acknowledging that an individual has complied with the prerequisite training provisions for Arson Investigators.

SUBCHAPTER 2. CREATION AND ESTABLISHMENT OF ARSON INVESTIGATION UNITS

13:76-2.1 Notification requirements

(a) The Director of the Division of Criminal Justice shall be notified whenever a municipality contemplates the creation of a paid or part-paid fire department or force for the purpose of establishing, by ordinance, an arson investigation unit pursuant to N.J.S.A. 40A:14-7.1, or contemplates the creation, by ordinance, of an arson investigation unit, pursuant to N.J.S.A. 40A:14-7.1, within an already existing paid or part-paid fire department or force.

(b) The governing body of any municipality shall notify in writing, the County Prosecutor of the county in which the municipality is located as to the contemplated creation and establishment of such entities as described in (a) above, and when applicable will report:

1. The source of funding for the proposed paid or part-paid fire department or force, or the proposed arson investigation unit, or both;

2. The number of paid members of the proposed arson investigation unit;

3. The organizational structure and proposed membership, by name and title, of the arson investigation unit; and

4. Any previous, current or proposed training programs completed or anticipated to be completed by the proposed members of the arson investigation unit.

(c) Upon receipt of this written notification, the County Prosecutor shall review the notification document and if appropriate, under separate correspondence, shall provide any commentary with regard to the content of the notification. The County Prosecutor shall forthwith forward both the municipality's written notification and any commentary to the Director, Division of Criminal Justice, 25 Market Street, CN 085, Trenton, New Jersey 08625.

SUBCHAPTER 3. PREREQUISITE TRAINING REQUIREMENTS

13:76-3.1 Prerequisite requirements

(a) Prior to assignment to an arson investigation unit, an individual must first have successfully completed:

1. The Basic Police Course for Arson Investigators, or an Equivalent Course; and

2. The Basic Arson Investigation Course, or an Equivalent Course.

13:76-3.2 Certification procedures

(a) Upon successful completion of the prerequisite training requirements, a proposed member of an arson investigation unit shall be eligible for application for certification.

(b) The governing body of any municipality shall apply in writing, through the County Prosecutor of the county in which the municipality is located for the certification of a proposed member of a paid or part-paid fire department or force as an Arson Investigator, by affirming the date, location and evidence of successful completion of:

1. The Basic Police Course for Arson Investigators, or an Equivalent Course; and

2. The Basic Arson Investigation Course, or an Equivalent Course.

(c) Upon receipt of this written application, the County Prosecutor

shall review the application and if appropriate, under separate correspondence, shall provide any commentary with regard to the content of the application. The County Prosecutor shall forthwith forward both the municipality's application and any commentary to the Director, Division of Criminal Justice, 25 Market Street, CN 085, Trenton, New Jersey 08625.

(d) Individuals approved for certification shall be notified, in writing, by the Director of the Division of Criminal Justice, through their County Prosecutor and municipal governing body.

(e) Initial certification shall be for the period prescribed on the written approval certificate and shall be renewable annually contingent upon successful completion of prescribed In-Service Training requirements.

SUBCHAPTER 4. IN-SERVICE TRAINING PROGRAMS

13:76-4.1 In-service training requirements

(a) All certified Arson Investigators shall be required to attend selected Division of Criminal Justice sponsored In-Service Training Programs or approved Equivalent Course(s).

(b) The Division of Criminal Justice annually will review available In-Service Training Programs and announce those courses authorized for attendance by Arson Investigators which will fulfill the annual In-Service Training requirement.

13:76-4.2 Certification renewal procedures

(a) Upon successful completion of the annual In-Service Training requirements, the certified Arson Investigator shall be eligible to renew certification.

(b) The governing body of any municipality shall apply, in writing, through the County Prosecutor of the county in which the municipality is located for the renewed certification of a certified Arson Investigator, by affirming the date, location and evidence of successful completion of required In-Service Training or Equivalent Course(s).

(c) Upon receipt of this written application, the County Prosecutor shall review the application and if appropriate, under separate correspondence, shall provide any commentary with regard to the content of the application. The County Prosecutor shall forthwith forward both the municipality's application and any commentary to the Director, Division of Criminal Justice, 25 Market Street, CN 085, Trenton, New Jersey 08625.

(d) Individuals approved for renewed certification will be notified, in writing, by the Director of the Division of Criminal Justice, through their County Prosecutor and municipal governing body.

(e) Renewed certification shall be for the period prescribed on the written approval certificate and shall continue to be renewable annually, contingent upon successful completion of prescribed In-Service Training requirements.

SUBCHAPTER 5. COSTS AND EXPENSES

13:76-5.1 Municipal costs and expenses

The municipality having created and established an arson investigation unit shall be responsible for all costs and expenses for the enrollment and attendance of their personnel in the Basic Police Course for Arson Investigators, the Basic Arson Investigation Course and any In-Service Training.

SUBCHAPTER 6. TERMINATION OF DUTY AS AN ARSON INVESTIGATOR

13:76-6.1 Notification requirements

(a) The Director of the Division of Criminal Justice shall be notified whenever a municipality, having established an arson investigation unit, terminates the assignment of any member, of a paid or part-paid fire department or force, as an Arson Investigator.

(b) The governing body of any municipality, shall notify, in writing, the County Prosecutor of the county in which the

municipality is located as to the termination of the assignment of an Arson Investigator, and when applicable will report:

1. The name of the arson investigator;
2. The date of termination; and
3. The reason for termination.

(c) Upon receipt of this written notification, the County Prosecutor shall review the notification document and if appropriate, under separate correspondence, shall provide any commentary with regard to the content of the notification. The County Prosecutor shall forthwith forward both the municipality's written notification and any commentary to the Director, Division of Criminal Justice, 25 Market Street, CN 085, Trenton, New Jersey 08625.

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes US 30 and 94

Proposed Amendments: N.J.A.C. 16:28A-1.21 and 1.45

Authorized By: John P. Sheridan Jr., Commissioner,
Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-315.

The agency proposal follows:

Summary

The proposal will establish "no parking" zones along Route US 30 in the City of Absecon, Atlantic County and Route 94 in the Township of Hardyston, Sussex County respectively, for the safe and efficient flow of traffic along the highway system. Based upon requests made by municipal officials of the City of Absecon and the Township of Hardyston, engineering studies were conducted by the Traffic Engineering Bureau of the Department of Transportation. The engineering studies found that the establishment of "no parking" zones along Routes 30 and 94 were warranted. The Department therefore proposes to amend N.J.A.C. 16:28A-1.21 and 1.45 in accordance with the requests of the local officials. Appropriate signs will be erected to advise the motoring public.

Social Impact

The proposal will restrict parking along Routes 30 and 94 and in the areas designated in the rule for the safe and efficient flow of

traffic and the enhancement of the safety of the populace in Atlantic and Sussex Counties.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28A-1.21 Route US 30

(a) (No change.)

(b) The certain parts of State highway Route US 30 described [herein below] **in this section** shall be [and hereby are] designated and established as "no parking" zones where parking is prohibited at all times. [and in] **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. (No change.)

2. **Eastbound on the southerly side thereof in the City of Absecon, Atlantic County at:**

i. **Station Avenue (nearside) beginning at the westerly curb line of Station Avenue and extending 105 feet westerly therefrom.**

16:28A-1.45 Route 94

(a) The certain parts of State highway Route 94 described [herein below] **in this section** shall be [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 the Township of Hardyston, Sussex County along both sides [of Route 94 from the Sparta Township – Hardyston Township corporate line to North Church Road.] for the entire corporate line in the Township of Hardyston.**

3.-4. (No change.)

(b)

FISCAL MANAGEMENT

Contract Administration

Proposed Readoption: N.J.A.C. 16:65

Authorized By: John P. Sheridan, Jr., Commissioner,
Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:2-1, 14A:1-1 et seq. and 14:15-2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expired on May 22, 1983. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption.

This proposal is known as PRN 1983-314.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order 66(1978), the Department of Transportation proposes to readopt N.J.A.C. 16:65 concerning Contract Administration including the requirements for contractors. These rules were originally filed and became effective on May 22, 1978.

The rules provide criteria to be complied with by contractors/corporations in the contractual agreements with the Department regarding the bidding process in accordance with funding from State, Local and Federal Governments. Additionally, these rules provide necessary guidelines to be complied with as specified by statutory requirements. These rules have provided an efficient and effective mechanism for the processing of contracts, the collection of fees and the preclusion of corporate reorganizations by contractors/corporations without following proper guidelines.

N.J.A.C. 16:65 is summarized as follows:

SUBCHAPTER 1, CLASSIFICATION OF CONTRACTORS outlines the standards and prerequisites for the classification of contractors and prospective bidders and compliance with N.J.S.A. 18:25-1 pertaining to standards designed to advance equal employment opportunity.

SUBCHAPTER 2, DISTRIBUTION OF STANDARD SPECIFICATIONS provides the method for the distribution of standard specifications.

SUBCHAPTER 3, DISTRIBUTION AND SALE OF CONSTRUCTION PLANS AND SUPPLEMENTARY SPECIFICATIONS entails the distribution of and establish fees to be charged for the sale of plans and supplementary specifications.

SUBCHAPTER 4, ADVERTISING FOR BIDS outlines the specific method utilized in the advertising of Departmental Bids.

SUBCHAPTER 5, RECEIPTS OF BIDS prescribes the process to be followed when bids are received after being advertised.

SUBCHAPTER 6, CONTRACTS establishes the award of the contracts, its preparation, execution and distribution to the contractor who has been selected to perform the project.

SUBCHAPTER 7, DEFERRED PAYMENTS TO CONTRACTORS FOR MATERIALS SUPPLIED AND WORK PERFORMED IN THE CONSTRUCTION OF STATE HIGHWAYS AND RELATED PROJECTS outlines the method of payment to contractors as the work progresses until completion; bond requirements for contractors; action required in cases of default and payment of service charges.

SUBCHAPTER 8, DEBARMENT SUSPENSION AND DISQUALIFICATION OF A PERSON(S), establishes causes for debarment, conditions affecting the debarment of a person(s); procedures, period of debarment, and scope of debarment affecting the debarment of a person(s); causes, conditions and procedures suspending a person(s) and the effect of contracting with the State.

SUBCHAPTER 9, CORPORATE REORGANIZATION OF CONTRACTORS (which can be found at 13 N.J.R. 524(a) and 13 N.J.R. 779(c)) establishes procedures and guidelines to be followed by contractors/corporations who effect any change in corporate structure vehicle under contract with the Department.

The Department finds these rules adequate and required for the efficient operation of the Contractual Agreements and the provision of N.J.S.A. 14A:1-1 et seq.

Social Impact

The rules impact on contractors/corporations performing contractual agreements with the Department, in that they stipulate procedures and guidelines to be followed in the efficient operation of the administration of contracts. Additionally, these rules establish public confidence in State government's ability to ensure that the public's interest in awarding public contracts is adequately protected.

Economic Impact

The Department will incur direct and indirect costs for its personnel and equipment requirements for the collection of fees

required for plans and specifications in the bidding process. Additionally, this rule will impact on the Office of the Secretary of State for collection of fees to be paid by the contractor/corporation as stipulated in N.J.S.A. 14A:15-2.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 16:65, as supplemented by the New Jersey Register.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Business Personal Property

Proposed Readoption: N.J.A.C. 18:9

Authorized By: John R. Baldwin, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:11A-19.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on September 12, 1983. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption.

This proposal is known as PRN 1983-321.

The agency proposal follows:

Summary

In 1966, the Business Personal Property Tax Act (P.L. 1966, c.136; N.J.S.A. 54:11A-a et seq.), was enacted as part of the program recommended by the Governor's Committee on Local Property Taxation (Report-December, 1965).

This program was designed to provide replacement tax revenues for businesses as a substitute for the varied tax burdens imposed by municipalities in the form of local personal property taxes. Thus, beginning in 1968, the business personal property tax became State administered. This law was instrumental in placing New Jersey businesses in a position comparable with New York, Pennsylvania and Delaware, where business personal property was not taxable.

The Business Personal Property Tax Act imposes a tax upon business personal property in use or held for use, with certain exceptions, at the rate of \$6.50 per \$1,000 of original cost (1.3 percent on 50 percent of original cost).

The rules hereinafter set forth are promulgated under the authority granted to the Director of the Division of Taxation by P.L. 1966, c. 136, Section 19; N.J.S.A. 54:11A-19.

Subsequent reference to "the law," "the Act," or "the Tax Act" refers to the Business Personal Property Tax Act 1966, P.L. 1966, c. 136; N.J.S.A. 54:11A- 1 et seq. The Business Personal Property Tax Act is administered by the Director of the Division of Taxation,

hereinafter referred to as the Director, in the Department of the Treasury.

On September 13, 1978, the Division adopted rules (N.J.A.C. 18:9) which exempt from tax any business personal property that was acquired on or after January 1, 1977. Pursuant to the provisions of Executive Order 66(1978), these rules are due to expire on September 12, 1983 and are now proposed for re-adoption.

The Business Personal Property Tax is imposed on any individual, trust, estate, partnership, association, company, joint stock company or corporation which conducts a business in the State of New Jersey. Property subject to tax includes all business personal property purchased or brought into New Jersey before January 1, 1977 and includes all tangible goods and chattels used or held for use in any business not expressly exempt from taxation. Taxpayer also includes a lessor of business personal property. Certain business personal property which is exempt includes inventory and goods in process, certain supplies and materials and small tools, and personal property held for leasing. Exempt property also includes real property and fixtures, certain motor vehicles, certain equipment mounted on vehicles, certified vessels, property of utilities, certain farming equipment, personal property of life insurance and nonprofit corporations exempt from tax, certain aircraft, cemetery property, personal property of an unincorporated financial business, personal property of a limited dividend housing corporation and certain pollution equipment.

The rate of tax is 1.3 percent of taxable value which taxable value is 50 percent of original cost; in other words, \$0.65 per \$100.00.

Tax deductions include a veteran or veteran's widow who had not used his \$50.00 deduction against real property tax.

Returns are made on form BPT-1 which must be filed in February and September on property held on the preceding October 1. A two month extension is possible and returns are secret. Claims for refund are governed by the same rules as other State tax refunds. The director may assess taxes when taxpayers have omitted taxable business personal property. Penalty and interest payments are the same as under the State Tax Uniform Procedure Law, as well as protests and appeals and statutory criminal rules regarding fraudulent filing, failure to file and rights of appeal.

A bulk sale notice must be filed with the Division whenever there is a bulk sale of a substantial part or all of taxpayer's business.

Social Impact

The Business Personal Property Tax rules were enacted to provide taxpayers and their attorneys and accountants guidance and assistance in the administration of the New Jersey Business Personal Property Tax Act N.J.S.A. 54:11A-1 et seq. These rules were intended as guidelines to assist taxpayers in their preparation of form BPT-1.

Banking corporation taxpayers were required to file Business Personal Property Tax Returns with payments on or before February 15, 1976 and on or before February 15 of each year thereafter. Due to Chapter 170, Laws of 1975 there was some impact on the banking corporations and their customers by requiring them to file this return. As a group, the banks were added to the taxpayers of other businesses who were also required to file this return. That same amendment in 1975 notified the entity subject to the tax that the interest and penalties were to be assessed pursuant to the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq. The uniformity of all penalty and interest made it easier for all types of taxpayers because the general interest and penalty provisions of most State taxes administered by this Division had the same penalty and interest requirements. The public benefited as well as the taxpayer when the phasing out of the business personal property tax began pursuant to Chapter 397, Laws of 1981 which amended N.J.S.A. 54:11A-3.1. This amendment specifically exempted machinery or equipment brought into the State on or after January 1, 1977, since taxpayers who purchased any machinery or equipment on or after January 1, 1977, knew that such property would not be subject to assessment and taxation. Thus, business and

industry is obtaining a business tax benefit knowing that if they purchase new machinery and equipment such property could not be subject to business personal property tax and in many cases, such property was also exempt from the sales and use tax. New Jersey pursues a business climate that would induce businesses to come into New Jersey and provide jobs.

Owners of businesses pay a business personal property tax which is usually less than other State taxes. The State benefits from the revenues so collected.

Economic Impact

The 1981 amendment did result in the collection of less business personal property tax as a part of New Jersey State revenue but at the same time the business community and the people of the State may have made new purchases of business property with the amounts saved by not having to pay business personal property tax and in some instances no sales tax on said new purchases. The amount of dollars saved can not be estimated. The Annual Report of the Division of Taxation and the Department of the Treasury for the fiscal year ended June 30, 1982 shows business personal property tax collections of \$58,438,198 whereas the business personal property taxes paid for the fiscal year ended June 30, 1981 was \$64,531,000.

These revenues are deposited in the State treasury for general State use.

Full text of the re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:9.

(a)

DIVISION OF TAXATION

Local Property Tax

Proposed Re-adoption: N.J.A.C. 18:12, 18:12A, 18:14-18:17

Authorized By: John R. Baldwin, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:1-35.1, et seq.; 54:4-26; 54:4-23.21; 54:4-8.19; 54:4-8.47; 54:3-21.5; 54:50-1, et seq.; 54:4-3.80; 54:4-1, et seq.; 54:3-14; 54:4-8.40, et seq.; 54:4-23.1, et seq.; and P.L. 1968, c.49, sec. 7.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Samuel Temkin, Superintendent
Local Property and Public
Utility Branch
Division of Taxation
West State and Willow Streets
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order N.J.A.C. 18:12 would otherwise expire on August 15, 1983; 18:12A on September 15, 1983; 18:14 on November 2, 1986; and 18:15, 16 and 17 on March 7, 1984. The re-adoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their re-adoption.

This proposal is known as PRN 1983-334.

The agency proposal follows:

Summary

The local property tax is measured by property values and is apportioned among taxpayers according to the assessed value of taxable property owned by each taxpayer. The tax applies to real estate and tangible personal property of telephone, telegraph and messenger systems companies.

The property tax is a local tax assessed and collected by municipalities for the support of municipal and county governments and local school districts. No part of it is used for support of State government.

The amount of local property tax is determined each year, in each municipality, to supply whatever revenue is required to meet budgeted expenditures not covered by monies available from all other sources. School districts and counties notify municipalities of their property tax requirements. Municipalities add their own requirements and levy taxes to raise the entire amount. As a residual local tax, the total property tax is determined by local budgets and not by property valuations or tax rates.

All taxable property is assessed (valued for taxation) by local assessors in each municipality. Assessments are expressed in terms of "taxable value," which is that percentage of "true value" (not lower than 20 percent or higher than 100 percent in multiples of 10) established by each county board of taxation, except for qualified farmland, which is specially valued.

It may be said that the property tax originated in 1670 with a levy of one-half penny per acre of land to support the central government. Through the middle of the 19th century property taxes were levied upon real estate and upon certain personal property at arbitrary rates within certain limits called "certainties." In 1851 the concepts of a general property tax and uniform assessments according to actual value were developed (Public Laws 1851, p.273).

For almost a century following the 1851 legislation a continuing effort was made to accomplish uniform taxation under a general property tax. In 1875 a constitutional amendment provided that "property shall be assessed for taxes under general laws and by uniform rules according to its value" (Article IV, Section VII, Paragraph 12). Courts held that the 1875 amendment permitted classification of property for tax purposes and also exemption of certain classes from taxation, or the substitution of other kinds of tax "in lieu." Thus began a long period of erosion of the "general property tax" concept. In 1884 a State Board of Assessors was created and given responsibility for assessment of railroad and canal property, thus setting the pattern for State assessment of certain classes of property.

Intangible personal property was eliminated from the "general property tax base" in 1945 (replaced with a corporation net worth tax). Such elimination shifted the emphasis for tax reform to tangible personal property.

The New Jersey State Constitution adopted in 1947 provided (Article VIII, Section I) "property shall be assessed for taxation under general law and by uniform rules. All real property assessed and taxed locally or by the State for allotment and payment to taxing districts shall be assessed according to the same standard of value, except as otherwise permitted herein, and such property shall be taxed at the general tax rate of the taxing district in which the property is situated, for the use of such taxing district."

This was interpreted to preclude any classification of real estate but to leave the door open for classified taxes upon personal property. In 1963 the Constitution was amended to permit assessment of farm property according to its value for agricultural use only. Chapter 51, Laws of 1960 (effective for tax year 1965) provided for such classification and also provided other significant modifications.

Personal property provisions of Chapter 51, Laws of 1960 were replaced by Chapter 136, Laws of 1966. For taxes payable in 1968 and thereafter, personal property used in business (other than the businesses of telephone, telegraph and messenger system companies) is subject to a uniform state tax instead of the local tax.

Non-business personal property is no longer subject to any property tax and inventories of all businesses were excluded from property taxation.

The 1966 law also provided for replacement of local personal property tax revenues from four tax sources: (1) Retail Gross Receipts Tax, (2) Corporation Business (Net Income) Tax, (3) Business Personal Property Tax and (4) Unincorporated Business Tax. This program was terminated (c.3, P.L. 1977). Legislation was passed providing for an annual appropriation of not less than \$158.7 million.

The decision in **Switz v. Middletown Township, et al., 23 N.J. 580 (1957)**, required that all taxable property be assessed at "true value" (100 percent assessment). This was the beginning of a series of New Jersey court decisions which have been a major factor in development of uniform real estate tax assessment.

A long period of legislative history has developed numerous exemptions and various special property tax treatments. These are found principally in N.J.S.A. 54:4-3.3 and N.J.S.A. 54:4-3.6. Generally exempt are government-owned property, and property of religious, educational, charitable and various types of nonprofit organizations. In addition, qualified veterans and senior citizens are permitted tax deductions of \$50.00 and \$225.00 respectively.

The local property tax rate is determined each year in each municipality by relating the total amount of tax levy to the total of all assessed valuations taxable. Expressed in \$1.00 per \$100.00 of taxable assessed value, the tax rate is a multiplier for use in determining the amount of tax levied upon each property. The average rate for the State is \$3.78.

Article VIII, Section 1, Paragraph 4 of the New Jersey Constitution authorizes the Legislature to grant a deduction from taxation with respect to the dwelling house of any citizen and resident of New Jersey at the age of 65 or over, having an income not in excess of \$5,000 per year. The constitutional provision reads as follows:

"The Legislature may, from time to time, enact laws granting an annual deduction from the amount of any tax bill for taxes on the real property of any citizen and resident of this State of the age of 65 or more years residing in a dwelling house owned by him which is a constituent part of such real property, but no such deduction shall be in excess of \$80 and such deduction shall be restricted to owners having an income not in excess of \$5,000 per year. Any such deduction when so granted by law shall be granted so that it will not be in addition to any other deduction or exemption to which the said citizen and resident may be entitled."

Implementing legislation, (P.L. 1963, c.172), was enacted on December 16, 1963 establishing in greater detail the prerequisites for obtaining the deduction and providing for the filing of an application for deduction with the local assessor or collector.

Article VIII, Section 1, Paragraph 1(b) of the New Jersey Constitution, as amended in 1963, authorized the Legislature to enact laws to provide that the value of land actively devoted to agricultural or horticultural use, shall, for local property tax purposes, be that value which such land has for agricultural or horticultural use. The constitutional provision reads as follows:

"The Legislature shall enact laws to provide that the value of land, not less than five acres in area, which is determined by the assessing office of the taxing jurisdiction to be actively devoted to agricultural or horticultural use and to have been so devoted for at least the two successive years immediately preceding the tax year in issue, shall, for local tax purposes, on application of the owner, be that value which such land has for agricultural or horticultural use.

Any such laws shall provide that when land which has been valued in this manner for local tax purposes is applied to a use other than for agriculture or horticulture it shall be subject to additional taxes in an

amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized hereunder and the taxes that would have been paid or payable had the land been valued and assessed as otherwise provided in this Constitution, in the current year and in such of the tax years immediately preceding, not in excess of two such years in which the land was valued as herein authorized.

Such laws shall also provide for the equalization of assessments of land valued in accordance with the provisions hereof and for the assessment and collection of any additional taxes levied thereupon and shall include such other provisions as shall be necessary to carry out the provisions of this amendment."

Implementing legislation was enacted on May 11, 1964 when the "Farmland Assessment Act of 1964" became effective as Chapter 48, P.L. 1964.

The legislation establishes detailed prerequisites for obtaining assessment of farmland under the Farmland Assessment Act of 1964, provides for the filing of an application with the local assessor and empowers the Director of the Division of Taxation, to promulgate rules and regulations and to prescribe such forms as are deemed necessary to implement the law.

The law also creates a State Farmland Evaluation Advisory Committee consisting of the Director of the Division of Taxation, the Dean of the Rutgers College of Agriculture and the Secretary of Agriculture. The Committee is required to annually determine and publish a range of values for each of the several classifications of land in agricultural or horticultural use in the various areas of the State and to make them available each year to the respective assessors.

By enactment of P.L. 1968, c.49 (N.J.S.A. 46:15-5, et seq.) New Jersey joined the majority of states which now impose a state realty transfer fee. The law went into effect July 3, 1968.

On and after July 3, 1968, no county recording officer can record any deed evidencing transfer of title to real property unless (a) the consideration paid or to be paid therefor is recited therein and in the acknowledgement or proof of the execution thereof, or (b) an affidavit by one or more of the parties named therein or by a legal representative declaring the consideration therefor is annexed thereto for recording with the deed, and (c) a fee at the rate of \$0.50 for each \$500.00 of consideration or fractional part thereof is paid to the county recording officer at the time the deed is offered for recording.

By enactment of P.L. 1975, c.176, the Realty Transfer Fee Law was amended, effective September 1, 1975, and increased the realty transfer fee to \$1.75 for each \$500.00 of consideration or fractional part thereof, with \$0.50 of the \$1.75 being retained by the county and the balance of \$1.25 forwarded to the State for its use.

For the general practitioner in realty title work, it will be helpful to note that the New Jersey law differs in important respects from its expired Federal counterpart.

The New Jersey fee, when applicable, must be paid as a prerequisite for recording the deed. This is in contrast to the option, under the Federal law, to affix the Federal Documentary Stamps at some time subsequent to recording.

The New Jersey "consideration" base includes the amount of any prior existing mortgage, lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. The Federal base did not include such amount.

The law provides that the fee is imposed upon the grantor. This language operates only to establish the liability for the fee as between the grantor and grantee, so far as the recording officer is concerned, he is not permitted to record the deed unless the applicable fee is paid at the time of the presentment of the deed for recording.

For effective and uniform administration of the realty transfer fee law in the 21 county recording offices, it is necessary to require

adherence, so far as possible, to the prescribed procedures and forms. The inescapable fact is that in view of the essentially ministerial role of the recording function, it would be unrealistic to expect the county recording officer to render individual and discretionary evaluation of a wide variety of individually devised forms. Stable and familiar format is essential to minimize confusion, delay and controversy at the recording counter. At the same time, and because of the infinite variety of circumstances surrounding individual transactions makes it impossible to anticipate every specific situation, it is necessary to insure that consummation of title transactions will not be unreasonably obstructed. Accordingly, a deposit procedure has been provided to facilitate prompt recording in advance of final resolution of stubborn problems which may arise.

The Assessor Qualification and Certification Law, P.L. 1967, c.44, followed closely the recommendations made to the Division of Taxation in a report of the Committee to Study the Training of Tax Assessors in New Jersey prepared in 1964 by the Director of the Rutgers Bureau of Government Research. Enactment of this law was the culmination of the combined efforts of State, county and municipal tax officials over a period of many years.

The law provides for holding examinations twice a year for certification as tax assessor. Successful applicants receive a Tax Assessor Certificate. Until June 30, 1969 a Tax Assessor Certificate could be obtained without examination if the assessor furnished proof that he had satisfactorily completed certain assessor in-service training courses and was actually serving as a tax assessor.

On and after July 1, 1971, no assessor may be appointed or reappointed, elected or reelected as tax assessor unless he holds a Tax Assessor Certificate, except where such assessor shall have served continuously in office from July 1, 1967 to the date of reappointment or reelection. The law also provides for a certified tax assessor to acquire tenure.

Effective July 1, 1979, P.L. 1978, c.128 provides that a tax assessor shall be appointed and not elected. Tenure rights previously acquired by elected tax assessors prior to July 1, 1979 are unaffected.

It should be noted that, for the assessor himself, professionalization carries with it both benefits and responsibilities. Municipal governing bodies should recognize the right of an assessor to be adequately compensated for his professional responsibilities. At the same time, an assessor must recognize the need to perform competently, diligently, and in conformity with the professional ethics that reasonably accompany his professional status. In observing professional ethics, the assessor must have in mind not only the avoidance of activities which will obviously and presently involve a conflict with his official responsibilities, but also the probability or possibility that such a situation will develop. Conflict of interest codes are not designed to impugn the integrity of an official but rather to insure against the occurrence of incidents which may bring his ethics into question.

The Assessor Qualification Law, N.J.S.A. 54:1-35.25, et seq. is administered by the Director, Division of Taxation, Department of the Treasury, through the Local Property and Public Utility Branch.

In compiling data for the Table of Equalized Valuations, the State gathers data entitled "Categories of Non-Usable Deed Transactions". This transaction reflects the assessed valuation ratio and true value of real and personal property in each municipality. The categories listed are used to eliminate sales of real property which do not reflect market value. The study is used for many purposes, including distribution of State school aid moneys, apportioning costs of regional school districts, consideration by county tax boards in apportioning costs of county government, consideration as a legal basis for determining assessment discrimination in the several taxing districts of this State, and for distribution of in lieu of tax payments by the State, as well as dispensing moneys under the Municipal Purposes Tax Assistance Fund.

In the preparation of the Local Property Tax List and Duplicate, the assessors are required to formulate their tax lists in a uniform manner so that the data may be extracted and tabulated for inclusion in the Division's MOD IV Tax System.

Prior to the advent of the MOD IV System, the manual treatment of data was not dependent upon the similarity of data input. When the system was adopted, such form is indispensable to the compilation of this data.

Regarding home improvement exemptions, the rules were ordered to be a joint undertaking between the Division of Taxation and the Department of Community Affairs (N.J.S.A. 54:4-3.74) and represent the combined thoughts of these agencies regarding the standards, procedures and appeal processes necessary to the correct application of the law. Changes were required following initial adoption owing to amendments in the law. The changes notably were designed to expand the coverage of benefits provided in order to reap the maximum result intended in the law, for example, rehabilitation of decaying neighborhoods.

Regarding the homestead rebate, the rules give direction to taxing officials respecting the standards to apply when making a determination of eligibility and, further, set forth the criteria of eligibility for the rebate, giving notice to claimants of filing deadlines. The enormous amount of money involved makes procedural orderliness a prime requisite in administering this law.

The Department of Energy and the Department of Community Affairs are involved and also have rules and guidelines regarding exemption of solar energy heating and cooling systems. The Division of Taxation supplies guidance to local taxing authorities with regard to valuation and assessment techniques and procedure for appeal.

There is a moratorium on taxation of mobile homes as real property. This moratorium has been extended annually for the past few years. Various problems in the uniform treatment of all mobile homes as real property such as double taxation has led to the moratorium.

The county board of taxation is the first "court" in determining whether or not a local property taxpayer has been properly assessed. Rules are necessary so that all 21 county boards provide orderly and uniform administration.

Social Impact

Local property taxation affects all property within the State of New Jersey and concerns all the owners, renters and users of said property.

Since the State's sales sample study program operation is vital to State functions, including the homestead rebate, the data calculation is required for school aid distribution and other uses to which the data is put. Municipal tax officials are assisted by the local property tax list and duplicate in providing data in a uniform manner, which assists them for various purposes pursuant to pertinent tax statutes. For uniformity in treatment by all 567 municipalities, the Division of Taxation provides these guidelines. Reactions by the municipalities and the taxpayers have been most favorable. The Table of Equalized Valuations provides guidelines to local assessors and county tax boards. The Table also assists the State Commissioner of Education in making the distribution of State school aid. Preparation of the exempt property tax list assists the 567 taxing districts to treat alike all property subject to exemption. Equality in taxation or exemption is always a constitutional enhancement. Lately, all taxpayers would like that the assessed value and rate of tax be close to the market values so that each taxpayer in a municipality pays on true value. That is why, when necessary, each municipality conducts revaluations by appraisal firms, usually out-of-state, and these rules make for more social acceptance of the results of these revaluations. If a taxpayer feels that he is overassessed, the rules regarding property tax appeals make such appeals to the county boards of taxation uniform state-wide, so taxpayers can exercise their constitutional rights.

The home improvement exemption allows people with low

incomes and moderate incomes to make home improvements and is beneficial to the public welfare of the State as a whole. Upgrading housing reduces the possibility of declining areas leading to blighted areas. The social benefit of homestead rebates is appreciated by the taxpayers, individually and collectively when payment is received each July. Solar energy heating and cooling provides the citizens of New Jersey a more comfortable place to live and work and this modern method is desirable when economically feasible. In order that the taxation of mobile homes be socially acceptable, a moratorium is provided so that there is a transitional period before the taxing of a mobile home as real property. In order that the county boards can properly administer appeals from the municipal assessor's assessment on real property, the Division prescribes the rules which have a social benefit in equality an efficiency in processing appeals.

In order to benefit people when they become senior citizens and have a lesser income, they, as well as the community, benefit from a deduction based on age since they will not have to abandon the ownership of the residences they have occupied for years.

New Jersey has always been thought of as a garden state and in order to preserve farmland rules on farmland assessments keep in New Jersey farmers who produce the food we all need.

In order to obtain a sales ratio for formulas used by the State in determining educational aid to municipalities, a realty transfer fee necessarily was imposed to lead to a method of calculation of State aid and other tax formulas for distribution and other purposes. The fee is not excessive and therefore is socially acceptable.

Economic Impact

The use of the average assessed value to true value of real estate in each of the 567 taxing districts is needed and benefits economically the people of New Jersey when the result is the Table of Equalized Valuations so that distributions of moneys are made back to the residents in proportion to their proportional tax revenues. Those communities which pay more receive more in aid distributed by the State to municipalities. This is particularly true for school aid. The State Commissioner of Education uses this Table in the calculation of the State school aid distributions. Savings result at the State level whereby use of the symbols permit the entry of coding to indicate taxpayers receiving basic rebates, veterans deductions, senior citizens deductions, and other areas which require reimbursement by the State. Thus, duplicity of payment can be avoided. All this leads to 126 editing and checking features. Ongoing statistical studies relating to exempt property assist the lawmakers, the governor and his administration when the exempt property list is prepared. Orderly administration is economic administration. Some municipalities having more exempt property receive an economic burden and the legislators sometimes provide them monies in lieu of taxes in the form of State distributions.

If extensions for property tax appeals were not possible, there would be an economic tax burden because individual taxpayers would be challenging the constitutionality of taxing rules.

There is always economic benefit to an area where home improvements are made. Such improvements assist everyone in every economic strata of the State. More jobs are provided for the construction industry thus lessening unemployment and welfare benefits payments.

Each July each owner of his own principal residence receives a rebate from the State of taxes levied at the municipal level.

Eventually solar energy will be less costly than energy created by fossil fuels.

The Court has mandated taxation of mobile homes as real property. Without a moratorium some taxing districts may suffer a loss of revenue now realized from the imposition of fees on trailers and mobile homes. The moratorium assists the mobile home owners who have been subjected to a sales tax and are spared double taxation for the extent of the moratorium.

Each municipality and its homeowners are benefitted by 21

county boards of taxation rather than by 567 municipal tax boards. This is beneficial especially to property owners who own more than one piece of property within the county.

Although senior citizen deductions may lead to some economic burden on other homeowners in each taxing district, inability to pay taxes by senior citizens would lead to abandonment of property, foreclosures or blighted areas. Also, perhaps this deduction is preventing some senior citizens from seeking welfare payments, food stamps, or other public assistance.

Taxes administered by the municipalities after senior citizens and veterans deductions total \$4,495,400,000.

Farmland property receives favorable assessment due to the need for the products produced by each farm. The general public's being able to obtain farm products locally is an economic benefit. Financial tax savings features are in the rules if farmland were to be put on the market for residential or commercial development. Thus the taxpayers paying a higher rate are protected.

An indirect benefit of the realty transfer fee payment is the use to which the records are made by the State Division of Taxation when distribution formulas and other data are the result of knowing at what price residential, commercial or industrial property was sold.

Full text of the proposed reoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:12 through 18:17, as amended in the New Jersey Register.

(a)

DIVISION OF TAXATION

Sales and Use Tax

Proposed Reoption: N.J.A.C. 18:24

Authorized By: John R. Baldwin, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:32B-24.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No 66(1978), these rules would otherwise expire on August 15, 1983. The reoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their reoption.

This proposal is known as PRN 1983-333.

The agency proposal follows:

Summary

The Sales and Use Tax Act (P.L. 1966, c. 30; N.J.S.A. 54:32B-1 et seq.), was enacted on April 27, 1966, and became effective on July 1, 1966.

This tax was adopted as a substitute broad based tax when a State income tax bill, expected to pass as a part of a reorganization of the New Jersey tax structure in 1966, failed of passage in the Legislature. The Sales and Use Tax Act was put together in about

six weeks, was signed on April 27, and became effective on July 1, 1966.

The regulations hereinafter set forth are promulgated under the authority granted to the Director of the Division of Taxation by P.L. 1966, c. 30, Section 24; N.J.S.A. 54:32B-24.

The Sales and Use Tax Act, like most of the New Jersey tax acts, is made subject to the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., by N.J.S.A. 54:32B-28. The Uniform Procedure Law establishes standard procedures for interest and penalties. It applies to taxpayers under the Sales and Use Tax Act, unless it is in specific conflict with it.

Subsequent reference to "the law," "the Act," or "the Tax Act" refers to the Sales and Use Tax Act of 1966, P.L. 1966, c.30; N.J.S.A. 54:32A-1 et seq. The Sales and Use Tax Act is administered by the Director of the Division of Taxation, hereinafter referred to as the Director, in the Department of the Treasury.

The rate of tax was set at 3 percent when the Act became effective July 1, 1966. C. 7, P.L. 1970 increased the rate to 5 percent effective March 1, 1970. C. 227, P.L. 1982, increased the tax rate to 6 percent effective January 3, 1983. This Act contained transitional provisions relating to the increased rate.

There are many exemptions, chief of which are food, clothing, production machinery, cigarettes otherwise taxed, casual sales, motor fuels, real estate sales, professional and personal services and utilities. To these exemptions, c. 227, P.L. 1982, added household soaps and disposable paper products and over-the-counter drugs to take effect July 1, 1983.

The following summarizes the text of the chapter:

Subchapter 1 enumerates all of the sales tax certificates by number, etc.

Subchapter 2 lists what records are required to be kept by the vendor under the Sales and Use Tax Act.

Subchapter 3 deals with room occupancy, particularly related to hotels and apartments, boarding houses, etc.

Subchapter 4 deals with the taxation and exemption of tangible personal property which was bought or used in manufacturing, processing, assembling, and refining industries. Included therein are the exempt property and services subject to tax and exempt from tax and a rule on record keeping.

Subchapter 5 relates to the building and construction trades. Included are definitions, what materials and supplies used by contractors are subject to sales tax on purchase, equipment rental or use, taxable services, how contractors' and fabricators'/contractors' activities and property are taxed, what rules apply to subcontractors, performance of contracts out-of-State, out-of-State purchases, purchases relating to issuance and acceptance of certificates, penalties for fraudulent issuances of exemption certificates, and record keeping.

In Subchapter 6, clothing and footwear are treated with regard to what is taxable and what is exempt. Included are athletic goods and equipment, clothing and footwear for sporting activities, fur garments and accessories that are taxable.

Subchapter 7 deals with the sales and use tax on motor vehicles containing varying definitions, rule requiring tax payment prerequisite to registration, the computation of tax on purchase, allowance for trade-in value, computation problems, particularly with out-of-state purchase by resident, what transfers of motor vehicle title are excluded from tax, procedures, forms and certificates, taxable services, casual sales of motor vehicles, method of computation with regard to manufacturers, automobile dealers, the renting and leasing of motor vehicles, issuance and acceptance of resale and exemption certificates, retention of records, and taxation of mobile homes.

Subchapter 8 deals with exempt nongovernmental organizations. Requirements are listed as to qualified organizations and exemptions not based on nonprofit status, change in status, application for exemption, information required, definition of private shareholder or individual, etc.

Subchapter 9 deals with the exemption for exempt organizations in which case exempt organization numbers are given to qualified organizations. Included are governmental organizations, definition is made of exempt purposes, there are organizational tests, operational tests, what purposes are specifically exempt, requirement that the organization must serve the public interest, definitions are made of "charitable," "educational," "scientific," "testing for public safety." There are special rules for sale of meals and rental of rooms to exempt organizations and a rule regulating organizations carrying on trade or business.

In Subchapter 10, issuance and acceptance of exemption certificates are dealt with. The rules deal with requirements, responsibilities, acceptance in good faith, disclosure of proper exemption basis, retention of certificates for inspection, and penalty for fraudulent issuance or acceptance of resale or exemption certificates.

Subchapter 11 deals with the obligation of the vendor to collect the tax and to make monthly filings of returns with payments and special cases, the making of quarterly returns and payments.

Subchapter 12 concerns the criteria for determining what sales of food are taxable and what are exempt, which relates to food sold for immediate consumption and food sold for later consumption.

Subchapter 13 deals with trash removal services.

Subchapter 14 deals with the taxability of hospital sales and services.

Subchapter 15 concerns itself with the taxability of certain linen rentals.

Subchapter 16 concerns the sales of food and drink through coin-operated vending machines sold for more than \$0.10 an item.

Subchapter 17 deals with coin-operated vending machines which sell tangible personal property at \$0.10 or less.

Subchapter 18 specifies that motor fuel sales are exempt from tax under the Sales and Use Tax Act.

Subchapter 19 concerns personal property used directly and exclusively in the production for sale of tangible personal property on farms is either taxed or exempt.

Subchapter 20 deals with commercial advertising film negatives, original production video tapes and similar materials.

Subchapter 21 sets forth accounting procedures relating to the collection of sales tax on alcoholic beverages.

Subchapter 22 concerns taxation of sales made by floor covering dealers.

Subchapter 23 concerns treatment of bad debts for all sales tax matters.

Subchapter 24 deals with the sale and installation of gasoline and service station equipment, including work performed on leased real estate and perimeter lights.

Subchapter 25 deals with data processing taxation, including electronic data processing.

Subchapter 26 deals with taxation or exemption of solar energy devices or systems.

Subchapter 27 and 28 concern sales tax treatment of transportation charges in the matter of demurrage and the sales tax treatment of race horses respectively.

Subchapter 29 and 30 deal with the exemption of soap and paper products and prescription and over-the-counter drugs.

Social Impact

These rules were enacted to provide taxpayers and their attorneys and accountants with guidance and assistance in the administration of the New Jersey Sales and Use Tax Act, N.J.S.A. 54:32B-1 et seq. These rules were also intended as guidelines to assist taxpayers in their preparation of various sales and use tax returns and forms.

Sales tax on the public is universal since each person purchases or has purchases made for him by others of property or services that are taxable or exempt. The State realizes revenue from sales and use taxes which are generally applied to State use.

The Sales and Use Tax Act does not have a great effect on New Jersey as measured against nearby states. The nearby and

neighboring states of Connecticut, Maryland, Massachusetts, New York, Ohio and Pennsylvania, all have sales and use taxes. The rates are fairly similar, from Connecticut at 7.5 percent, Pennsylvania at 6 percent, through others at 5 percent, to New York at 4 percent. Both New York and Ohio authorize counties or municipalities to add from .5 percent to 4 percent, which brings their rates into line. Delaware has no sales and use tax, but has a personal income tax with rates running up to 13.5 percent.

The Sales and Use Tax Act is a retail sales tax, which is distinguishable from other types of sales taxes in several ways. First is the distinction made between retail and nonretail sales. Only sales to the ultimate consumer, or retail sales, are meant to be taxed. This concept gives rise to the exemptions of tangible personal property used in manufacturing and for tangible personal property purchased for resale. These exemptions attempt to minimize multiple taxation of the same item at various points in the production and distribution process.

With retail sales tax, the liability for the tax falls on the consumer, who cannot shift payment of the tax to anyone else or otherwise be relieved of such liability. The vendor, in turn, acts as an agent of the State in collecting and remitting the tax. Because the consumer is ultimately liable, New Jersey requires that the tax be separately stated on the bill of sale and specifically prohibits the vendor from absorbing the tax in any way.

The retail sales tax is a destination tax. The point of delivery or the point at which possession is transferred by the vendor to the purchaser determines the rate of tax to be collected. Moreover, the purchaser may become liable for an additional use tax if the property is later used in a jurisdiction with a higher tax rate than the one in which purchase of the item was originally taxed.

The retail sales tax is also a transaction tax, meaning that the tax is generally due at the time of sale without regard to the time or kind of payment. Needless to say, this requirement can cause problems with respect to installment sales. For this reason, the statute grants the Director of the Division of Taxation with discretionary authority to permit collection of the tax in installments when payment is made in this manner. To date, no regulation has been promulgated to permit retailers to utilize this method of collection. As a result, the vendor must remit the full amount of the sales tax based on the date of sale, regardless of when payment is actually received.

By statute, the taxable sales price excludes all separately billed charges for delivery of merchandise to the retail purchaser. Sales tax regulations require the imposition of sales tax on a combined charge, that is, where freight or delivery charges are not billed separately from handling charges.

The 1983 increase in sales and use tax rates from 5 percent to 6 percent is not expected to have a great effect on the movement of persons and of businesses into or out of New Jersey. The effects of the new rate are somewhat dampened by the pending exemptions of household soap and disposable paper products and over-the-counter drugs, and the new rate matches the Pennsylvania rate of 6 percent and is less than the New York City rate, which is presently a total of 8 percent (4 percent State and 4 percent City).

Economic Impact

The Director, Division of Taxation, collects and administers the State sales and compensating use taxes. Sales and use tax collections for 1982 were \$1,303,877,865. Every vendor required to collect sales and use taxes is personally liable as a trustee of the State for the tax collected or required to be collected. There is a rebuttable presumption that all sales of tangible personal property not specifically excluded are taxable while only the enumerated services are taxable. Retail sales of goods or services whose exemption cannot readily be determined by their nature are deemed taxable, unless the vendor receives a properly completed exemption form from the customer. For example, a vendor must collect a tax on a sale which may be for resale unless he receives a resale certificate from the purchaser. If a customer has failed to pay the applicable sales tax to the vendor because of improper issuance of

an exemption certificate or for certain other reasons, the customer is required to file a return and pay the tax directly to the Director, Division of Taxation.

Registered vendors must file returns and remit receipts of taxes for quarterly periods ending March, June, September and December. These returns and payments are due, respectively, on April 20th, July 20th, October 20th and January 20th.

Since April 1975, every vendor having total monthly taxable receipts (including purchases subject to use tax) of \$100.00 or more in any month has been required to file monthly sales and use tax returns for each month. Returns are due 20 days after the end of the month covered.

The readoption of these rules does not have a substantial economic affect. The change in rates from 5 percent to 6 percent on January 3, 1983, will presumably result in an annual increase of approximately \$260,000,000 in sales and use tax receipts, based on the most recent fiscal year receipts. The pending exemptions of household soap products, disposable paper products and over-the-counter drugs are expected to reduce receipts by \$70,000,000 annually. These changes are due to legislation, and not due to adoption of these rules.

Rule N.J.A.C. 18:24-11.3, adopted on May 31, 1983, to become effective on June 20, 1983, sets forth transitional rules for the new rates. The economic impact of this rule cannot be computed, but it does give the Division of Taxation the ability to monitor the rate of tax used in transactions started before January 3, 1983, but completed after that date.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:24, as amended in the New Jersey Register.

(a)

DIVISION OF TAXATION

**Sales and Use Tax
Taxation of Mobile Homes**

Proposed Amendment: N.J.A.C. 18:24-7.19

Authorized By: John R. Baldwin, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:32B-1, et seq. specifically 54:32B-24 and P.L. 1982, c.204.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, NJ 08646

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

This proposal is known as PRN 1983-313.

The agency proposal follows:

Summary

This proposal amends N.J.A.C. 18:24-7.19 to extend the moratorium on the taxation of mobile homes for sales tax purposes until December 31, 1983, under the authority of P.L. 1982, c.204.

Social Impact

The proposed amendments to N.J.A.C. 18:24-7.19 will inform mobile home owners, vendors and park operators of the extension of the moratorium on the taxation of mobile homes for sales tax purposes and of its expiration date.

Economic Impact

No adverse economic impact is anticipated with respect to the proposed amendments to N.J.A.C. 18:24-7.19. The amendments merely continue the moratorium on the taxation of mobile homes for sales tax purposes which has been in effect since February 4, 1980 (N.J.S.A. 54:4C-1, P.L. 1979, c. 366).

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

18:24-7.19 Taxation of mobile homes through December 31, [1981] **1983**

(a) The purpose of this section is to clarify the taxation of mobile homes for sales tax purposes through December 31, [1981] **1983**, pursuant to [P.L. 1981, c.9 (approved January 26, 1981)] **P.L. 1982, c.204 (approved December 16, 1982)** 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, [1981] **1983**, 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 this section is to implement the moratorium on taxation of mobile homes, and for sales tax purposes it shall expire on December 31, [1981] **1983**.

(b)

DIVISION OF TAXATION

Transfer Inheritance Tax and the Estate Tax

**Proposed Readoption with Amendments:
N.J.A.C. 18:26**

Authorized By: John R. Baldwin, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:50-1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William R. Mulholland
Superintendent
Inheritance Tax Bureau
Division of Taxation
West State and Willow Streets
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on August 15, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-335.

The agency proposal follows:

Summary

The first inheritance tax legislation in New Jersey was passed in 1892 (P.L. 1892, c.122), and imposed a five percent tax on property transferred from a decedent to a beneficiary. In 1909, the present Transfer Inheritance Tax Law (P.L. 1909, c.228) was enacted and in the same year the Transfer Inheritance Tax Bureau was created.

In 1934 the Estate Tax Act (P.L. 1934, c.234) was enacted to absorb the maximum credit allowed for estate death taxes under the Federal Estate Tax Law. This Act was retroactive and applied only to the estates of resident decedents. The 1934 Act also gave authority to compromise inheritance taxes due where the matter was litigation. In 1938 the issuance of a waiver describing real property released from a tax lien was initiated.

Tax rates were substantially increased in 1962. In 1963 transfers to, or for the use of, charitable or educational institutions were granted complete exemption in the case of persons dying after June 30, 1963.

The Transfer Inheritance Tax Law (R.S. 54:33-1 to R.S. 54:37-8) imposes a tax on the transfer of real and personal property of a value of \$500.00 or more. The tax is collected in the estate of both resident and nonresident decedents. However, only real property and tangible personal property located in New Jersey are subject to tax in the case of a nonresident decedent.

The Estate Tax Law (R.S. 54:31-1 to 16) provides for an estate tax in addition to the transfer inheritance tax on the estate of a resident decedent where the inheritance taxes paid New Jersey, other states, and the District of Columbia, are not sufficient to fully absorb the credit allowed for payment thereof against any Federal estate taxes payable to the United States. This credit is provided under Section 2011(b) of the Internal Revenue Code of 1954.

The Transfer Inheritance Tax Act and the Estate Tax Law, as amended and supplemented, are referred to in these regulations as the Law, the Act, or the Tax Act.

These regulations, among other things, contain tables of rates and exemptions, a description of beneficiary classes and a list of district supervisors. The latter are located in each county for the purpose of providing convenient inheritance tax services to resident representatives of estates.

Technical terms such as "blanket waiver" and different classes of transferees are defined. This section indicates what clear market value is, what estate and property means, what gross estate is, and what a transfer is.

The act imposes a tax on transfers of the value of \$500.00 or more. The trail rates range from one percent to 16 percent. In the case of nonresident decedents, the tax is on transfers which consist of real or tangible personal property owned by the decedent situated in New Jersey at the time of death. The law at time of death controls.

Transferees relate to father, mother, grandparent, grandchildren, husband or wife, child or children, including stepchildren or adopted children, brother, sister, and widow or widower of a decedent, the State of New Jersey or any political subdivision thereof, any educational institution, church, hospital, orphan asylum, public library, or Bible and tract society or to, for the use and trust for any institution or organization operated exclusively for religious, charitable, benevolent, scientific, literary or educational purposes, including institutions for the blind, the District of Columbia, territories and foreign countries.

In the case of a decedent who dies intestate without known heirs, the property escheats to the State of New Jersey.

The estate can be distributed by agreement or it can be renounced. A testator in a will may dictate whether the tax is to be paid out of the estate or by the beneficiaries. The estate tax is in addition to the inheritance tax. The estate tax is the amount presenting the difference between the gross amount of the inheritance, legacy and succession taxes actually paid to New Jersey and any other states, territories, possessions of the United States, the District of Columbia versus the amount of the allowable

credit taken against the Federal estate tax due the United States.

Certain provisions are made for appeals, refunds, compromises and settlements of tax due.

A transfer can be made in a form other than by will, such as joint ownership of bank accounts, stocks, bonds and other evidences of ownership, but does not include the principal residence of a husband and wife held as tenants by the entirety. Property transferred by a decedent within three years from the date of death must be included in the taxable estate. Life insurance benefits are generally exempt from the tax unless payable to the estate itself.

Annuity contracts are subject to the New Jersey inheritance tax. Property received from the Federal government is ordinarily not subject to the inheritance tax, such as certain Federal pensions.

Deductions from inheritance taxes include funeral and administration expenses, executor's expenses and commissions, counsel fees, State, county and local taxes, transfer taxes paid to other jurisdictions other than the United States.

One-half of a bank account may be withdrawn by the executor or administrator without the obtaining of a waiver from the Transfer Inheritance Tax Bureau. Safe deposit boxes are sealed until the Bureau is advised of the death and an appointment is made to open the safe deposit box with an employee of the Bureau in attendance.

There can be a pre-audit payment and obtaining of a waiver if a short form is filed and payment is made in cash, a certified check or a bank cashier's check.

Close or family corporations present a problem in valuation whereas certain government bonds and securities on listed exchanges have a clearer market value. Patents, trade marks, copyrights, licenses and franchises are more difficult to value.

Estates for life or years can occur when set up by a will and in such case a vested or contingent remainder interest must be valued. The form of returns differs for residents and nonresidents. An amendment can be made to the original return. The returns are confidential and civil and criminal penalties may be imposed for failure to file a return, a fraudulent return, etc. Payment of the tax should be made to the New Jersey Inheritance Tax Bureau and a return must be filed with the Transfer Inheritance Tax Bureau, Trenton, New Jersey 08646, together with a letter giving the name of the decedent, the date and the legal domicile. Returns are due within eight months from the date of death. A bond may be necessary when a taxpayer fails to pay the tax within eight months. The tax is a lien on all of the property of the decedent for 15 years, unless the tax is sooner paid or secured by bond.

Refunds and time for appeal are provided for. Any appeals are to the Tax court.

No waivers are required in estates of nonresident decedents. An executor or trustee may not turn over property of the decedent to the beneficiary until the tax is paid.

Other types of property that could be transferred are leasehold interest, mortgage participation certificates, moneys in checking and savings accounts, partnership interests, wages, salaries, vacation and sick leave pay, payments under pension, profit sharing, bonus plans or stock purchase plans, all motor vehicles, accounts receivable, household goods, personal effects, funds in a credit union, etc.

Exempt property is not subject to waiver, where certain assets are, for example, less than \$5,000. An affidavit will be accepted by the surrogate in lieu of probate.

Both the Transfer Inheritance Tax Law and the Estate Tax Law are administered by the Director of the Division of Taxation, hereinafter referred to as the Director, through the Transfer Inheritance Tax Bureau of the Division of Taxation in the Department of the Treasury.

Social Impact

These rules were enacted to provide taxpayers and their attorneys and accountants guidance and assistance in the administration of the Transfer Inheritance Tax Law and the Estate Tax Law.

Each resident of New Jersey will some day become the object of

a transfer inheritance tax or, while alive, will experience it in a passing on of a relative. Unless there is a very small estate, an inheritance tax would have to be paid. The State realizes revenue from this source.

The impact of this proposal is to review and update simultaneously certain changes in the rules that have occurred as the result of new legislation and new procedures. For example, because Form 0-20-0-21 was not comprehensive enough, it has been replaced by a letter in the form of a statement of facts as appropriate and by a hearing. These revisions will be a benefit to the public in learning current practice and procedures of the Division of Taxation with regard to the subject taxes.

Economic Impact

In the fiscal year 1982 the State collected \$124,938,624 in transfer inheritance taxes. Revenues are deposited in the State treasury for general State use.

The changes made between the present proposal and the existing rules result from a number of noneconomic factors. In general the revisions have been necessitated by changes in statutes made by the legislature. Where processes and procedures are not presently in operation or have been discontinued the rules have been changed to reflect these facts.

Full text of the proposed readoption may be found in New Jersey Administrative Code at N.J.A.C. 18:26, as amended in the New Jersey Register.

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

18:26-2.9 Escheat

In the case of decedent who dies intestate with no known heirs surviving, the rate of tax is assessed against the transfer at the highest rate permissible [notwithstanding the fact that the property subsequently escheats] to the State.

18:26-2.11 Distribution by agreement

[(a)] If a transferee under a will agrees that the estate, or any part of it is to be distributed otherwise than as provided in the will, the tax is nevertheless computed in accordance with the terms of the will admitted to probate.

[(b)] If an heir waives or renounces his interest in the estate, or enters into an agreement that the property to which he is entitled is to be distributed otherwise than in accordance with the laws of succession, the tax is nevertheless computed as if he had not so waived or renounced.]

18:26-2.12 Renunciation of devise

If a transferee under a will renounces his rights thereunder, or any portion thereof, the renunciation is given effect in computing the tax against the estate; provided, the instrument or renunciation is filed within [a reasonable time] **nine months of death** in the office of the clerk of the court where the will is probated and a copy thereof filed with the Transfer Inheritance Tax Bureau.

18:26-8.1 [Assessments in general] **Reserved**

[Upon the filing of a return with the District Supervisor and appraiser in the county in which the decedent was a resident, in the case of a resident decedent, or with the Inheritance Tax Bureau, in the case of a nonresident decedent, the District Supervisor of the county in which the property is situated, shall appraise the real and tangible personal property of a decedent and he shall forward the return with his appraisals and all related data to the Inheritance Tax Bureau where the final assessment is made.]

18:26-8.2 Appointment of appraisers

(a) All appraisals of real and tangible personal property are made

by the [District Supervisor and appraiser] **Division of Taxation Representative** exercising jurisdiction [in the county in which said property is situated,] where the decedent is a resident or nonresident.

(b) The appraisal of all intangible personal property is made by an [examiner and appraiser] **auditor** at the Inheritance Tax Bureau.

18:26-8.3 Notice of appraisal; evidence; report

(a) An [appraiser] **auditor**, when it is deemed necessary, may give notice by mail to any person having knowledge of the assets of any estate, indicating the time and place when and where an appraisal of property is to be made, requesting the presence of such person if necessary as a witness to give evidence under oath concerning property and the value thereof.

(b) The [appraiser] **auditor**, should the witness fail or refuse to attend, may compel the attendance of a witness by issuing a subpoena for that purpose.

(c) If an estate has filed a Federal estate tax return, for which a formal appraisal of any nature is required, an [appraiser] **auditor**, may request that a copy of such appraisal be submitted for New Jersey Transfer Inheritance Tax purposes.

(d) Upon completion of the examination for any property and attainment of any information solicited from witnesses, the appraiser is required to make a report and file the same with the Inheritance Tax Bureau.

18:26-8.6 Final assessment bills

(a) Upon completion of the assessment, a bill showing the aggregated amount of tax, the names of the taxable beneficiaries and the tax assessed against each will be forwarded to the executor, administrator or other representative of the estate.

(b) An appraisal, assessment or decision becomes final when the executor, administrator or other representative of the estate receives the bill.

[(c)] When the bureau and the representative of an estate cannot agree as to the taxability or other phase of a proceeding and there is a possibility of an appeal being taken, the bureau is required, prior to completing the assessment, to forward forms 0-20 and 0-21 showing any proposed changes. Upon the expiration of 30 days therefrom, if the representatives of the estate have not been heard from, the assessment will then be completed and a detailed "findings of facts and law" included at the time the bill and assessment is forwarded.

(d) If the form is returned unsigned by the estate the tax assessment will be completed in accordance with the changes outlined therein and the bureau will forward with the bill the detailed "findings of facts and law".]

18:26-9.3 Form of returns

Returns are required to be made on forms L-1, L-2, L-3, L-4, and F-1 approved by the Director which may be obtained by writing to the Transfer Inheritance Tax Bureau, Trenton, New Jersey, 08646 [, or to the district supervisor of the county where the decedent died. (See Appendix A of this Chapter for a list of the district supervisors)].

18:26-9.4 Resident decedents' returns

(a) In the case of a resident decedent, all returns must be filed on one of the following forms and accompanied by a copy of the decedent's will, if such decedent died testate, as well as a copy of the decedent's income tax return (form 1040 or 1040A) filed with the Internal Revenue Service for the last full year preceding his date of death.

1.-2. (No change.)

3. Form L-3: Must be used in all other resident estates [, and must be filed with the District Supervisor of the County of which the decedent dies a resident.].

4. (No change.)

18:26-11.20 Release of safe deposit box contents

No safe deposit company, trust company, bank or other institution may deliver or transfer any securities, deposits or other assets contained in a safe deposit box within its control or possession which belongs to or stands in the name of a resident decedent, principal of a one person corporation or in the joint names of a resident decedent and one or more other persons, unless after inspection, a release is obtained from the [district supervisor of the] Transfer Inheritance Bureau [operating in the district where the safe deposit box is located].

18:26-11.21 Conditions for opening safe deposit box

A safe deposit box rented in the name of the decedent, individually, as a principal of a one person corporation or as a joint renter is automatically sealed by the death of the decedent by law; however, the box may be opened in the presence of an officer or authorized employee of the bank and a proper representative of the estate for the purpose of ascertaining whether the contents include the decedent's last will and testament, a deed for a cemetery lot, or the insurance policies made payable to designated beneficiaries. If the contents include any of the above items, such items only may be delivered to the proper party in interest or representative of the decedent's estate by the bank official present at the time of entry, but there shall be completed at that time a memorandum by the bank reciting the date of entry, a list of the items removed and the address of the representative of the estate. The box is then resealed until inventoried by the [district supervisor] **Inheritance Tax Bureau**.

18:26-11.22 Release of empty safe deposit box

(a) No inspection [by the district supervisor] is required where, after entry to the safe deposit box for the purpose of locating and obtaining any of the items mentioned in section 21 of this subchapter, the box is found to be empty, in which event the written consent of the Director of the Division of Taxation is not required in order to effect the release and surrender of the box, provided a notice, in duplicate, containing the following information is filed with the district supervisor having jurisdiction in the county of which the decedent died a resident, within 10 days of the opening of the box:

1.-10. (No change.)

In Appendix A there are no changes under No. 1. District Supervisors-Inheritance Tax; under No. 2. Investigators, omit the following two names:

Solomon Friss
1421 Atlantic Avenue
Atlantic City, NJ 08401

John P. Scozzari, Esq.
156 West State Street
Trenton, NJ

(a)

DIVISION OF TAXATION**Gross Income Tax
Setoff of Individual Liability****Proposed Readoption: N.J.A.C. 18:35-1 and**

-2

Authorized By: John R. Baldwin, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54A:9-8.1 through 54A:9-8.3, 54A:9-17(a) and 54A:10-9.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
West State and Willow Streets
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:35-1 would otherwise expire on August 15, 1983. N.J.A.C. 18:35-2 expires on May 17, 1987. The readoption of these rules becomes effective upon acceptance by the Office of Administrative Law of the notice of their readoption.

This proposal is known as PRN 1983-320.

The agency proposal follows:

Summary

The New Jersey Gross Income Tax Act as amended and supplemented, N.J.S.A. 54A:1-1 et seq. was originally approved on July 8, 1976 as P.L. 1976 c. 46, but became effective on July 1, 1976. The gross income tax rules, N.J.A.C. 18:35-1, have been updated and revised periodically from 1976 through 1982. These rules were promulgated to clarify and interpret various provisions of the tax law. The subchapter contains provisions concerning the "summer payment plan" authorized under N.J.S.A. 18A:29-3; the income of clergymen; declaration of estimated taxes; treatment of capital gains and losses; accelerated returns and payment of employers' withheld taxes; filing of returns and computation of tax credit. Pursuant to Executive Order 66(1978), these rules were reviewed by the Division and were found to be adequate, reasonable and necessary in their interpretation and clarification of the Gross Income Tax Act. In order to continue the orderly administration of the New Jersey gross income tax, these rules will continue in effect until five years after the filing of the readoption.

On July 27, 1981, P.L. 1981 Chapter 239, adopted the setoff provisions of the New Jersey Gross Income Tax Act N.J.S.A. 54A:9-8.1 through 8.3. It provides that whenever any taxpayer or homeowner is entitled to any refund of taxes for gross income tax purposes or a homestead rebate, and, at the same time, the taxpayer or homeowner is indebted to any State agency, the Department of Treasury may apply the refund or rebate, or both, to satisfy the indebtedness. The setoff provisions became effective on February 1, 1982. New setoff rules N.J.A.C. 18:35-2.1 through 2.13 were adopted on May 17, 1982 and amendments to these rules, N.J.A.C. 18:35-2.3, 2.4 and 2.7, were adopted on January 3, 1983. These rules expire on May 17, 1987. The readoption of the gross income rules (subchapter 1) includes the readoption of the setoff rules (subchapter 2).

Social Impact

The gross income tax rules affect individuals, estates and trusts other than corporations. The readoption of these rules will continue to provide taxpayers with guidance in complying with the New Jersey Gross Income Tax. It will also continue the orderly administration and collection of the tax. Taxpayers are also provided with an interpretation of specific provisions of the New Jersey Gross Income Tax Act.

The setoff rules affect all individuals who owe a debt to the State of New Jersey. The readoption of the setoff rules will continue to permit the orderly recovery of indebtedness owed to State agencies.

Economic Impact

The readoption of these New Jersey Gross Income Tax rules will continue to provide an accurate filing of tax returns and payment of tax. It will provide the anticipated revenue for State budgetary purposes.

New Jersey gross income tax collections for the fiscal year

ending June 30, 1982 were \$1,259,648,715. New Jersey gross income tax revenues are deposited in the "Property Tax Relief Fund" to be used for the purpose of reducing or offsetting property taxes.

The readoption of the setoff rules will insure a procedure whereby the State collects debts owed to it.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:35-1 and N.J.A.C. 18:35-2, as amended in the New Jersey Register.

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice for Contested Cases Telephone Pre-Hearing Conferences

Adopted Amendment: N.J.A.C. 1:1-10.1

Proposed: April 18, 1983 at 15 N.J.R. 582(a).
 Adopted: June 15, 1983 by Howard H. Kestin, Director,
 Office of Administrative Law.
 Filed: June 20, 1983 as R.1983 d.268, **without change**.

Authority: N.J.S.A. 52:14F-5e, f and g.

Effective Date: July 5, 1983.
 Expiration Date pursuant to Executive Order 66(1978):
 June 19, 1985.

Summary of Public Comments and Agency Responses:
No comments received.

AGRICULTURE

(b)

DIVISION OF PLANT INDUSTRY

Gypsy Moth Voluntary Suppression Program

Adopted New Rule: N.J.A.C. 2:23

Proposed: March 21, 1983 at 15 N.J.R. 370(a).
 Adopted: May 3, 1983 by Arthur R. Brown, Jr., Secretary,
 Department of Agriculture.
 Filed: June 16, 1983 as R.1983 d.267, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 4:7-36-4:7-40.

Effective Date: July 5, 1983.
 Expiration Date pursuant to Executive Order No. 66(1978):
 June 6, 1988.

Summary of Public Comments and Agency Responses:

There was one written comment submitted regarding the proposal from the Department of the Public Advocate. In general,

the Public Advocate supported these regulations, however, there were four concerns.

1. Spraying would contaminate watershed areas.

DEPARTMENT RESPONSE: The Department recommends a 50 foot buffer in which no spray can occur surrounding major bodies of water. This recommendation has been incorporated in N.J.A.C. 2:23-1.2(a)5.

2. Land occupants should have the opportunity to contest the determination to spray their land.

DEPARTMENT RESPONSE: Since the rules require that an Open Public Meeting be held by the local government before a decision to spray is made, residents have a right to contest spraying to their local officials at that time.

3. The notification provision would be improved if it included information of precautions to take when spraying occurs and health symptoms associated with exposure.

DEPARTMENT RESPONSE: At the present time, the Department has received no documented cases of adverse health symptoms associated with the exposure to chemicals when applied at the labeled rate. The Department discusses the precautions to take when spraying occurs at the regional meetings and local governments may include, at their option, these precautions in their notification letter. This is left to the local government's discretion.

4. The rules should include a prohibition against spraying which could expose school children.

DEPARTMENT RESPONSE: Proposed N.J.A.C. 2:23-1.3 will be amended to provide that no spraying will take place between 7:30 and 8:30 A.M. within two miles of a school housing grades kindergarten through eighth grades, or within 2 1/2 miles of schools housing grades nine through 12. This complies with the Department of Environmental Protection regulations.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

2:23-1.1 Applicability
 (No change from proposal.)

2:23-1.2 Spray priorities
 (a) If it becomes necessary to protect trees in residential and recreational areas, the following set of priorities have been established by the Department of Agriculture:

1.-4. (No change from proposal.)

5. Watershed areas defoliated once and expecting heavy defoliation the following spring. ***The Department of Agriculture recommends a 50 foot buffer area in which no spraying is to occur, surrounding major bodies of water.***

6. (No change from proposal.)

2:23-1.3 Local government participation
 (a) Spraying will only be done on a voluntary basis with local governments that agree ***[are willing]*** to fully accept the following conditions for participation in the aerial spray program.

1.-4. (No change from proposal.)

5. Notify the occupants by a properly served notification of the intent of the spray program. Spraying will only be done between the hours of 5:30 A.M. to 12:00 Noon, and 5:00 P.M. to 8:00 P.M. ***Notwithstanding any provision of this subchapter, no**

community or area-wide pesticide application for gypsy moth control may take place between 7:30 A.M. and 8:30 A.M. within two miles of a school housing grades kindergarten through eighth grades or within 2 1/2 miles of schools housing grades nine through 12.*

6.-8. (No change from proposal.)

2:23-1.4-1.6

(No change from proposal.)

BANKING

(a)

DIVISION OF BANKING

Approval to Exceed Ten Percent Limitation

Readoption: N.J.A.C. 3:11-1.1

Proposed: May 2, 1983 at 15 N.J.R. 658(b).

Adopted: June 14, 1983 by Michael M. Horn,

Commissioner, Department of Banking.

Filed: June 14, 1983 as R.1983 d.264, **without change**.

Authority: N.J.S.A. 17:9A-62H.

Effective Date: June 14, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):

June 14, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

COMMUNITY AFFAIRS

(b)

DIVISION OF HOUSING AND DEVELOPMENT

Residential Tax Exemptions Exemption of Additions

Adopted Amendment: N.J.A.C. 5:22-1.4

Proposed: April 18, 1983 at 15 N.J.R. 586(a).

Adopted: June 2, 1983 by John P. Renna, Commissioner,
Department of Community Affairs.

Filed: June 7, 1983 as R.1983 d.258, **without change**.

Authority: N.J.S.A. 54:4-3.79.

Effective Date: July 5, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):

January 1, 1985.

Summary of Public Comments and Agency Responses:

No comments received.

ENVIRONMENTAL PROTECTION

(c)

DIVISION OF WATER RESOURCES

New Jersey Pollutant Discharge Elimination System

Readoption: N.J.A.C. 7:14A

Proposed: April 18, 1983 at 15 N.J.R. 606(a).

Adopted: June 8, 1983 by Robert E. Hughey,

Commissioner, Department of Environmental Protection.

Filed: June 9, 1983 as R.1983 d.260, **without change**.

Authority: N.J.S.A. 58:10A-1 et seq., N.J.S.A. 58:11A-1

et seq., N.J.S.A. 58:11-49 et seq., N.J.S.A. 58:10-23.11

et seq., N.J.S.A. 58:11-18.10 et seq., N.J.S.A. 13:1D-

1 et seq., N.J.S.A. 13:1E-1 et seq., N.J.S.A. 58:4A-5,

N.J.S.A. 58:4A-4.1, and N.J.S.A. 58:12A-1 et seq.

Effective Date: June 9, 1983.

Repromulgation Date pursuant to Executive Order No.

66(1978): June 9, 1988.

Summary of Public Comments and Agency Responses:

The Department received comments on the readoption of N.J.A.C. 7:14A (NJPDES Regulations) from the following sources:

1. Public Service Electric and Gas
2. Western Monmouth Utilities Authority
3. New Jersey Chamber of Commerce
4. Township of Dover
5. Authorities Association of New Jersey
6. Trenton Water Works
7. New Jersey Business & Industry Association
8. New Jersey Petroleum Council
9. Rollins Environmental Services (NJ) Inc.
10. Township of Wayne
11. New Jersey Department of Transportation

Several commenters supported the readoption of these regulations as a necessary step for the continuation of the program. These commenters noted the Department's commitment to review and update the regulations as necessary. As was stated in the notice for the readoption proposal, the Department intends to undertake a line-by-line review of the regulations on a periodic basis. All of the specific criticisms and suggestions which were submitted in response to the Department's proposed readoption of these regulations will be reviewed and addressed as part of its line-by-line review. As an example of its intent to modify the regulations when the need arises, the Department in this issue of the New Jersey Register has proposed changes to the NJPDES permit program for indirect dischargers.

One criticism of the proposal was that the economic analysis did not reflect the true cost of the programs to permittees and that there was little proof that the program was economically justified. The Department has extensively addressed the issues concerning the program's cost in the proposal and adoption documents for the recent amendments to the sections dealing with permit fees. (See N.J.R. 684(a) and 15 N.J.R. 85(a).) The NJPDES program incorporated three previously existing Federal permit programs. There is practically no increase in cost to meet regulatory

requirements since they are basically equivalent to the Federal requirements. The Department is fully aware that the annual assessment of permit fees does require close public scrutiny. The Department has provided for an annual public hearing on the fee system which provides a forum to present general criticism about the implementation of the programs and related expenditures.

One common criticism of the permit fees concerned questions of the fairness or equity of the present system. It is the Department's position that the present system is reasonable. The Department's fee system has been recently upheld by the Appellate Division of the Superior Court in **Bergen County Utilities Authority, et al. v. DEP**, decided May 26, 1983.

One commentor noted that the Department had implemented a cost accounting system as a management tool and as an aid in the development of the NJPDES permit fee schedule. The Department will use this system in making budgeting and management decisions about the NJPDES program.

Copies of the NJPDES Regulations may be obtained from:

Ellen Radow, Chief
Office of Permits Administration -
WQME
Division of Water Resources
CN 029
Trenton, NJ 08625

(a)

DIVISION OF WATER RESOURCES

Shellfisheries

Taking of Hard Clams

Adopted Amendment: N.J.A.C. 7:25-9.1

Proposed: July 6, 1982 at 14 N.J.R. 689(a).

Adopted: June 7, 1983 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: June 20, 1983 as R.1983 d.270, **without change**.

Authority: N.J.S.A. 50:1-5.

Effective Date: July 5, 1983.

Expiration Date pursuant to Executive Order 66(1978):
September 17, 1985.

DEP Docket No. 018-82-05.

Summary of Public Comments and Agency Responses:

No comments received.

(b)

DIVISION OF WASTE MANAGEMENT

Solid Waste Fees

Readoption with Amendment: N.J.A.C. 7:26-4

Proposed: May 2, 1983 at 15 N.J.R. 662(a).

Adopted: June 13, 1983 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: June 20, 1983 as R.1983 d.269, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1E-6 and 13:1E-18.

Effective Date: June 20, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
June 20, 1988.

Summary of Public Comments and Agency Responses:

Two written comments were received by the Department of Environmental Protection on the proposed readoption of the Solid Waste Fees. One commenter recommended modifying the solid waste fees to provide incentives for source separation, recycling, and waste reduction. The commenter further suggested that the revenue from increased solid waste fees be used to support the New Jersey Office of Recycling.

The Department reaffirms its commitment to waste reduction by encouraging both the recycling and reuse of solid wastes. The statutory framework of the fee structure, however, poses certain constraints on both the level of fees assessed and collected from the solid waste industry, and the use of the monies so collected. The Solid Waste Management Act (the "Act") establishes a \$500.00 limit on the fees charged by the Department. Furthermore, the Department does not have direct control of the fees it collects pursuant to the Act.

The Department would ardently support a change in the 11 year old statutory limit on solid waste fees. The scope of the Department's duties under the Act has expanded significantly over the last decade.

Another commenter recommended that the solid waste fee schedule be "substantially increased" in order to fund the regulatory program required by the Solid Waste Management Act. N.J.S.A. 13:1E-1 et seq.

The Department agrees with the commenter's statement that "public policies have enlarged the scope and importance of solid waste regulations". Yet the fees have not been increased accordingly. In fiscal year 1982, the Legislature allocated nearly \$3.6 million to the Division of Waste Management to implement the Solid Waste Management Act. During that same fiscal year, the Department collected fees from the solid waste industry amounting to approximately \$600,000. The difference had to come from the general treasury.

As noted in the Notice of Proposal (15 N.J.R. 662(a)), the existing solid waste fee schedule was scheduled to expire on June 20, 1983, pursuant to Executive Order No. 66(1978). Because of this expiration, the Department was not able to develop a fee schedule in response to these two comments. Instead, the Department decided to readopt the existing solid waste fee schedule and, at the same time, to continue its review of possible fee alternatives. It is the Department's intention to develop a new fee schedule, within the statutory limitations, that will both encourage source separation and recycling, and more accurately reflect the cost of the increased role of the Department as mandated by recent changes in public policy.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

7:26-4.1 General provisions

(a) In accordance with N.J.S.A. 13:1E-18 ***and N.J.S.A. 13:1E-6*** there is hereby established a Fee Schedule. Said schedule shall apply to all sanitary landfill operations, incinerators, transfer stations, processing facilities, resource recovery facilities or any other methods of collection or disposal requiring registration with the Department.

(b) Pursuant to Executive Order No. 66(1978), this subchapter shall expire on June 20, 1988.

(a)

DIVISION OF WASTE MANAGEMENT

Siting Criteria for New Major Commercial Hazardous Waste Facilities

Adopted New Rule: N.J.A.C. 7:26-13 (proposed as N.J.A.C. 7:1-8 and 9), except 7:26-9.3 which is being repropoed as 7:26-13.7.)

Proposed: February 7, 1983 at 15 N.J.R. 113(a).

Adopted: June 21, 1983 by Robert E. Hughey, Commissioner, Department of Environmental Protection.

Filed: June 21, 1983 as R.1983 d.276, **with technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1E-57 and 13:1E-85.

Effective Date: July 5, 1983.

DEP Docket No: 001-83-01.

Expiration Date pursuant to Executive Order No. 66(1978): June 21, 1988.

Summary of Public Comments and Agency Responses:

The Department and the Hazardous Waste Advisory Council (hereinafter Council) have carefully reviewed the transcripts of the public hearings and the written comments submitted during the comment period. The following is a summary of the major issues raised and the Department's response or clarification. In addition, the Department has made some changes as a result of its own internal review of the proposed regulations. Most of these changes are for the purpose of clarifying the regulations or are changes to the definitions N.J.A.C. 7:26-13.6 to make them consistent with the Department's other waste management regulations. Copies of a more complete "Response to Comment" document may be obtained from: Barbara M. Greer, Office of Regulatory Services, CN 402, Trenton, New Jersey 08625. The Department has condensed these rules from two subchapters, N.J.A.C. 7:1-8 and 9, to one subchapter, N.J.A.C. 7:26-13. The reason for this change is to include the hazardous waste siting criteria in the chapter containing the Department's other waste management regulations.

The most critical and greatest number of comments received during the comment period concerned N.J.A.C. 7:1-9.3, "Protection of the population of the State". The overwhelming public sentiment was that the siting criteria did not do enough to protect people. Many individuals commented that the proximity to population criterion should be made more stringent while others emphasized the importance of adopting a population density criterion. Still others expressed the concerns of those who live in urban areas.

In response to those comments, and after further deliberation with the assistance of experts in the field of emergency management, the Council and the Department substantially revised and supplemented the population protection criteria and the Department is repropoing that section in this issue of the Register at 15 N.J.R. 1064(a). For the above reasons, the Department is not adopting the criteria proposed at N.J.A.C. 7:1-9.3 and is reserving N.J.A.C. 7:26-13.7.

7:26-13.6 (Formerly 7:1-9.2) Definitions

Comment: The Department received several comments concerning the definitions. Most of the comments concerned the need for some of the definitions. Other comments questioned why certain definitions were not consistent with the definitions found in the Department's other hazardous waste regulations, N.J.A.C. 7:26-1.4.

Response: As a result of the comments and the Department's internal review, the unnecessary definitions have been deleted, and, where possible, other definitions were made consistent with the Department's hazardous waste regulations. However, some of the definitions, for example, "Major hazardous waste facility" cannot be changed because they are defined in the Act.

7:26-13.8 (Formerly 7:1-9.4) Structural stability

Comment: The Department received several comments concerning the coastal flood hazard area criterion for facilities other than land emplacement and impoundment type facilities. Some of the commenters thought the 12 feet above mean sea level requirement was too restrictive. Other commenters opposed allowing an exception to the 12 feet requirement based on engineering design.

Response: After reviewing the comments the Department and the Council decided to retain the 12 feet above mean sea level requirement and continue to allow the engineering design exception so long as the Department is satisfied that the facility design will prevent the physical transport of any hazardous wastes by the 100 year coastal flood event. The reason for this decision is that normally the 100 year flood level extends to approximately 10 feet above mean sea level; therefore, the 12 feet criterion provides some margin of error. The Department and Council also believes that strict engineering and design requirements will be adequate protection for facilities other than land emplacement and impoundment type facilities against coastal flood events.

Comment: The Department also received comments to the effect that the total prohibition of storage, treatment and incineration type facilities in areas underlain by cavernous limestone, cavernous dolomite, or cavernous marble is unreasonable.

Response: The Department and the Council realizes that there are engineering solutions to nearly any problem but believes that the area of New Jersey underlain by cavernous bedrock eliminates such a small area that it does not wish to add another risk factor. The literature is replete with references to structural failure caused by construction over cavernous carbonate rocks.

7:26-13.9 (Formerly 7:1-9.5) Protection of surface water

Comment: Two types of comments were received. One type of comment stated that engineering factors would adequately protect reservoirs. The other type of comment stated that hazardous waste facilities should be banned upstream of reservoirs and water supply intakes.

Response: The Department and Council reviewed the comments and came to the conclusion that certain areas of the State, such as upstream portions of watersheds draining into reservoirs, and watersheds of FW-1 and FW-2 trout production waters, are inappropriate for siting a hazardous waste facility no matter what the engineering solution may be. The Department and the Council rejected the suggested ban of facilities upstream of water supply intakes because that would eliminate too much of the State from consideration for a facility. The Department will require facilities to maintain state of the art control and monitoring systems to insure that there will be virtually no impact on downstream sources of potable water supply.

7:26-13.10 (Formerly 7:1-9.6) Protection of environmentally sensitive areas

Comment: There was some concern expressed that the definition of wetlands in the criteria did not adequately protect inland wetlands.

Response: After reviewing the definition of wetlands in the criteria,

the Department and Council determined that the definition was adequate. In addition, the Department has added wetlands to the section on ground water protection to insure that wetlands are protected against pollution migration.

7:26-13.11 (Formerly 7:1-9.7) Ensuring safe transportation

Comment: Hazardous waste facilities can and should be located in major existing industrial areas that are already properly zoned and serviced by all major utilities, sewers and transportation. The idea of locating facilities remote from major industrial areas is totally lacking in foresight. There should be no reason or need to transport hazardous waste long distances if facilities are available in every major industrial area.

Response: The criteria do not suggest locating facilities in remote areas nor do they suggest locating them in existing industrial areas. Rather, the criteria in this section pertain to the transportation of hazardous waste to major facilities over any distance.

7:26-13.12 (Formerly 7:1-9.8) Protection of ground water

Comment: The criteria which attempt to assure the placement of a site in a discharge zone or in an area of horizontal ground water flow should not specify that the flow is in the direction of the "nearest" surface water body. This may eliminate acceptable sites where the nearest surface water is separated from the site by a localized ground water divide.

Response: The Department and the Council agrees and has replaced the term "nearest" with the term "nearby".

Comment: Subsection (a)1 should be clarified to reflect protection of prime ground water recharge areas. The reference to the "uppermost saturated unit" should be deleted in view of the potential leakage to the lower, deeper aquifer in most situations. This subsection should end with the phrase ". . . and, there is no significant flow or recharge to deep aquifers."

Response: The Department and the Council agree. This subsection has been clarified and suggested wording has been incorporated.

Comment: This section prohibits aboveground land emplacement and other facilities in areas where the seasonal high water level will rise to within one foot of the ground surface. This limitation is inadequate to protect the ground water, and should be amended to prohibit these facilities in areas where the seasonal high water level will rise to within five feet of the ground surface.

Response: Generally, aboveground land emplacement and other aboveground facilities do not pose as much of a risk to ground water supplies as below grade land emplacement facilities and were therefore given the one foot requirement.

7:26-13.13 (Formerly 7:1-9.9) Protection of air quality

Comment: The Department received two types of comments on this section. One type of comment asserted that the emission offset requirements established in the section were an unnecessary burden that should be eliminated and that they would discourage the building of new facilities in nonattainment areas. The other type of comment supported the proposed offset requirements.

Response: The purpose of the Department's air quality rules is to improve the air quality in the State. The Department is most concerned with the air quality in nonattainment areas and with emissions from facilities treating hazardous waste. For these reasons the Department and Council believe the more stringent requirements are reasonable. In addition, the emission offset provision requires emission reductions from existing facilities if new facilities are to locate in nonattainment areas. This will result in a net air quality benefit in nonattainment areas.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

SUBCHAPTER 13. [8.]* SITING CRITERIA FOR NEW MAJOR *COMMERCIAL* HAZARDOUS WASTE FACILITIES: *GENERAL PROVISIONS]

***[7:1-8.1]* *7:26-13.1* Scope and authority**

Subchapter*[s]* **[8 and 9]* *13*** of this chapter ***(N.J.A.C. 7:1-8 and 9)* *(N.J.A.C. 7:26-13)***; adopted pursuant to the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq., and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., ***[establish]* *establishes*** the Department of Environmental Protection's criteria for the siting of new major commercial hazardous waste facilities. These criteria, adopted after consultation with the Hazardous Waste Advisory Council, shall be the minimum standards for siting of new major commercial hazardous waste facilities by the Hazardous Waste Facilities Siting Commission and the Department.

***[7:1-8.2]* *7:26-13.2* Construction**

(a) N.J.A.C. ***[7:1-8 and 9]* *7:26-13*** shall be liberally construed to permit the Department to discharge its statutory functions pursuant to N.J.S.A. 13:1E-49 et seq.

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

***[7:1-8.3]* *7:26-13.3* Purpose of the regulations**

(a) The purpose of N.J.A.C. ***[7:1-8 and 9]* *7:26-13*** is to establish criteria for the siting of any new major commercial hazardous waste facility which shall prevent any significant ***[adverse environmental impact by providing criteria which shall:]* *threat to human health or the environment.* *When used in siting new major commercial hazardous waste facilities, the criteria shall:***

1.-7. (No change from proposal.)

***[7:1-8.4]* *7:26-13.4* Applicability**

(a) N.J.A.C. ***[7:1-8 and 9]* *7:26-13*** shall apply to:

1. (No change from proposal.)

2. The Department ***and the Council*** in ***[the development of regulations for major hazardous waste facilities, and]*** the review of ***environmental and health impact statements,*** registration statements*,* and engineering designs for new major commercial hazardous waste facilities submitted by applicants.

***[7:1-8.5]* *7:26-13.5* Severability**

If any section, subsection, provision, clause, or portion of N.J.A.C. ***[7:1-8 and 9]* *7:26-13*** is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of ***[these]* *this* *sub*chapter*[s]*** shall not be affected thereby.

[SUBCHAPTER 9. MINIMUM CRITERIA FOR THE SITING OF MAJOR HAZARDOUS WASTE FACILITIES]

***[7:1-9.1] Scope**

This subchapter establishes the minimum criteria the Department shall follow in developing regulations for new major commercial hazardous waste facilities and for reviewing applicant's registration statements and engineering designs, and the minimum criteria the Commission shall follow in developing the major hazardous waste facilities plan and in the siting of new major commercial hazardous waste facilities.]*

***[7:1-9.2]* *7:26-13.6* Definitions**

The following words and terms, when used in N.J.A.C. ***[7:1-8 and 9]* *7:26-13***, shall have the following meanings, unless the context clearly indicates otherwise.

. . .

*[“Active portion of the site” means the portion of the site that is actually used for the storage, treatment, or disposal of hazardous waste. It includes but is not limited to, the buildings, structures, incinerators, piping, tanks, pits, ponds, lagoons, storage areas, process control centers, parking lots, loading/unloading areas, and all accessory appurtenances used for storage, treatment, or disposal.]

1. Any area of the site where vehicles used in the operation or transport of hazardous waste may be temporarily parked, loaded or unloaded is considered within the active portion of the site.

2. Access roads and driveways are not normally considered part of the active portion of the site unless they are used for parking or activities other than transport.]*

“Coastal flood plain” means the area subject to high velocity waters, including, but not limited to, hurricane wave wash *[or tsunamis]*.

“Containment structure” means a land emplacement or impoundment facility.

“Criteria” means the standards adopted by the Department in this *[and the preceding]* subchapter for the siting of new major *commercial* hazardous waste facilities.

“Generator” means any person, by site, whose act or process produces hazardous waste as defined by this *[and the preceding]* subchapter.

“Groundwater” means *[the portion of water beneath the earth’s surface that is at or below the zone of saturation where all the openings are filled with water]* ***that water below the ground, the static pressure of which is equal to or greater than the prevailing atmospheric pressure; that water present in the saturated zone of an aquifer.***

“Hazardous waste” means *, **for the purposes of N.J.A.C. 7:26-13,*** any waste or combination of wastes which pose a present or potential threat to human health, living organisms or the environment including, but not limited to, waste material that is toxic, carcinogenic, corrosive, irritating, sensitizing, biologically infectious, explosive or flammable, and any waste so designated by the United States Environmental Protection Agency ***or as more specifically defined in N.J.A.C. 7:26-8*.** Hazardous waste does not include radioactive waste.

“Impoundment facility” means a *[type of storage/treatment where liquid hazardous waste is stored for finite periods of time in a specially constructed and lined pit, pond or lagoon]* ***facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons*.**

[“Incineration facility” means a type of storage/treatment facility utilizing high temperature, high residence time combustion followed by gas purification to bring about conversion of hazardous waste to ash and non-hazardous gaseous and particulate by-products with the recovery of energy frequently practiced.]

“Hydrologic barrier” means a *[natural]* feature which restricts the movement of groundwater across it, such as a fault, groundwater divide, confining bed, discharge area, drainage divide, etc. It is characterized by different directions of groundwater flow or by a difference in the level of groundwater on opposite sides.

“Major hazardous waste facility” means any commercial hazardous waste facility which has a total capacity to treat, store

or dispose of more than 250,000 gallons of hazardous waste, or the equivalent thereof, as determined by the Department, except that any hazardous waste facility which would otherwise be considered a major hazardous waste facility pursuant to these regulations solely as the result of recycling or rerefining of any hazardous wastes which are or contain gold, silver, osmium, platinum, palladium, * [uridium,]* ***iridium,*** rhodium, ruthenium or copper shall not be considered a major hazardous waste facility for the purposes of * [these subchapters]* ***this subchapter*.**

“Saturated zone” means that part of the *[earth’s crust in which all voids are filled with water.]* ***water-bearing material in which all voids are ideally filled with water under pressure greater than atmosphere. The top of the saturated zone is the water table*.**

“Seasonally high water table” means the highest elevation of the water table *[measured in a well which is screened in the uppermost saturated unit beneath the site during at least one hydrologic year.]* ***during the wettest season in a year of above average precipitation. Whenever soil mottling occurs the seasonally high water table shall be considered as the highest level at which mottling occurs if there is no other approved means of determination*.**

[“Significant” means a measurable change in the built or natural environment that is cause for concern.]

“Site” means the area or plot of land being considered for use as a new major commercial hazardous waste facility ***plus any contiguous lands reserved to meet the requirements of N.J.A.C. 7:26-13.12*.**

[“Storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.]

[“Storage/Treatment facility” means a facility where hazardous waste is stored for short periods of time, which is designed and operated to recover materials or energy from hazardous waste, or to modify the properties of hazardous waste so that the waste is no longer hazardous, or to modify the properties of hazardous waste prior to land emplacement. Such facilities include but are not limited to waste transfer stations, waste blending, solvent recovery, waste oil recovery, metals recovery, acid recovery, neutralization, aqueous waste treatment, process facilities for solidification, process facilities for encapsulations, incineration and impoundment.]

[“Treatment” means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological characters or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.]

“Uppermost saturated unit” means the saturated hydrogeologic unit (unconsolidated or bedrock) nearest the *[natural]* ground surface that *[is an aquifer and]* is separated from deeper aquifers by confining beds.

[“Water bearing unit” means aquifer.]

“Water table” means the upper surface of *[ground water, or that level below which the soil is saturated with water in a formation that is not confined by an overlying impermeable formation.]* ***the saturated zone. For the purpose of N.J.A.C. 7:26-13.12, a perched water table may be considered the water table*.**

[“Zone of saturation” means that extensive portion of the earth’s crust which is saturated with water.]

[7:1-9.3 Protection of the population of the State]* *7:26-13.7 (Reserved)

*(a) For the purpose of protecting the population of the State:
 1. No major hazardous waste facility shall be sited within 2,000 feet of any structures routinely occupied by anyone for more than 12 hours per day, or by anyone under the age of 18 for more than two hours per day, except that:
 i. The Commission may permit the location of a new major commercial hazardous waste facility less than 2,000 feet, but in no case less than 1,500 feet, from such structures upon showing that this location would not present a substantial danger to the health, welfare, and safety of the persons occupying or inhabiting the structures.
 2. No new major commercial hazardous waste facility shall be sited in any area within a 20 mile radius of a nuclear fission plant at which spent nuclear fuel rods are stored on site.]*

***[7:1-9.4]* *7:26-13.8* Structural stability**

(a) For the purpose of ensuring structural stability of new major commercial hazardous waste facilities:
 1. (No change from proposal.)
 2. No *[storage/treatment and incineration]* type of new major commercial hazardous waste facility ***other than a land emplacement or impoundment type of facility*** shall be sited in:
 i. (No change from proposal.)
 ii. Areas underlain by cavernous limestone, cavernous dolomite, or cavernous marble; ***or***
 iii. (No change from proposal.)
 3. No land emplacement ***[and]* *or*** impoundment type of new major commercial hazardous waste facility shall be sited in:
 i. (No change from proposal.)
 ii. Areas underlain by limestone, dolomite or marble; ***[and]* *or***
 iii. (No change from proposal.)

***[7:1-9.5]* *7:26-13.9* Protection of surface water**

(a) For the purpose of protecting surface water, no new major commercial hazardous waste facility shall be sited within:
 1.-2. (No change from proposal.)
 3. The watersheds for waters classified by the Department as FW-1* ***[waters,]*** or FW-2***[,]*** Trout Production Waters in the Surface Water Quality Standards, N.J.A.C. 7:9-4.

***[7:1-9.6]* *7:26-13.10* Protection of environmentally sensitive areas**

(a) For the purpose of protecting environmentally sensitive areas, no new major commercial hazardous waste facility shall be sited in or on:
 1.-3. (No change from proposal.)
 4. Lands in municipally approved farmland preservation programs or on lands which have been dedicated to agricultural use by the purchase of their development rights pursuant to the provisions of the ***[Farmland Preservation Bond Act, P.L. 1981, C. 276,]* * "Agriculture Retention and Development Act," P.L. 1983, c.33*** or equivalent independent county/municipal programs, provided that such designation and dedication was officially adopted by municipal ordinance and the development rights have been purchased at least six months prior to the Commission's proposing the site or an applicant submitting to the Department and the municipality a letter stating the intention to apply for registration and engineering design approval; ***[and]***
 5.-6. (No change from proposal.)

***[7:1-9.7]* *7:26-13.11* Ensuring safe transportation**
 (a) (No change from proposal.)

***[7:1-9.8]* *7:26-13.12* Protection of ground water**

(a) For the purpose of protecting ground water:
 1. New major commercial hazardous waste facilities may only be

sited in areas where, prior to facility construction, the flow of ground water in the uppermost saturated unit is predominantly parallel to or upwards toward the water table and the predominant ground water flow direction is toward ***[the nearest]* *a nearby*** surface water body without any intermediate withdrawals from the uppermost saturated zone for public or private water supply ***and there is no significant recharge to deep aquifers***; and

2. All new major commercial hazardous waste facilities shall be prohibited in areas where the depth to the seasonally high water table in the uppermost saturated unit will rise to within one foot of the ground surface; and

[2.]* *3. Land emplacement and impoundment type of new major commercial hazardous waste facilities shall be prohibited in the following areas:

i. In areas where the ground water travel time within the uppermost saturated unit from the ***outermost edge of the*** containment structure to the site boundary, or to a surface water body ***or wetland*** within the site boundary, is less than 10 years;

ii. In areas within one mile of a water supply well or well field producing over 100,000 gallons per day, unless it can be demonstrated to the satisfaction of the Department or Commission, as appropriate, that natural hydrologic barriers isolate the site from the aquifer being pumped; ***[or]***

iii. In the case of partially in-ground facilities, in areas where, prior to facility construction, the depth to the seasonally high water ***[level]* *table*** in the uppermost saturated unit will rise to within five feet of ***the bottom of*** the containment structure; ***[or,]* *** **and***

iv. In the case of wholly aboveground facilities, in areas where, prior to facility construction, the depth to the seasonally high water ***[level]* *table*** in the uppermost saturated unit will rise to within one foot of the ground surface***[; and]* ***

[3. Storage/treatment and incineration type of new major commercial hazardous waste facilities shall be prohibited in areas where the depth to the seasonally high water level in the uppermost saturated unit will rise to within one foot of the ground surface.]

***[7:1-9.9]* *7:26-13.13* Protection of air quality**

(a) For the purpose of protecting the air quality of the State:
 1. No new major commercial hazardous waste facility shall be sited in a nonattainment area unless the facility demonstrates that emission offsets will be obtained prior to operation, pursuant to the requirements of the Department's air pollution control regulation entitled, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality in Nonattainment Areas", N.J.A.C. 7:27-18 et seq., subject to the following more stringent requirements:

i.-ii. (No change from proposal.)
 iii. The minimum offset ratio as required by Table 2 in N.J.A.C. 7:27-18.4(b) for volatile organic substances (VOS) shall be ***[as follows:]* *at least 2:1 and the offsets shall be obtained at a distance not to exceed 50 miles from the proposed new facility; and***

*[Distance of VOS Offsets from Facility (miles)	Minimum Offset Ratio
0-100	2:1
100-250	3:1
250-500	4:1]*

iv. (No change from proposal.)

HEALTH

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendment: N.J.A.C. 8:71

Proposed: February 7, 1983 at 15 N.J.R. 127(a).
 Adopted: June 17, 1983 by the Drug Utilization Review
 Council, Leroy L. Schwartz, M.D., Chairman.
 Filed: June 20, 1983 as R.1983 d.272, **with portions not
 adopted and portions not adopted but still pending.**

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

Effective Date: July 5, 1983.

Expiration Date pursuant to Executive Order 66(1978):
 March 6, 1984.

Summary of Public Comments and Agency Responses:

Concerning Quinidine Gluconate:

Berlex Laboratories objected to Bolar's product, presenting data from bioequivalency tests which Berlex contended showed that the Bolar product produced blood levels not equal to the Berlex product in several respects. Based on these data Berlex felt that the Bolar product may not be therapeutically equivalent to the branded Berlex product, Quinaglute. Berlex also noted different dissolution rates for the Bolar product in *in vitro* tests. Berlex also presented the opinion of a pharmacokinetics expert that the Bolar product was not equivalent to Quinaglute.

The Council extensively reviewed the Berlex data and tried to place that data in perspective when balanced by earlier data from Bolar which did not show such differences in test subjects. The Council noted that its bioequivalency consultants, based on the Bolar-generated data, had found the Bolar product bioequivalent to Quinaglute. Dr. Hutcheon, a clinical pharmacologist member of the Council, reviewed the Berlex data and was of the opinion that these data did not lead one to believe that the Bolar product would be clinically inferior to Quinaglute.

Bolar supported their Quinidine Gluconate application by pointing out that the product was related by the FDA as being therapeutically equivalent to Quinaglute, even after the FDA saw Berlex's negative data. Further, Bolar noted extensive sales of their product.

Rugby Laboratories commented that their product (Chelsea) had FDA approval and that Chelsea's price was much less than the branded product.

Having weighed all the comments, and taking into account the positive bioequivalency reports on the Chelsea and Danbury Quinidine Gluconates, the Council acted to approve all three proposed Quinidine Gluconates.

The following products were **adopted**:

Doxycycline Hyclate tablets 100 mg
 Phenylbutazone Capsules 100 mg
 Quinidine Gluconate E.R. tabs 324 mg

Danbury
 Chelsea, USV

Bolar, Chelsea, Danbury

The following products were **not adopted**:

Dipyridamole tabs 25, 50, 75 mg Par, Zenith

The following products remain **pending**:

Chlorothiazide/reserpine tabs 250/0.125,
 500/0.125 mg Mylan
 Chlorthalidone tabs 25, 50 mg Cord
 Dipyridamole tabs 25, 75 mg Superpharm
 Erythromycin estolate susp 125/5 ml NPC
 Isosorbide Dinitrate tabs 40 mg Par
 Trifluoperazine HCL tabs 1, 2, 5, 10 mg Zenith

OFFICE OF ADMINISTRATIVE LAW NOTE: See the May 2,
 1983 Register at 15 N.J.R. 691(b) for a related notice of adoption.

(b)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendment: N.J.A.C. 8:71

Proposed: July 6, 1982 at 14 N.J.R. 690(a).
 Adopted: June 17, 1983 by the Drug Utilization Review
 Council, Leroy L. Schwartz, M.D., Chairman.
 Filed: June 20, 1983 as R.1983 d.273, **without change.**

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

Effective Date: July 5, 1983.

Expiration Date pursuant to Executive Order 66(1978):
 March 6, 1984.

Summary of Public Comments and Agency Responses:

Chelsea Laboratories commented that the FDA requires a comparison between the generic chlorthalidone and a solution of Hygroton, not a comparison to Hygroton tablets per se. Chelsea provided comparison to a chlorthalidone solution and dissolution studies, as well as noting that Chelsea has manufactured and distributed millions of chlorthalidone tablets.

The Council adopted the Chelsea chlorthalidone tablets.

The following product and its manufacturer were **adopted**:
Chlorthalidone tablets 25, 50 mg Chelsea

OFFICE OF ADMINISTRATIVE LAW NOTE: See the October
 18, 1982 Register at 14 N.J.R. 1160(b), the December 6, 1982
 Register at 14 N.J.R. 1392(a) and the January 3, 1982 Register at
 91(a) for related notices of adoption.

(c)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendments: N.J.A.C. 8:71

Proposed: February 7, 1983 at 15 N.J.R. 126(b).

Adopted: June 17, 1983 by the Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.
 Filed: June 20, 1983 as R.1981 d.274, **with portions of the proposal not adopted and portions not adopted but still pending.**

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

Effective Date: July 5, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
 March 6, 1984.

Summary of Public Comments and Agency Responses:

The National Pharmaceutical Manufacturing Company, through its attorney, conveyed the opinion of Dr. George Drusano, an infectious disease expert, that National's erythromycin ethylsuccinate suspensions (200 mg/5 ml and 400 mg/5 ml) would not be less clinically effective nor more irritating to the gastrointestinal tract than the brand name product for which they would be substituted. Dr. Drusano reiterated these same comments in person at the public hearing.

The Drug Utilization Review Council agrees that National's products will not be less effective, but some members of the Council are of the opinion that there is insufficient evidence as to whether the National Product will be more irritating or not. The Council did agree that National's erythromycin ethylsuccinate suspensions should be added to the New Jersey generic formulary.

Mylan Pharmaceuticals commented that their erythromycin stearate tablets should remain in the formulary because bioequivalency with the brand had been demonstrated and few clinical reports of problems with their product had been received.

The Council acted to keep Mylan's products in the Formulary.

KV Pharmaceutical Company objected to the proposed deletion of their erythromycin ethylsuccinate suspensions (220 mg/5 ml and 400 mg/5 ml), citing extensive sales, presence in the formulary since 1979, and recognition by FDA of the therapeutic equivalency of KV's products to branded products.

The Council acted to retain KV's products in the formulary.

Rugby Laboratories objected to the proposed deletion of Chelsea's erythromycin stearate tablets (250 mg & 500 mg), noting that bioequivalency between Chelsea's products and the brand had been demonstrated and previously accepted by the Drug Utilization Review Council.

The Council acted to retain Chelsea's products in the formulary.

The following products and their respective manufacturers were **adopted**:

Erythromycin Ethylsuccinate susp. 200 mg/5 ml, 400 mg/5 ml NPC

The following products remain **pending**:

Erythromycin Ethylsuccinate susp. 200 mg/5 ml	Barr
Erythromycin Ethylsuccinate tabs 400 mg	Abbott, Barr
Erythromycin (base) E.C. tabs 250 mg	Abbott, Robins
Erythromycin Estolate susp. 125 mg/5 ml	NPC
Erythromycin Estolate caps 250 mg	Danbury, Zenith

The following products, which had been proposed for deletion, **will not be deleted** and will remain in the New Jersey generic formulary:

Erythromycin Ethylsuccinate for susp. 200/5 ml	Abbott, Barr
Erythromycin Ethylsuccinate susp. 200 mg/5 ml, 400 mg/5 ml	Upjohn, Wyeth
Erythromycin Stearate tabs 250 mg	Abbott, Barr, Bristol, Chelsea, Mylan, P-D, Pfizer,

Erythromycin Stearate tabs 500 mg

Purepac-Kalipharma,
 Squibb, Zenith
 Abbott, Chelsea,
 Mylan, P-D, Pfizer,
 Squibb, Zenith

HIGHER EDUCATION

(a)

STUDENT ASSISTANCE BOARD

Verification of Enrollment and Academic Performance

Adopted Amendment: N.J.A.C. 9:7-2.10

Proposed: February 22, 1983 at 15 N.J.R. 205(a).

Adopted: May 24, 1983 by Joseph Streit, Chairman,
 Student Assistance Board.

Filed: June 10, 1983 as R.1983 d.261, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:71-26.6, 18A:71-26.8, 18A:71-47(a) and 18A:71-48.

Effective Date: July 5, 1983 for academic year 1983-84.
 Expiration Date pursuant to Executive Order 66(1978):
 April 13, 1988.

Summary of Public Comments and Agency Responses:

Sixteen comments concerning the proposed change were received in response to the New Jersey Register publication and the dissemination of a distribution list. The comments were generally supportive of the regulation but raised concern that it would disenfranchise a large number of students who were taking remedial courses or enrolled in English as a second language (ESL) programs. The Board responded to these concerns by amending the regulations to permit additional eligibility for students in remedial programs.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

9:7-2.10 Verification of enrollment and academic performance

(a) (No change from proposal.)

(b) For the purpose of determining good academic standing and satisfactory academic progress towards a degree, the following minimum standards must be achieved by students being aided or being considered for financial aid under the student aid programs administered by the Student Assistance Board:

1. Good academic standing shall be defined by the institution which the student is attending.
2. In order for a student to remain eligible to receive assistance, satisfactory academic progress must be made. A student will be eligible to receive two grant awards for each class level designated by the institution providing the institution certifies that the student is making progress toward the completion of a degree or certificate. An institution may request a third award for a designated class level once during a student's academic career. At no time will a student

be eligible to receive more than eight semesters of grant payment*. *
 [, except for a student enrolled in an undergraduate program regularly requiring five years for completion, and students receiving assistance through the Educational Opportunity Fund (EOF) Program will be permitted to receive 10 semesters of grant payment, with such students eligible to receive two grant awards for each class level designated by the institution, with institutional certification of progress as above. For such EOF students an institution may request a third award for two designated class levels during a student's academic career. Additional grants for such EOF students up to a maximum of 12 semesters of grant payment may be approved under the provisions of N.J.A.C. 9:12-1.11.] *
Exceptions will be permitted in the following areas:

- i. Students enrolled in an undergraduate program regularly requiring five academic years for completion shall be permitted a fifth year of eligibility.
- ii. Students not receiving assistance through the Educational Opportunity Fund (EOF) Program who are enrolled at a community (county) college with an open access program and who must pursue a remedial curriculum that requires at least 12 credit hours of remedial or bilingual instruction will be allowed to receive a maximum of six semesters of grant payment at the two-year institution. These students will be permitted to receive three grant awards for the first two class levels or four grant awards in the first class year and two in the second class year.
- iii. Students receiving assistance through the Educational Opportunity Fund (EOF) Program will be permitted to receive 10 semesters of grant payment, with such students eligible to receive two grant awards for each class level designated by the institution, with institutional certification of progress above. For such EOF students an institution may request additional awards for two designated class levels during a student's academic career. Additional grants for such EOF students up to a maximum of 12 semesters of grant payment may be approved under the provision of EOF regulation 9:12-1.11.*

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

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Home Health Services Manual Covered Home Health Services: Medical Supplies

Adopted Amendment: N.J.A.C. 10:60-1.3

Proposed: April 18, 1983 at 15 N.J.R. 610(a).
 Adopted: June 15, 1983 by George J. Albanese,
 Commissioner, Department of Human Services.
 Filed: June 16, 1983 as R.1983 d.266, **without change**.

Authority: N.J.S.A. 30:4D-6b(2), 7 and 7b.

Effective Date: July 5, 1983.
 Operative Date: July 15, 1983.
 Expiration Date pursuant to Executive Order No. 66(1978):
 June 22, 1987.

Summary of Public Comments and Agency Responses:

The Division received comments from several persons and/or organizations, including Major Medical Supply Co., Mt. Holly Surgical Supply, Garden State, Health Services, MCE Medical, Camp Drugs, Inc., and Breath of Life Corporation of New Jersey. These commentators supported the proposal, and recommended its adoption.

Therefore, the Division is proceeding with this adoption without change.

LAW AND PUBLIC SAFETY

(b)

BOARD OF ARCHITECTS

Examination Fees

Adopted Amendment: N.J.A.C. 13:27-3.13

Proposed: April 4, 1983 at 15 N.J.R. 502(a).
 Adopted: June 9, 1983 by New Jersey Board of Architects,
 Patricia Koch, President, with the approval of Irwin I.
 Kimmelman, Attorney General of New Jersey.
 Filed: June 20, 1983 as R.1983 d.271, **without change**.

Authority: N.J.S.A. 45:1-3.2.

Effective Date: July 5, 1983.
 Expiration Date pursuant to Executive Order 66(1978):
 July 5, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

TRANSPORTATION

(c)

THE COMMISSIONER

Designated Routes for Special Categories of Trucks

Readopted New Rule: N.J.A.C. 16:32

Proposed: April 18, 1983 at 15 N.J.R. 643(a).
 Adopted: June 7, 1983 by John P. Sheridan Jr.,
 Commissioner, Department of Transportation.
 Filed: June 7, 1983 as R.1983 d.259, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:3-84.

Effective Date: July 5, 1983.
 Expiration Date under Executive Order 66(1978):
 April 6, 1988.

Summary of Public Comments and Agency Responses:

A total of 48 written comments were received in reply to this proposal.

ADOPTIONS**TRANSPORTATION**

The majority of the letters received supported the new rule. All the counties and municipalities and private citizens comments supported the emergency rule. The following are specific comments as received by the New Jersey Department of Transportation and the Department's response.

COMMENT:

The Township of Roseland by Resolution; Alvin L. Zach, P.E., Director, Department of Engineering, City of Newark; Werner H. Schmid, Township Manager, Township of Teaneck; Jack Coughlin, Administrator, Holmdel Township; Andrew R. August, Mayor, Mount Laurel; James J. Yellen, City Engineer, City of Clifton and Wayne Bradley, Chairman, County Transportation Authority of New Jersey City Resolution recommended to amend N.J.A.C. 26:32-1.3(a), which allows double-trailer truck combinations or wide trucks access to terminals or other facilities not located on the approved system designated in N.J.A.C. 16:32-1.1, to include municipalities or counties who have jurisdiction over the terminals or facilities in the approval process.

RESPONSE:

The Federal Surface Transportation Assistance Act requires that states provide "reasonable access" to terminals and other facilities from the Federally designated system. As the New Jersey Department of Transportation will be charged with defending the State's reasonable access system in possible administrative and court proceedings and has explicit responsibility under State law for designating routes, it is not possible to grant counties and municipalities an approval or "veto" power. The Department feels that the proper role for county and municipal governments can best be determined on the basis of actual experience in the reasonable access permitting process.

In addition, it should be noted that the Federal Highway Administration has announced its intention to propose regulations in the near future concerning the Federal role under the Surface Transportation Assistance Act. Following a review of these proposed regulations and further study of the situation in New Jersey, the Department intends, in the near future, to propose clarifying amendments to the reasonable access rule.

COMMENT:

James J. Yellen, City Engineer, City of Clifton; Werner Schmid, Township Manager, Township of Teaneck; and Alvin L. Zach, P.E., Director, Department of Engineering, City of Newark recommended to amend N.J.A.C. 16:32-1.3(b), which allows a household goods carrier access from the system designated in N.J.A.C. 16:32-1.1 to a point of loading or unloading, to clarify the definition of the activity. In addition, to include the municipalities in the approval process.

RESPONSE:

The Department agrees that a definition of "household goods carrier" is needed and plans to propose one shortly. As in the case of reasonable access rules, discussed under comment 1, above, the Department intends to propose clarifying amendments in the near future. Concerning municipal participation, see the response to point 1, above.

COMMENT:

James E. Bartley, Executive Vice President, the National Industrial Transportation League; John Theurer, President, Theurer, Inc.; Owen J. Glenn, Manager, Eastern Area, Consolidated Freightways and Joseph M. Clapp, Senior Vice President, Roadway Express, Inc. of the trucking industry state that the above rule is in violation of the Federal Surface Transportation Assistance Act of 1982. They recommend that additional routes for this type of truck activity be opened up. In addition, they state that significant financial hardship will be felt by the entire trucking industry which includes the truckers, truck manufacturers, and

trailer manufacturers. The trucking industry feels that the safety record shown in the states that allow this type of activity additionally justifies their position.

RESPONSE:

The regulations do not violate the Surface Transportation Assistance Act. That act authorizes the U.S. Secretary of Transportation to make route designations for the truck combinations covered by these rules. The Secretary has not yet proposed regulations containing these designations, but the Federal Highway Administration has published policy statements which include listings of routes. The State of New Jersey has unresolved disagreements with the Federal Highway Administration relating to those routes listed by the FHWA. As a result of these disagreements, and because of certain safety concerns, herein, regulations do not designate all the routes that the Federal Highway Administration has listed.

Concerning financial hardship, it should be noted that the new amendments to N.J.S.A. 39:3-84 represent, as contemplated by the Surface Transportation Assistance Act, a substantial liberalization of allowable truck combinations in New Jersey, rather than a restriction thereof.

It is not anticipated that these regulations will work a financial hardship on the trucking industry. However, the Department will closely monitor the impact, if any, of these regulations as well as the forthcoming Federal regulations, and regulations of other states, upon the trucking industry in New Jersey.

COMMENT:

Donald L. Hughes, State Chairman, Public Affairs Council, American Automobile Association of New Jersey stated that the automobile association was in favor of the new rule. The association recommended that the rule could be more restrictive and ban all this type of truck activity from any New Jersey roads.

RESPONSE:

The Department has attempted to place suitable and prudent restrictions on the option of longer and wider trucks in New Jersey. Since the intent of Congress was to allow larger trucks to travel upon the Interstate system and certain primary routes within the United States that can safely accommodate them, it is unlikely the Department could prohibit all such traffic within the State.

COMMENT:

Comments from private individuals were received in two basic categories. The first category of comments (four) consisted of letters from individuals who were generally against the double trailer and wide trucks. The second category of comments 86 were letters from individuals who were against this type of truck activity and specifically in the Route 17 corridor.

RESPONSE:

On the question of opposition to longer and wider trucks generally, the response is the same as above. On the question of Route 17, the Department currently has no plans for adding this route as part of the designated system.

COMMENT:

The County Transportation Association of New Jersey, in Resolution 8305, supported the new emergency rule.

RESPONSE:

The Department concurs with the resolution with the exception of county and municipal approval of permits. This was addressed in prior comments.

COMMENT:

Mr. Frank R. Breslin, Director of Transportation, Scott Paper Company, and Mr. Robert C. Donovan, Associate Director of

Public Affairs, Owens Illinois, Inc., recommended that more routes be opened to allow industry in this State to be more competitive.

RESPONSE:

It is not anticipated that these regulations will hamper New Jersey's competitive ability. The Department, however, will watch all developments, including the truck restrictions of neighboring states, to monitor any effects thereof in New Jersey.

COMMENT:

Hilda Stover, Township Clerk, Township of Middletown in a resolution was against the new rule since it would allow wider and longer trucks.

RESPONSE:

Since the intent of Congress was to allow larger trucks to travel upon the Interstate system and certain primary routes within the United States that can safely accommodate them, it is unlikely the Department could prohibit all such traffic within the state.

COMMENT:

New Jersey Motor Truck Association stated that establishment of a designated route system for 102-inch wide trucks violates the intent of P.L. 1983, c. 126, which provides that the wider trucks may operate on any highway, except where the Commissioner of Transportation determines for reasons of public safety that the 96-inch limit should be retained.

RESPONSE:

The Commissioner of Transportation has determined, for reasons of public safety, that 102-inch wide trucks should be restricted, at least initially, to the same designated route system applying to double bottoms. It should be noted that the Federal Surface Transportation Assistance Act of 1982 requires that only roadways with 12-foot lanes be designated by the Secretary of Transportation. The Department intends to address the question of determining proper safety criteria for use of wider trucks in the near future. Until that determination has been made, the Department believes that public safety requires the implementation of the present restrictions.

COMMENT:

New Jersey Motor Truck Association stated that:

(1) The designated route system is unconnected and fragmented. The regulations fail to provide alternate routes to bridge the "missing links" in the Interstate system.

(2) The reasonable access permit system is burdensome and violates the reasonable access provisions of the Federal law. In particular, the system will be burdensome to operators of 102-inch wide trucks who will be impeded in their normal delivery and pick-up operations, which may require multiple stops. Also in particular, the system will be burdensome on operators seeking food, fuel, repairs and rest.

(3) Restrictions on 102-inch wide trucks are inconsistent and discriminatory because 102-inch wide buses are allowed to travel without hindrance throughout the State.

RESPONSE:

(1) The Department believes that the intent of Congress in the Surface Transportation Assistance Act of 1982 was to establish a designated system based on roadway characteristics, including the ability of a particular road to safely accommodate larger trucks, as well as connectivity. The specific criteria listed by the Federal Highway Administration in its February 3 policy statement were for four-lane, divided highways with full control of access. In addition, the Federal act requires that the Secretary of Transportation designate only roadways designed with 12-foot lanes as routes for 102-inch wide trucks. The route system included in these regulations conforms to these criteria.

Although it is true that certain small portions of the Interstate system have not yet been completed, the Department does not consider that fact to be sufficient justification for including other routes which cannot safely accommodate the larger trucks, as part of the state designated system.

The preferred course of action would be for the Department to expeditiously complete the unfinished portions of the Interstate system rather than to sacrifice the all-important concern for safety by allowing the larger trucks on other routes.

It should be noted that the designated system set forth in these regulations allows for uninterrupted passage of the large trucks over the New Jersey Turnpike and the Atlantic City Expressway as well as over the existing Interstate system.

(2) The Department does not believe that a permit system will prove to be unreasonable. Neither will it deny the Federal "reasonable access" requirement. As to 102-inch wide trucks, it should be noted that the Federal Act does not require states to accept these trucks throughout their highway networks or to permit them to be used for all pick-ups and deliveries. Rather, the law contemplates the use of these trucks on a terminal-to-terminal basis, using a designated system. Similarly, the Department anticipates that these regulations will not be unreasonable to operators seeking food, fuel, repairs and rest. However, the Department will monitor the effect, if any, of the reasonable access permit system contained in N.J.A.C. 16:32-1.3(a) upon operators. The Department is in the process of reviewing the entire access permit procedure and will make a determination within a few months as to whether any amending regulations should be promulgated.

(3) The Department believes that trucks and buses have different impacts on traffic operations and public safety. It is important to note that most buses normally travel only upon fixed regulated routes, unlike normal sized trucks. Additionally, buses generally travel at lower gross weights and lower speeds than trucks. The Department therefore believes that buses and trucks should continue to be regulated separately.

The Department after review and analysis of the comments received decided to adopt the rules as proposed without change.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Administration Administrative Fees

Adopted Amendment: N.J.A.C. 17:1-8.14

Proposed: May 2, 1983 at 15 N.J.R. 687(a).

Adopted: June 13, 1983 by William J. Joseph, Director,
Division of Pensions.

Filed: June 14, 1983 as R.1983 d.265, **without change**.

Authority: N.J.S.A. 52:18A-96.

Effective Date: July 5, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
May 15, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Local Property Tax Tax Exemption for Multiple Dwelling Improvements and Conversions; Supplemental Procedural Rules for Assessors

Adopted Amendment: N.J.A.C. 18:12-6A.8

Proposed: April 18, 1983 at 15 N.J.R. 613(a).
Adopted: June 7, 1983 by John R. Baldwin, Acting Director,
Division of Taxation.
Filed: June 7, 1983 as R.1983 d.256, **without change**.

Authority: N.J.S.A. 54:4-3.123 and 54:50-1.

Effective Date: July 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
August 15, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

DIVISION OF TAXATION

Motor Fuels Tax Retail Sales

Adopted Amendment: N.J.A.C. 18:19-2.7

Proposed: April 18, 1983 at 15 N.J.R. 614(a).
Adopted: June 7, 1983 by John R. Baldwin, Acting Director,
Division of Taxation.
Filed: June 7, 1983 as R.1983 d.257, **without change**.

Authority: N.J.S.A. 56:6-6.

Effective Date: July 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
April 8, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

OTHER AGENCIES

(c)

TURNPIKE AUTHORITY

Traffic Control Transportation of Hazardous Materials

Adopted Amendment: N.J.A.C. 19:9-1.15

Proposed: May 2, 1983 at 15 N.J.R. 687(b).
Adopted: June 13, 1983 by New Jersey Turnpike Authority,
William J. Flanagan, Executive Director.
Filed: June 13, 1983 as R.1983 d.263, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:23-29.

Effective Date: July 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
July 27, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the changes between proposal and adoption follows
(additions to proposal shown in boldface with asterisks ***thus***;
deletions from proposal shown in brackets with asterisks ***[thus]***).

19:9-1.15 Transportation of hazardous materials

(a) (No change from proposal.)

(b) The transportation or shipment upon the New Jersey Turnpike
of radioactive materials or devices, ***and transportation of Class
A, B and C explosives,*** as defined in part 173 of the Regulations
of the United States Department of Transportation (49 CFR173),
[and transportation of Class A, B and C explosives] shall be
subject to the prior written approval of the New Jersey Turnpike
Authority. All applications for such approval shall be made in
writing, addressed to the Director of Operations and shall provide,
to the satisfaction of the Authority, that the shipment shall comply
in all respects with the provisions of parts 171 to 178 **and 397**
inclusive of the Regulations (49 CFR171-178, **397**).

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

(d)

ECONOMIC DEVELOPMENT AUTHORITY

Fees and Charges Additional Administrative Fees

Adopted Amendment: N.J.A.C. 19:30-2.2

Proposed: March 21, 1983 at 15 N.J.R. 429(a).
Adopted: June 10, 1983 by James J. Hughes, Jr., Executive
Director, New Jersey Economic Development
Authority.
Filed: June 13, 1983 as R.1983 d.262, **without change**.

Authority: N.J.S.A. 34:1B-1 et seq., specifically 34:1B-5
k and l.

Effective Date: July 5, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
July 9, 1986.

Summary of Public Comments and Agency Responses:
No comments received.

EMERGENCY ADOPTION

BANKING

(a)

DIVISION OF ADMINISTRATION

Revolving Credit Equity Loans

Adopted Emergency New Rule: N.J.A.C. 3:1-14

Emergency New Rule Adopted: June 21, 1983 by Michael M. Horn, Commissioner, Department of Banking.

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c)): June 21, 1983.

Emergency Adoption Filed: June 21, 1983 as R.1983 d.275.

Authority: N.J.S.A. 17:9A-24(a) and (b), 17:9A-25, 17:12B-155I and 17:12B-48(21).

Emergency New Rule Effective Date: June 21, 1983.

Emergency New Rule Expiration Date: August 22, 1983.

The agency emergency new rule follows:

Summary

The purpose of this rule is to authorize banks, savings banks and savings and loan associations to make "revolving credit equity loans" which are secured by liens on real property. A revolving loan agreement may permit a borrower to obtain advances for himself or herself or on behalf of others. The amount of the advance and permitted interest and/or insurance charges are debited to the borrowers account and payments and credits are credited to the same account. Interest is to be computed on the unpaid principal balance and the borrower has the privilege of paying the account in full at any time.

If an agreement governing a "revolving credit equity loan" so provides the terms of the agreement may be changed, at any time including those governing the periodic interest rate, the calculation of interest, or the method of computing the required periodic installment payment. However, the periodic interest rate cannot be changed more than once in each billing cycle nor can the minimum installment payment be less than 1/240 of the outstanding principal balance plus accrued interest at the end of the billing cycle. A change that has the effect of increasing the interest rate or other charges requires the mailing or delivery to the borrower, by the lender of a written notice of such changes at least 15 days before the effective date of the change.

No interest can be paid, deducted or received in advance nor can interest be compounded. Interest can only be computed on the unpaid principal balance except for interest due but unpaid that may be considered part of the unpaid principal balance. In addition, interest can only be charged for the actual number of days elapsed at a daily rate of 1/365th of the yearly rate. In accordance with the agreement between the bank, savings bank, or savings and loan association and the borrower interest may be computed in each billing cycle using one of three alternative methods.

Social Impact

The proposed rule will affect all banks, savings banks and

savings and loan associations located in this State by helping to preserve the dual banking system. Additionally the proposed rule affects those borrowers, especially senior citizens, with little collateral other than the equity in their homes with which to secure a loan.

Economic Impact

The economic impact to the public will be beneficial due to the increased amount of funds that will be available to the citizens of the State. For example: senior citizens will be able to gain access to the equity in their homes; parents can use such funds to finance their childrens education; and homeowners can improve their homes on a more flexible basis. Authority to make revolving credit equity loans will enable State-chartered banks, savings banks and savings and loan associations to compete effectively with Federally-chartered institutions.

Full text of the proposed new rule follows.

SUBCHAPTER 14. REVOLVING CREDIT EQUITY LOANS

3:1-14.1 Authorization

A bank, savings bank or savings and loan association shall have authority to make loans secured by a lien on real estate which shall be known as a "Revolving Credit Equity Loan" and may charge, contract for and receive thereon interest at a rate or rates agreed to by the bank, savings bank or savings and loan association and the borrower.

3:1-14.2 Revolving credit equity loan agreement

(a) A revolving credit equity loan shall be made pursuant to an agreement between the bank, savings bank or savings and loan association and the borrower whereby:

1. The bank, savings bank or savings and loan association may permit the borrower to obtain advances of money from the bank, savings bank or savings and loan association from time to time or the bank, savings bank or savings and loan association may advance money on behalf of the borrower from time to time as directed by the borrower;

2. The amount of each advance and permitted interest charges and/or insurance charges are debited to the borrower's account and payments and other credits are credited to the same account;

3. Interest is computed on the unpaid principal balance of the account from time to time; and

4. The borrower has the privilege of paying the account in full at any time or, if the account is not in default, in monthly installments of fixed or determinable amounts as provided in the agreement.

3:1-14.3 Terms of agreement

(a) If an agreement governing a revolving credit equity loan so provides:

1. The bank, savings bank or savings and loan association may at any time or from time to time change the terms of the agreement, including the terms governing the periodic interest rate, the calculation of interest, or the method of computing the required amount of periodic installment payments, provided however, that the periodic interest rate shall not be changed more than once in each billing cycle nor shall the minimum installment payment be less than 1/240 of the outstanding principal balance due plus interest accrued at the end of the billing cycle.

2. The bank, savings bank or savings and loan association may apply any changes made pursuant to (a)1 above to all then

outstanding unpaid indebtedness in the borrower's account including any indebtedness which shall have arisen from advances obtained prior to the effective date of the change of the periodic interest rates or required minimum periodic installment.

3:1-14.4 Notification of changes

The bank, savings bank or savings and loan association shall notify each affected borrower of any change in the manner set forth in the agreement governing the plan and in compliance with the requirements of the Truth in Lending Act and regulations promulgated thereunder, as in effect from time to time, if applicable; provided, however, that if such change has the effect of increasing the interest rate or other charges to be paid by the borrower, the bank, savings bank or savings and loan association shall mail or deliver to the borrower at least 15 days before the effective date of the change a clear and conspicuous written notice which shall describe the change and the existing term or terms of the agreement affected by the change and shall also set forth the effective date and an explanation, if necessary, of the change.

3:1-14.5 Interest

No interest shall be paid, deducted or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances, except that interest due but unpaid may be considered part of the unpaid principal balance. For purposes of computing interest all installment payments shall be applied no later than the next business day after the date of receipt at the designated office or offices of the bank, savings bank or savings and loan association as set forth in the agreement, and interest shall be charged for the actual number of days elapsed at a daily rate of $1/365$ th of the yearly rate.

3:1-14.6 Methods of computing interest

(a) Interest may be computed in each billing cycle by any of the following methods, in accordance with the agreement between the bank, savings bank or savings and loan association and the borrower;

1. By converting each yearly rate to a daily rate and multiplying such daily rate by the applicable portion of the daily unpaid principal balance of the account, in which case each daily rate is determined by dividing each yearly rate by 365; or

2. By multiplying $1/12$ th of each yearly rate by the applicable portion of the average daily unpaid principal balance of the account in the billing cycle, in which case the average daily unpaid principal balance is the sum of the amount unpaid each day during the cycle divided by the number of days in the cycles; or

3. By converting each yearly rate to a daily rate and multiplying such daily rate by the number of days in the billing cycle and then multiplying by the applicable portion of the average daily unpaid principal balance of the account in the billing cycle, in which case each daily rate is determined by dividing each yearly rate by 365, and the average daily unpaid principal balance is the sum of the amount unpaid each day during the cycle divided by the number of days in the cycle.

(b) For all the methods of computation in (a)1-3 above, the billing cycle shall be monthly (except that a month may vary from 27 to 35 days) and the unpaid principal balance on any day shall be determined by addition to any balance unpaid as of the beginning of that day all advances, past due interest, and other permissible amounts charged to the borrower and deducting all payments and other credits made or received that day.

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Announcement: Application Period for Water Supply Bond Rehabilitation Loan Program

Public Notice

Take notice that Robert E. Hughey, Commissioner of the Department of Environmental Protection, pursuant to the Water Supply Bond Act of 1981, P.L. 1981, c.261, and the Water Supply Bond Loan Regulations for the Rehabilitation of Water Supply Facilities, N.J.A.C. 7:A1-1 and 2, announces that the Department will be accepting loan applications until October 1, 1983 for State or local projects for the rehabilitation or repair of antiquated, obsolete, damaged or inadequately operating publicly owned water supply transmission facilities. Any political subdivision of the State or agency thereof shall be eligible to apply for a water supply bond rehabilitation loan. Note that N.J.A.C. 7:1A-2.4(a) requires every applicant to schedule an informal pre-application conference with the Division of Water Resources prior to making a formal application for a water supply bond rehabilitation loan.

Applications may be obtained and pre-application conferences may be scheduled by contacting the Division of Water Resources as listed below. Any questions concerning the water supply bond rehabilitation loan program should be addressed to:

Robert Oberthaler, Program Manager
Division of Water Resources
Water Supply and Watershed Management
Administration
1474 Prospect Street
CN 029
Trenton, New Jersey 08625

Note that all applications for the water supply bond rehabilitation loan program must be received on or before **October 1, 1983**.

This Notice is published as a matter of public information.

(b)

DIVISION OF WATER RESOURCES

Annual NJPDES Permit Fee Hearing

Public Notice

Notice is hereby given that pursuant to the New Jersey "Water Pollution Control Act", N.J.S.A. 58:10A-1.1 et seq. (specifically N.J.S.A. 58:10A-9), the Department of Environmental Protection shall hold the Annual NJPDES Permit Program Fee Assessment Hearing on August 8, 1983. The Water Pollution Control Act prohibits the discharge of pollutants to the surface and/or ground waters of the State, except in conformity with a NJPDES permit. Section 9 of the Water Pollution Control Act requires the Commissioner, in accordance with the fee schedule adopted by

regulation, to establish and charge reasonable annual administrative fees, which fees shall be based upon and not exceed the estimated cost of processing, monitoring and administering the NJPDES permits. The fee schedule for all NJPDES permittees and permit applicants was adopted on January 17, 1983 (14 N.J.R. 684) (N.J.A.C. 7:14A-1.8). This fee schedule will be utilized for the assessment of the 1983-84 NJPDES fees.

The purpose of this public hearing is to notify the affected permittees and permit applicants of the fees which will be assessed for the 1983-84 NJPDES fee-year and provide an opportunity for comment on the fees and the annual fee report. The actual fees which will be assessed of all NJPDES permittees and permit applicants and the fee schedule report has been mailed to all known permittees and permit applicants in accordance with N.J.A.C. 7:14A-1.8(b)2.

The hearing will be held on Monday, **August 8, 1983** at 10:00 A.M. at Hermann Hall, Rutgers University (Cook College) in New Brunswick. Comments will be accepted until August 20, 1983.

Copies of the annual fee report which includes the 1983-84 fee assessments may be obtained from:

Ellen Radow, Chief
Office of Permits Administration
Division of Water Resources - WQME
CN 029
Trenton, NJ 08625

LAW AND PUBLIC SAFETY

(c)

DIVISION OF MOTOR VEHICLES

Bulk Commodities Application

Public Notice

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

COMMON CARRIER (NON-GRANDFATHER)
Cindar, Inc.
3421 Sunset Avenue
Wanamassa, New Jersey 07712

CONTRACT CARRIER
(NON-GRANDFATHER)
Henry J. Atema Trucking, Inc.
5 Emeline Drive
Hawthorne, New Jersey 07506

Any or all of the above applications may be inspected in full by interested parties at the office of the Division of Motor Vehicles, Bureau of Motor Carriers, 25 S. Montgomery Street, Trenton, New Jersey 08666, on business days between 9:00 A.M. to 4:00 P.M.

Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Average Wholesale Price of Cigarettes Cigarette Surtax Rate

Public Notice

For the purpose of complying with the requirements of Chapter 40, P.L. 1982, Sec. 4 (N.J.S.A. 54:40A-8.2), John R. Baldwin, Acting Director of the Division of Taxation, hereby gives notice that, based upon the best available current data, the average wholesale price of cigarettes in this State during the succeeding six months commencing July 1, 1983 is \$.39624 for each 10 cigarettes or fraction thereof.

Therefore, the cigarette surtax due for such six months, pursuant to Sec. 301 of P.L. 1948, c.65 (C.54:40A-8), as amended, shall be \$0.02 1/2 for each 10 cigarettes or fraction thereof.

OTHER AGENCIES

(b)

CASINO CONTROL COMMISSION

Petition for Rulemaking Credit; Exclusion from Casinos

Petitioners: Division of Gaming Enforcement State Commission of Investigation

Authority: N.J.S.A. 5:12-69(c), N.J.A.C. 19:42-8 and N.J.S.A. 52:14B-4(f).

Take notice that the Casino Control Commission has received petitions for rulemaking from the Division of Gaming Enforcement and the State Commission of Investigation (SCI) concerning casino credit practices and procedures (N.J.A.C. 19:45). Additionally, the SCI has petitioned the Commission for amendments to the regulations concerning the exclusion of persons from casinos (N.J.A.C. 19:48 and 19:42-4).

Generally, the petition for rulemaking from the Division of Gaming Enforcement concerning casino credit practices and procedures proposes to amend:

1. N.J.A.C. 19:45-1.27 and 1.45, to require additional information to be included in and recorded on a patron's credit file and more extensive verification of the applicant's gambling and non-gaming credit history;

2. N.J.A.C. 19:45-1.11, 1.25, 1.26 and 1.28, to limit the time and manner in which counter checks must be redeemed or deposited; to establish formal lines of communication between the credit department and the security and surveillance departments; and to establish specific information that must be recorded for the verification of cash equivalents; and

3. N.J.A.C. 19:45-1.1 and 1.29, to redefine identification credentials and to require sufficient documentation to substantiate all returned check write-offs.

Generally, the petition for rulemaking from the SCI concerning the exclusion of persons from casinos proposes to amend:

1. N.J.A.C. 19:48-1.3(a)1-3, to eliminate the additional requirement of "inimical presence";

2. N.J.A.C. 19:48-1.7, to grant immunity from civil or criminal liability to a casino licensee performing its statutory duty pursuant to Section 71(d) of the Casino Control Act;

3. N.J.A.C. 19:48-1.7, to require that casino licensees, upon the recommendation of the Commission or Division, consider detaining, ejecting or excluding a patron from their premises; and

4. N.J.A.C. 19:42-4, to eliminate the requirement for a preliminary hearing before a candidate for exclusion can be placed on the exclusion list.

Minor amendments are also proposed for N.J.A.C. 19:48-1.1, 1.5 and 1.8.

After due notice, these petitions will be considered by the Casino Control Commission in accordance with the provisions of N.J.S.A. 5:12-69(c), N.J.A.C. 19:42-8 and N.J.S.A. 52:14B-4(f).

LATE FILINGS

HUMAN SERVICES

(a)

DIVISION OF MENTAL RETARDATION

Determination of Mental Deficiency/Need for Guardianship

Proposed Readoption with Amendments: N.J.A.C. 10:43

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:1-12.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Leon Skowronski
Administrative Practice Officer
Division of Mental Retardation
CN 700
Trenton, NJ 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on September 18, 1983. The re-adoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their re-adoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-327.

OFFICE OF ADMINISTRATIVE LAW NOTE: The following proposal was submitted by the Division of Mental Retardation and received by the Office of Administrative Law on time according to the proposal deadline schedule. However, because of technical difficulties and typesetting deadlines, the proposal could not be included in the Rule Proposals section in this Register and has, therefore, been placed under Late Filings to facilitate its timely publication.

The agency proposal follows:

Summary

The present chapter, which is scheduled to expire on September 18, 1983, pursuant to Executive Order No. 66(1978), commonly known as the "Sunset" Executive Order, is hereby proposed for re-adoption with amendments.

The existing chapter has been and continues to be necessary in order to delineate procedures through which administrative determinations are to be made regarding whether adult individuals served by the Division of Mental Retardation are mentally deficient and therefore in need of guardianship. Such a process is required by N.J.S.A. 30:4-165.5. The chapter currently in effect has generally been an adequate, reasonable, workable mechanism and should be continued with some changes designed to improve the

procedure. The rule was initially adopted and incorporated into the New Jersey Administrative Code in 1978.

N.J.A.C. 10:43-1.1 describes the thrust of the regulation as ensuring the right of any mentally retarded adult to have a responsible impartial guardian to act on his or her behalf when the person is not able to exercise rights independently.

N.J.A.C. 10:43-1.2 defines the source of authority in New Jersey law for the process of determining individuals receiving functional services mentally deficient or not.

N.J.A.C. 10:43-1.4 presents guidelines which should be followed by staff of the Division of Mental Retardation in arriving at a decision as to whether a person is mentally deficient or non-deficient. In sum, three basic areas must be considered: Measured intelligence, adaptive behavior, and clinical and social factors.

N.J.A.C. 10:43-1.5 elaborates the step-by-step procedures which must be employed in regard to determinations of mental deficiency. This section defines the parties who are to be involved, the formalization of the actual decision via a certificate, and the ongoing need for redetermination.

N.J.A.C. 10:43-1.6 expounds directives for notifying the client and his or her family regarding the decision reached with respect to the client's deficient or non-deficient status. This notification will in turn trigger the process for establishing some provision for guardianship if indeed the client has been determined mentally deficient.

The proposed amendments, in general, do not significantly alter the substance of the current chapter. For the most part, additions are proposed for the purpose of providing more extensive guidelines, direction, clarification and elaboration to aid staff in the process of determining or reviewing a Division of Mental Retardation client's status as a mentally deficient adult in need of guardianship or as a non-deficient person capable of making independent decisions.

Under N.J.A.C. 10:43-1.2, there is clarification that not only minors approaching adulthood but also persons entering services as adults must be evaluated regarding mental deficiency and need for guardianship.

The amendments to N.J.A.C. 10:43-1.3 consist of additional definitions of technical terms used within the regulation.

The amended version proposed for N.J.A.C. 10:43-1.4 is intended to expand upon and further clarify two of the essential areas which must be addressed in determining whether persons are mentally deficient, namely measured intelligence and adaptive behavior. The additions are verbatim excerpts from the 1979 revision of the American Association on Mental Deficiency's "Manual on Terminology and Classification in Mental Retardation".

N.J.A.C. 10:43-1.5 really contains no new content, other than a provision for the evaluation of individuals entering services having already attained chronological adulthood. Other changes merely reflect rewording of substantially the same concepts for greater clarity and the reordering of provisions previously located in other sections of the chapter.

N.J.A.C. 10:43-1.6 establishes a review requirement, on an ongoing basis, for all adult clients with respect to mental deficiency or non-deficiency status. The current regulation limits this need only to persons who have been determined deficient. This section also includes a provision for informing the appropriate court of new clinical findings in certain instances when a legal guardian has been appointed.

N.J.A.C. 10:43-1.7 is a new section which defines the process of administrative appeal when there is disagreement with a decision regarding mental deficiency.

Social Impact

The existing chapter has essentially established a workable procedure, with safeguards in place for the individual's rights, to evaluate clients receiving services from the Division of Mental Retardation with respect to their being mentally deficient and in need of guardianship as adults. Approximately 2,000 individuals have been assessed under this procedure and found to be in need of guardianship. As a result either a private, court-appointed guardian or State guardianship services have been set in place to establish a basic decision-making agent to act on behalf of clients lacking the capacity to do so for themselves. Several hundred other clients have been formally determined non-deficient and thus capable of exercising their own rights.

In addition, the procedure delineated in the rule has been employed to regularly review the deficient or non-deficient status of thousands of adult individuals who had been previously evaluated.

There have also been positive consequences for parents, relatives or others closely involved with adult clients receiving services from the Division of Mental Retardation. These parties have been provided with a practical mechanism for addressing the issue of whether the retarded person with whom they have a close relationship will be able to act for himself or herself or will in fact require a substitute decision-maker. The chapter has defined their role in terms of input and participation in this process.

The impact of the amendments will be to further clarify and elaborate upon the bases upon which determinations of mental deficiency and need for guardianship will be made. This will promote better decision-making and ensure improved safeguards for clients' rights.

The requirements for notifying client, family and others, both before and after the determination or review of mental deficiency or non-deficiency, are pinpointed and spelled out in clearer terms. There is also specification of the possibility of recourse to an administrative hearing if individuals disagree with a decision. These provisions will also contribute to due process protection of clients' rights.

Economic Impact

The procedure required for determining clients mentally deficient or non-deficient under the current chapter has had economic ramifications principally in the form of the work time required on the part of staff of the Division of Mental Retardation for this specific function. Such time has been expended for prior notification, the actual assessment process, certification, and communicating the decision reached.

The amendments will for the most part continue the same procedure and consequently extend the same requirements of staff time, which are relatively modest and impossible to accurately estimate in terms of cost. There is some possibilities of additional impact resulting from the need to conduct formal administrative hearings when initial determination or review decisions are disputed. It is projected, on the basis of the experience to date in this regard, that such recourse will be extremely rare.

Full text of the proposed readoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

10:43-1.1 Philosophy

(a) It is "the right, for a retarded individual who may not be able to act effectively in his or her own behalf, to have a responsible impartial guardian or advocate appointed--to protect and effect the exercise and enjoyment of these--rights, --It is the responsibility of the guardian to determine--the extent to which the individual--can function independently, to determine the extent of that person's ability to enjoy and exercise his or her rights, and to seek the exercise thereof".¹

(b) It must be recognized that a person in need of guardianship can

exercise selective rights according to capacity and that every person has potential for growth.

¹Rights of Mentally Retarded Persons: an official statement of American Association on Mental Deficiency, Mental Retardation, October, 1973.

10:43-1.2 Authority

[N.J.S.A. 30:4-165.5 states, in effect, that a mentally retarded person, admitted to a functional service, is to be evaluated as he approaches adulthood] (a) **The Commissioner of the Department of Human Services is explicitly directed to evaluate each mentally retarded minor admitted to functional services as he or she approaches adulthood** to determine if, by reason of mental deficiency, [he] **the person** will continue to require protection and supervision on his **or her** own interest, being incapable of managing [himself] **him or herself** and his **or her** affairs as an adult. (N.J.S.A. 30:4-165.5)

(b) **By implication other individuals who are already adults at the time of their admission into functional services should be evaluated for the same purpose.**

10:43-1.3 [Definition of Mental Deficiency] Definitions

"Adaptive behavior" shall mean the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group. Three aspects of this behavior are:

1. Maturation
2. Learning and/or
3. Social adjustment

These three aspects of adaptation are of different importance as qualifying conditions of mental retardation for different age groups. There are levels of adaptive behavior defined by the American Association on Mental Deficiency, the Balthazar Scales of Adaptive Behavior et cetera.

"Clinical and social factors" shall mean defined conditions, handicaps, impairments of a mental, psychological, or physical nature which further diminish capacity to make judgments and decisions.

"Functional services" shall mean those services and programs in the department available to provide the mentally retarded with education, training, rehabilitation, adjustment, treatment, care and protection. (N.J.S.A. 30:4-23)

"Intelligence quotient" (I.Q.) is a number held to express the relative level of intelligence of a person in terms of scores on major standardized individual intelligence tests which provide comparisons with the tested individual's chronological age peers.

"Measured intelligence" shall mean the capacity to perceive and understand relationships as measured by a standardized general intelligence test such as the following:

1. Stanford-Binet Intelligence Scale (also known as the Terman-Merrill Scale).
2. Wechsler Intelligence Scale for Children (WISC)
3. Wechsler Adult Intelligence Scale (WAIS).

"Mental deficiency" shall mean that state of mental retardation in which the reduction of social competence is so marked that persistent social dependency requiring guardianship of the person shall have been demonstrated or be anticipated. (N.J.S.A. 30:4-23)

"Mental retardation" shall mean a state of significant subnormal intellectual development with reduction of social competence in a minor or adult person; this state of subnormal intellectual development shall have existed prior to adolescence and is expected to be of life duration. (N.J.S.A. 30:4-23)

10:43-1.4 Guidelines for determination of mental deficiency versus [mental retardation] non-deficiency

(a) [All] **Many** people require help and support at some time in their lives. Only those **mentally retarded individuals** who are

persistently socially dependent, [those who] to such a degree that they cannot make decisions for themselves because they demonstrate a lack of capacity in the area of normal judgment-making ability should be determined mentally deficient.

(b) Care must be taken to base the determination only upon deficiencies which are the result of, or are linked with, mental retardation. A non-retarded psychotic person may be unable to make decisions but this cannot be a basis for classifying him or her mentally deficient. However, psychosis in a mentally retarded person might be a factor in his or her evaluation as mentally deficient.

(c) Mental deficiency cannot be equated with incompetency. Only courts are empowered to deal with the issue of incompetency. Persons determined incompetent by court action cannot automatically be considered [automatically to be] mentally deficient, or vice versa.

[1] (d) Basic considerations[:] which must be addressed relative to a determination of mental deficiency or non-deficiency are the following:

[i. Mental retardation substantiated by measured]

1. Measured intelligence with I.Q. scores;

[ii.] 2. Reduced level of adaptive behavior with behavioral description;

[iii.] 3. Clinical and social factors.

[2] (e) Elaboration of basic considerations is as follows:

[i.] 1. Measured intelligence is determined by [the clinical psychology staff as based upon] standardized psychological testing which indicates an individual's level of intellectual functioning. An I.Q. score below normal is not sufficient [, per se] to establish that the person is mentally retarded, let alone mentally deficient. A person is not considered to be [functioning at retarded level] mentally retarded unless, in addition to an I.Q. below borderline, his or her level of adaptive behavior is also significantly reduced [i.e.] for example, mild level (1) through profound level (4) of deficit in adaptive behavior.

i. There are four levels of subnormal measured intelligence:

(1) Mild – I.Q. of 52-67 on Stanford-Binet
55-69 on Wechsler Scales

(2) Moderate – I.Q. of 36-51 on Stanford-Binet
40-54 on Wechsler

(3) Severe – I.Q. of 20-35 on Stanford Binet
25-39 on Wechsler

(4) Profound – I.Q. of 19 and below on Stanford-Binet
24 and below on Wechsler

ii. However, a small minority of persons with I.Q.'s up to 10 points above the guideline ceilings are so impaired in their adaptive behavior that they may be classified as having mild mental retardation.

iii. Measured intelligence must be documented in all instances by a statement signed by an authorized examiner which shall include:

(1) Identification of the test used;

(2) The actual I.Q. score;

(3) Reference to sensory, motor or emotional disturbances which might have influenced test performance; and

(4) A clinical opinion of the validity of the obtained score.

[ii.] 2. Adaptive behavior is a reflection of what an individual actually does and is determined by a compilation of observations and/or reports of behavior under varying conditions and over a period of time rather than a formal testing situation. As was the case with measured intelligence, there are four levels of deficit in adaptive behavior ranging from profound to mild. The level of adaptive behavior may be measured [by] according to the AAMD Adaptive Behavior Scale or a similar accepted scale [or by classifying according to the following which indicates the highest possible functioning at each level unless otherwise stated]. In the final analysis, clinical judgments will be needed to arrive at an estimate of adaptive behavior level.

[1] Mild level (1) of adaptive behavior: Is capable of caring for

personal needs but may need reminders. Can find way around home town or local area but cannot go to new areas without assistance. Can communicate in fairly complex sentences but cannot discuss abstract or philosophical concepts. Is able to interact individually and in groups; may even belong to recreational or special interests clubs. Frequently needs supervision and guidance under serious social or economic stress.

(2) Moderate level (2) of adaptive behavior: Is able to care for own personal needs under direction. Has good body control and good gross and fine motor coordination. Is able to carry on a simple conversation using complex sentences and is able to read ads, signs and simple written material with some understanding. May also be able to do simple errands and make minor purchases. May do simple routine household chores and has an attention span of at least 15 to 20 minutes. May be able to perform unskilled jobs under supervision. Requires supervision and guidance when under mild social or economic stress.

(3) Severe level (3) of adaptive behavior: Can feed self but may need help in cutting some foods. Can bathe, dress self and is toilet trained. May speak in complete sentences and understands such communication from others. May recognize signs and words but does not read lengthy material with comprehension. May be sent to do simple errands. Understands that money has value but does not know how to use it. Attention span may be up to 10 minutes.

(4) Profound level (4) of adaptive behavior: Can feed self sloppily and drink without assistance. Can pull off clothing and may be able to put on same. May be partly toilet trained. May speak in two or three word sentences with a vocabulary of up to 300 words. May interact with one or two others, but not in a group activity unless guided. Is incapable of self-maintenance and needs complete care and supervision.]

i. Although other accepted scales can be used, the following is the AAMD table of illustrations of the highest adaptive behavior functioning at each deficit level for individuals 15 years of age or older:

(1) Mild deficits, as exhibited in the areas of:

(A) Independent functioning: Exercises care for personal grooming, feeding, bathing, toilet, may need health or personal care reminders, may need help in selection of purchase of clothing.

(B) Physical: Goes about hometown (local neighborhood in city, campus at institution) with ease, but cannot go to other towns alone without aid; can use bicycle, skis, ice skates, trampoline or other equipment requiring good coordination.

(C) Communication: Communicates complex verbal concepts and understands them; carries on everyday conversation, but cannot discuss abstract or philosophical concepts; uses telephone and communicates in writing for simple letter writing or orders but does not write about abstractions or important current events.

(D) Social: Interacts cooperatively or competitively with others and initiates some group activities, primarily for social or recreational purposes; may belong to a local recreation group or church group, but not to civic organizations or groups of skilled persons (for example, photography club, great books club, or kennel club); enjoys recreation (for example, bowling, dancing, TV, checkers, but either does not enjoy or is not competent at tennis, sailing, bridge, piano playing or other hobbies requiring rapid or involved or complex planning and implementation).

(E) Economic Activity: Can be sent or go to several shops to make purchases (without a note to shopkeepers) to purchase several items; can make change correctly, but does not use banking facilities; may earn living but has difficulty handling money without guidance.

(F) Occupation: Can cook simple foods, prepare simple meals; can perform everyday household tasks (cleaning, dusting, dishes, laundry); as adult can engage in semi-skilled or simple skilled job.

(G) Self direction: Initiates most of own activity; will pay attention to task for at least 15-20 minutes; conscientious about work and assumes much responsibility but needs guidance for tasks with responsibility for major tasks (health care, care of others, complicated occupational activity).

(2) Moderate deficits, as exhibited in the areas of:

(A) Independent functioning: Feeds, bathes, dresses self; may select daily clothing; may prepare easy foods (peanut butter sandwiches) for self or others; combs and/or brushes hair; may shampoo and roll up hair; may wash and/or iron and store own clothes.

(B) Physical: Good body control; good gross and fine motor coordination.

(C) Communication: May carry on simple conversation; uses complex sentences. Recognizes words, may read sentences, ads, signs, and simple prose material with some comprehension.

(D) Social: May interact cooperatively and/or competitively with others.

(E) Economic activity: May be sent on shopping errands for several items without notes; makes minor purchases; adds coins to dollar with fair accuracy.

(F) Occupation: May do simple routine household chores (dusting, garbage, dishwashing; prepare simple foods which require mixing).

(G) Self direction: May initiate most of own activities; attend to task 15-20 minutes (or more); may be conscientious in assuming much responsibility.

(3) Severe deficits, as exhibited in the areas of:

(A) Independent functioning: Feeds self adequately with spoon and fork; can butter bread; (needs help with cutting meat); can put on clothes and can button and zipper clothes; may tie shoes, bathes self with supervision; is toilet trained; washes face and hands without help.

(B) Physical: Can run, skip, hop, dance; uses skates or sled or jump rope; can go up and down stairs alternating feet; can throw ball to hit target.

(C) Communication: May communicate in complex sentences; speech is generally clear and distinct; understands complex verbal communication including words such as "because" and "but". Recognizes signs, words, but does not read with comprehension prose materials.

(D) Social: May participate in group activities spontaneously; may engage in simple competitive exercise games (dodge ball, tag races). May have friendship choices which are maintained over weeks or months.

(E) Economic activity: May be sent on simple errands and make simple purchases with a note; realizes money has value but does not know how to use it (except for coin machines).

(F) Occupation: May prepare simple foods (sandwiches); can help with simple household tasks (bedmaking, sweeping, vacuuming); can set and clear table.

(G) Self Direction: May ask if there is "work" for him to do; may pay attention to task for 10 minutes or more; makes efforts to be dependable and carry out responsibility.

(4) Profound deficits, as exhibited in the areas of:

(A) Independent functioning: Feeds self with spoon or fork, may spill some; puts on clothing but needs help with small buttons and jacket zippers; tries to bathe self but needs help. Can wash and dry hands but not very efficiently; partially toilet trained but may have accidents.

(B) Physical: May hop or skip, may climb steps with alternating feet; rides tricycle (or bicycle over 8 years); may climb trees or jungle gym; play dance games; may throw ball and hit target.

(C) Communication: May have speaking vocabulary of over 300 words and use grammatically correct sentences. If non-verbal, may use many gestures to communicate needs. Understands simple verbal communications including directions and questions (for example, "Put it on the shelf.")

"Where do you live?"); (Some speech may be indistinct sometimes.) May recognize advertising words and signs (for example, ice cream, STOP, EXIT, MEN, LADIES). Relates experiences in simple language.

(D) Social: Participates in group activities and simple group games; interacts with others in simple play (for example, "store", "house",) and expressive activities (art and dance).

[iii. It must be remembered that the above descriptions are of the highest possible functioning at each level.]

[iv.] ii. A person functioning at a higher level of adaptive behavior than described above is not retarded, and hence not deficient, because only a person who shows a significant deficit in both measured intelligence and adaptive behavior can be considered retarded.

3. Clinical and social factors influencing judgment/decision-making ability:

i. Severe sensory or communication difficulties which prevent decision making or seriously impair judgment.

ii. Emotional, social or psychiatric problems which seriously impair capacity for self-direction.

[iii. A determination of mental deficiency represents a "best judgment" of the moment and may be modifiable. It indicates only that the retarded person's intellectual and social maturation lags so far behind chronological age that the person is not expected to be able to assume the obligations and responsibilities of adulthood, at age 18, or his age at the time of the determination.]

10:43-1.5 Procedures

(a) Between six and 18 months prior to the 18th birthday of a **mentally retarded** client receiving functional service, the administrative [officer] **head** of the functional service shall, on behalf of the Commissioner and based upon the **preliminary assessment and recommendation** of [the Resident Review Committee of an institution or the] a **team** of professional staff of [a] the functional service, make a determination as to whether the client is mentally deficient [or mentally retarded] **and consequently in need of guardianship**. [Prior to the determination, the client will be notified that such an analysis is pending and will be given the date when he or she may appear with counsel, if he or she desires, to participate in the administration's determination of whether or not he or she will be considered mentally deficient upon attaining 18 years of age.] **If the client shall have been admitted into services after having already attained the age of majority, the evaluation by staff regarding mental deficiency shall be made within 30 days after the date of admission and the actual determination no later than 30 days thereafter.**

[1. Information required according to level of functioning:

i. Persons with measured intelligence of 39 or less;

(1) A measured I.Q. of 39 or less in and of itself can be used to identify the person as mentally deficient with no additional evidence required.

(2) Those making decisions on this basis should require a signed statement by the examiner which would include:

(A) The test used;

(B) The actual I.Q. score (if one could be obtained);

(C) Mention of sensory, motor or emotional disturbances which might have influenced test performance; and

(D) A clinical opinion of the validity of the obtained score.

ii. Persons with an obtained I.Q. between 40-50;

(1) If level of adaptive behavior is "3" or "4" the determination may be used upon measured intelligence and adaptive behavior.

(2) If level of adaptive behavior is "1" or "2" the above evidence should be supplemented by evaluation of clinical-social factors.

iii. Persons with an obtained I.Q. between 55-69;

(1) Decision must be based upon:

(A) Measured intelligence;

(B) Adaptive behavior; and

(C) Clinical-social factors.

iv. It may be noted from the above that more information is required to substantiate determination of mental deficiency for higher functioning individuals.

2. Certificate of mental retardation/mental deficiency: A report of the findings leading to a determination of mental deficiency must be made a part of the person's clinical record. I.Q. scores, and adaptive behavior level must be included along with reasons for the determination. If the client is not mentally deficient no substantiating reasons need be given. Regardless of the determination, such document must be signed by person administratively responsible for the functional service.

3. Redetermination:

i. Redetermination need be done only for those found to be mentally deficient/in need of guardianship services. Because mental deficiency is not necessarily a permanent condition, redeterminations are required. If a person is found to be mentally retarded and not mentally deficient, routine redeterminations are not necessary. Certificates regarding redeterminations, which are required only for those previously determined to be mentally deficient, include the same information as stated above. Redeterminations are to be done annually with the Individual Habilitation Plan re-evaluation, as well as upon request of the Bureau of Guardianship or others.

ii. Prior to acting on the issue of redetermination of mental deficiency, the administrative officer shall notify the client and the guardian or guardianship worker that the re-evaluation is to be done and will provide opportunity for the client to be represented prior to the redetermination.

iii. The client or person acting on his behalf may appeal the determination according to the appeals procedure of the Division of Mental Retardation.]

(b) Prior to the professional team's assessment, the client and the client's family shall be notified that such an analysis is pending and given the date when they may appear, with counsel if so desired, to participate in the evaluation process regarding mental deficiency. The client and the family should be informed of the purpose and meaning of this process, particularly as it might relate to the possible need for guardianship.

(c) The professional staff of the service may be guided in their evaluation of the client by the following criteria:

1. A client whose measured intelligence falls within the profoundly or severely retarded range, according to what are considered valid results of standardized testing, may be determined mentally deficient with no additional evidence required.

2. A client whose measured intelligence falls within the moderately retarded range may be assessed mentally deficient only if this information is supplemented by data identifying profound to severe impairment of adaptive behavior or clinical and social factors.

3. A client whose measured intelligence falls within the mildly retarded range may be assessed mentally deficient only if this information is supplemented by data identifying profound to severe impairment of adaptive behavior and additional clinical and social factors.

(d) The recommendation of the professional staff, together with a summary of the clinical data and other information upon which it is based, shall be routed to the administrative head of the service on a Certificate of Mental Deficiency/Non-Deficiency. The signature of the administrative head on the certificate will constitute the final, official determination.

(e) Within 30 days after the certification, the client shall be notified of his or her status with respect to mental deficiency or nondeficiency by the staff of the functional service. The meaning should be explained recognizing the client's rights, limitations, and capabilities. The exact timing of notification will depend upon the total circumstances, including the client's ability to understand and should be considered in cooperation with the client's family.

(f) The client's family shall also be notified in writing by the functional service staff regarding the determination of mental deficiency or non-deficiency, within 30 days. If the client was certified mentally deficient, the family shall be asked to respond in writing regarding their intention to pursue court-appointed guardianship or not. The functional service staff shall offer the opportunity to discuss the options. If no reply is received from the family within 30 days, a second letter is to be sent via certified mail. This communication shall apprise the family that the absence of any response within an additional 30 days shall occasion a referral to the Bureau of Guardianship Services to provide such services when the client reaches the age of majority unless he or she is already 18 or older at the time.

[10:43-1.6 Initial notification to client and family

(a) When the client reaches the age of 17 and the determination has been made, the functional service representative (usually the social worker) notifies the client's family in writing of the client's need for guardianship and the available options, or the lack of such a need. If the determination is made after the client reaches the age of 17, the family should be notified within one month of the receipt of the determination. The functional service staff should offer opportunity for discussion.

(b) If no reply is received within 30 days a second letter is to be sent by certified mail. This letter will include the statement that if no reply is received within 30 days, it will be assumed that the family members have decided not to become legal guardians and that the referral will be made to the Bureau of Guardianship Services to provide such services when the client reaches the age of 18. For further follow-up responsibilities, see Division Circular 7, IV, A.

(c) Clients should be notified as to whether they are evaluated retarded or deficient. The meaning should be explained to them recognizing their rights, limitations, and capabilities.

1. The exact timing of notification will depend upon the total circumstances, including the client's ability to understand and should be considered in cooperation with the client's family. It should never be delayed to less than two months prior to the client's 18th birthday unless, of course, he has entered the functional services as an adult. This is in accordance with the AAMD policy on guardianship as stated in Mental Retardation (April, 1978, p.66) "To the maximum extent of their capabilities, retarded persons, whether under the Guardianship or not, should be permitted to participate as fully as possible in all decisions which will affect them."]

10:43-1.6 Review

(a) A determination of mental deficiency represents a "best judgment" of the moment and may be modifiable. It indicates only that the retarded person's intellectual and social maturation lags behind chronological age to such a degree that he or she is not considered capable of assuming the obligations and responsibilities of adulthood at the time the assessment is made. Similarly a determination of non-deficiency may be changed if the client seriously regresses. In sum, each client's status should be subject to ongoing review.

(b) The status of every adult client previously determined either mentally deficient or non-deficient shall be reviewed no less than annually. The client, the family, the Bureau of Guardianship Services, or others legitimately representing the client may request a special review outside of the regularly scheduled times.

(c) Reasonable prior notice of the annual or special review shall be provided by the functional services to the client and his or her family, as well as to the legal guardian, Bureau of Guardianship Services, or other legitimately representing the client, as applicable.

(d) If the conclusion of the review is to recommend a change of status for the client, a new certificate of Mental Deficiency/

Non-Deficiency shall be prepared and submitted to the administrative head of the functional service for final decision to be formalized by his or her signature. The same requirements for accompanying summary of clinical data and other information constituting the basis of the recommendation shall apply as in the instance of the initial determination.

(e) If the recommendation resulting from the review is for continuation of the same status for the client, a brief documentation to that effect will be inserted in the client's record by the functional service staff.

(f) A decision may be reached that a client previously determined mentally deficient should now be redetermined non-deficient. In that event:

1. If the client has been receiving guardianship services, such shall be terminated by the Bureau of Guardianship Services, unless there is disagreement with the decision and a consequent appeal pending, as in N.J.A.C. 10:43-1.7.

2. If the client has had a legal guardian appointed as the result of a court adjudication of mental incompetency, the guardian and the court should be informed of the new clinical findings. It would be the court's decision whether to consider changing the disposition regarding guardianship or not.

10:43-1.7 Administrative hearings

(a) If the client, his or her family, legal guardian, Bureau of Guardianship Services, or others legitimately acting on the client's behalf take issue with an initial determination of mental deficiency or non-deficiency, or a decision reached as the result of a regular or special review, an administrative hearing may be initiated to resolve the matter.

(b) All administrative hearings shall be conducted pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.) and the Uniform Administrative Procedure Rules of Practice (N.J.A.C. 1:1).

LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES

Transportation of Bulk Commodities

Proposed Readoption: N.J.A.C. 13:26

Authorized By: Clifford W. Snedeker, Director, Division of Motor Vehicles.

Authority: N.J.S.A. 39:5E-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director
Division of Motor Vehicles
25 So. Montgomery Street
Trenton, NJ 08666

The Division of Motor Vehicles thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on August 14, 1983. The readoption of these rules becomes effective upon acceptance by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1983-331.

OFFICE OF ADMINISTRATIVE LAW NOTE: The following proposal was submitted by the Division of Motor Vehicles and received by the Office of Administrative Law on time according to the proposal deadline schedule. However, because of technical difficulties and typesetting deadlines, the proposal could not be included in the Rule Proposals section in this Register and has, therefore, been placed under Late Filings to facilitate its timely publication.

The agency proposal follows:

Summary

The Division of Motor Vehicles proposes to readopt the provisions of N.J.A.C. 13:26-1.1 through 13:26-3.16 concerning the transportation of bulk commodities. These rules were filed and became effective on August 14, 1978, and are now to be readopted in accordance with Executive Order 66(1978).

The rules implement the provisions of the "Bulk Commodities Transportation Act" (N.J.S.A. 39:5E-1 et seq.) regulating the transportation of bulk commodities in intrastate commerce. The Division's Bureau of Motor Carriers has reviewed the rules in accordance with Executive Order 66 and has determined that they are "necessary, adequate, reasonable, efficient, understandable and responsive to the purpose for which they were promulgated." The rules implement the public policy of this State as set forth in N.J.S.A. 39:5E-2 by fostering sound economic conditions in the bulk commodity transportation industry through a competitive, free enterprise economy and by promoting the public interest by providing for adequate bulk commodity transportation service throughout the State. The substantive provisions of the rules establish vehicle and commodity classifications. Vehicle classifications include tank vehicles transporting liquids and gases, tank vehicles transporting dry bulk cargo and dump vehicles transporting dry bulk cargo. Commodity classifications include non-hazardous cargo and hazardous cargo. The vehicle and commodity classifications are required to be specified on the carriers' certificates of public convenience and/or permits. See N.J.A.C. 13:26-3.1(c).

Common carriers (holders of certificates of public convenience) are required to hold themselves out to the general public as haulers of bulk commodities and to be able to transport bulk commodities within the territory or points it has been authorized to operate. See N.J.A.C. 13:26-3.1(d). Contract carriers (holders of a permit) are required to maintain continuing contracts for the transportation of bulk commodities, maintain adequate equipment for the transportation of bulk commodities to fulfill its contractual responsibilities and be able to transport bulk commodities within the territory or points it has been authorized to operate. See N.J.A.C. 13:26-3.1(e).

The rules provide for the granting of dual authority as both a common carrier and contract carrier. In addition to the requirements set forth in N.J.A.C. 13:26-3.1(d) and (e) for common and contract carriers, holders of dual authority may not allocate equipment from one operation to another unless the allocation will not interfere with its ability to operate either transportation service. See N.J.A.C. 13:26-3.5.

The rules provide for the granting of temporary authority where two or more carriers merge or where a carrier leases or contracts to operate the properties of another carrier. Temporary additional authority may be granted if it is not attainable through the transfer of existing certificates and permits. An applicant for temporary additional authority must satisfy the Director of the Division of Motor Vehicles that failure to grant such authority may result in the destruction or injury to the motor carrier property acquired or may interfere substantially with the properties' usefulness in supplying adequate and continuous service to the public. See N.J.A.C. 13:26-3.6(a)(2).

The rules vest in the Director authority to respond to emergencies caused by shortages of carrier service. The Director is authorized

to (1) grant temporary authority to carriers' capable of furnishing service in an affected territory, (2) direct the joint or common use of terminals, which in his opinion will best meet the shortage of service and serve the public interest, (3) give directions for priority in transportation and movement of traffic, (4) give directions respecting service, without regard to ownership as between carriers, as in his opinion will best promote service in the interest of the public and (5) suspend the operation of any rules or practice for such time as he may determine. See N.J.A.C. 13:26-3.7.

The rules provide for the issuance of permanent and temporary identification plates, cards, and decals for motor vehicle power units driven under any operating authority granted by the Director. See N.J.A.C. 13:26-3.11.

The rule establishes minimum insurance coverages for bodily injury, property damage, and cargo damage. See N.J.A.C. 13:26-3.12.

Social Impact

The rules proposed for readoption have a beneficial social impact. The rules promote the public welfare by providing for adequate bulk commodity transportation services throughout the State. The Director is vested with emergency authority to respond to shortages of carrier service in any part of the State. The Director may grant temporary authority to carriers capable of furnishing service in a territory affected by a shortage of service. Additionally, he may direct common use of terminal space, establish priorities in transportation and movement of traffic, suspend existing rules and practices, and direct carrier service.

Economic Impact

The rules proposed for readoption have a beneficial economic impact on the bulk commodity transportation industry in that they foster sound economic conditions therein through a competitive, free enterprise economy. There is also a beneficial economic impact on the State. In the fiscal year 1981-1982, the State collected revenue in the amount of \$40,305 upon issuance of certificates and plates. Common and contract carriers subject to the Act pay a fee of \$375.00 for a certificate of public convenience or permit.

Additionally, a carrier pays an annual fee of \$10.00 for each identification plate issued for power units operated by it. Private carriers and interstate carriers are not subject to the Act so that there is no economic impact on them.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 13:26, as amended in the New Jersey Register.

INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. **Rules which are being promulgated in this Register, and which appear in the Table of Rules in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.**

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption. At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The *Index of Adopted Rules* appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make

available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

To be certain that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with October 5, 1979.

HOW TO USE THE TABLE OF CITATIONS

Generally, the key to locating a particular adopted rule is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research.

The N.J.A.C. citation itself indicates the extent of the changes to a rule. Every citation includes, at a minimum, the numerical designation of the title and chapter (**1:30**), and may include subchapter and section designations (**1:30-1.1**). In general, the less specific the citation, the more extensive the rule change. For example, 1:30 means that much or all of chapter 30 of title 1 has been modified; 1:30-1 means that several sections of subchapter 1 of 1:30 have been revised; and 1:30-1.1 means that only section 1 of 1:30-1 has been changed.

An N.J.A.C. citation that includes several section numbers (1:30-1.1, 1.3, 1.4) or several different subchapter and section numbers (1:30-1.1, 2.1, 4.3) means that similar or related changes have been made to those provisions. Additionally, a citation may designate an entirely new rule rather than an amended one.

In general, each rule is listed separately and chronologically. However, where an adoption notice contained several related rule adoptions or amendments within a single chapter, all of those changes may be under a single entry. Therefore, to be certain that you have found all of the changes to a given rule, be sure to scan the citations above and below that rule to find any entries which might contain related rule adoptions, including the one you are researching.

N.J.A.C. CITATION

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

ADMINISTRATIVE LAW—TITLE 1

1:1-2.2	Contested cases and OAL jurisdiction	14 N.J.R. 486(a)	R. 1982 d.467	15 N.J.R. 23(a)
1:1-3.3	Pre-hearing conferences and tape-recording	14 N.J.R. 606(a)	R. 1982 d.297	14 N.J.R. 975(a)
1:1-3.11	Succession of parties in contested cases	14 N.J.R. 606(b)	R. 1982 d.295	14 N.J.R. 975(b)
1:1-9.1, 9.2, 9.6, 9.7, 13.2, 13.3, 14.5	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R. 1982 d.472	15 N.J.R. 25(a)
1:1-14.1	Consolidation of cases	14 N.J.R. 674(b)	R. 1982 d.296	14 N.J.R. 975(c)
1:1-16.5	Substantiation of final decisions	14 N.J.R. 608(a)	R. 1982 d.292	14 N.J.R. 975(d)
1:2-2	Conference hearings and Civil Service cases	15 N.J.R. 66(a)	R. 1983 d.87	15 N.J.R. 435(a)
1:2-3	"Hearings on the papers" and MV cases	15 N.J.R. 68(a)	R. 1983 d.86	15 N.J.R. 436(a)
1:6A	Special Education Program hearing rules	14 N.J.R. 930(a)	R. 1982 d.462	15 N.J.R. 25(b)
1:6A-2.2, 4.2, 5.5	Special Education Program hearing rules	15 N.J.R. 2(a)	R. 1983 d.88	15 N.J.R. 437(a)
1:6A-3.3, 4.4, 4.5	Special Education Program hearing rules	15 N.J.R. 451(a)	R. 1983 d.253	15 N.J.R. 1015(a)
1:30	Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d.466	15 N.J.R. 29(a)
1:30-2.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d.466	15 N.J.R. 543(a)
1:30-3.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d.466	15 N.J.R. 101(a)
1:31	Organization of OAL	14 N.J.R. 780(a)	R. 1982 d.291	14 N.J.R. 976(a)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d.339	14 N.J.R. 1163(b)

(Title 1, Transmittal 2 dated June 21, 1982)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
AGRICULTURE—TITLE 2				
2:2-2.1, 2.6, 2.10, 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d.237	14 N.J.R. 833(a)
2:2-2.2	Official calfhood brucella vaccination	13 N.J.R. 114(b)	R. 1981 d.173	13 N.J.R. 318(a)
2:2-2.3	Vaccination of female bovines	13 N.J.R. 256(a)	R. 1981 d.288	13 N.J.R. 471(a)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R. 1982 d.234	14 N.J.R. 833(b)
2:2-2.16	Slaughtering of market cattle and goats	13 N.J.R. 5(a)	R. 1981 d.40	13 N.J.R. 115(b)
2:2-2.19	Brucellosis testing for intrastate movement	14 N.J.R. 865(a)	R. 1982 d.360	14 N.J.R. 1154(a)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	13 N.J.R. 4(b)	R. 1981 d.39	13 N.J.R. 115(a)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d.237	14 N.J.R. 833(a)
2:3-4.1	Movement of livestock	13 N.J.R. 5(b)	R. 1981 d.41	13 N.J.R. 115(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d.235	14 N.J.R. 833(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d.235	14 N.J.R. 833(c)
2:5-1	Repeal hog cholera quarantines	13 N.J.R. 5(c)	R. 1981 d.42	13 N.J.R. 115(d)
2:22-2	Mediterranean fruit fly control	13 N.J.R. 550(a)	R. 1981 d.508	14 N.J.R. 101(a)
2:32-2	Sire Stakes Program	15 N.J.R. 69(a)	R. 1983 d.84	15 N.J.R. 439(a)
2:48-5.1	Use of coupons in milk promotion	13 N.J.R. 181(b)	R. 1981 d.166	13 N.J.R. 318(b)
2:50-1.1	Dairy farmers and relief from notice of intent	14 N.J.R. 489(b)	R. 1982 d.238	14 N.J.R. 833(d)
2:54-1.1	Milk marketing order	13 N.J.R. 551(a)	R. 1981 d.416	13 N.J.R. 753(a)
2:54-1.1, 2.1	Milk Marketing Order 57-3 and Order 63-1	13 N.J.R. 798(a)	R. 1981 d.512	14 N.J.R. 101(b)
2:69-1.6	Slow-release nitrogen products	14 N.J.R. 258(a)	R. 1982 d.159	14 N.J.R. 471(b)
2:69-1.11	Commercial values of primary plant nutrients	13 N.J.R. 114(c)	R. 1981 d.172	13 N.J.R. 318(c)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R. 1982 d.236	14 N.J.R. 833(e)
2:71-2.28, 2.29, 2.31	Farm products inspection and grading fees	14 N.J.R. 66(a)	R. 1982 d.75	14 N.J.R. 277(a)
2:85-1	Repealed: Agricultural Preserve Demonstration Program (Title 2, Transmittal 18 dated January 14, 1981)	15 N.J.R. 371(a)	R. 1983 d.169	15 N.J.R. 889(a)
BANKING—TITLE 3				
3:1-1.1	Readoption: Interest Rates on mortgages	13 N.J.R. 753(b)	R. 1981 d.511	14 N.J.R. 101(c)
3:1-1.1	Correction: Interest rates on mortgages	13 N.J.R. 753(b)	R. 1981 d.511	14 N.J.R. 205(a)
3:1-2	Procedural rules	13 N.J.R. 182(a)	R. 1981 d.258	13 N.J.R. 382(b)
3:1-9.4-9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R. 1983 d.85	15 N.J.R. 439(b)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R. 1982 d.242	14 N.J.R. 834(a)
3:1-11	"Executive officer" and affiliated persons	14 N.J.R. 490(b)	R. 1982 d.243	14 N.J.R. 834(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R. 1982 d.213	14 N.J.R. 755(a)
3:2-2.1-2.3	Plain language in consumer contracts	13 N.J.R. 184(a)	R. 1981 d.259	13 N.J.R. 383(a)
3:6-1.1	Savings bank parity rule	13 N.J.R. 383(b)	R. 1981 d.352	13 N.J.R. 551(b)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R. 1982 d.244	14 N.J.R. 834(c)
3:6-7, -9	Class II and Small Business Loans	14 N.J.R. 182(a)	R. 1982 d.126	14 N.J.R. 383(b)
3:6-7.1-7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R. 1982 d.307	14 N.J.R. 988(a)
3:6-12.1	Commercial bank parity	13 N.J.R. 383(c)	R. 1981 d.351	13 N.J.R. 552(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R. 1983 d.42	15 N.J.R. 330(a)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R. 1982 d.245	14 N.J.R. 834(d)
3:8-3, -4	Nonmember commercial bank reserves	14 N.J.R. 183(a)	R. 1982 d.125	14 N.J.R. 383(c)
3:11-2.1	Commercial bank lending: Approved subsidiaries	13 N.J.R. 799(a)	R. 1981 d.516	14 N.J.R. 101(d)
3:11-2.1	Commercial bank lending: Approved subsidiaries	15 N.J.R. 110(a)	R. 1983 d.108	15 N.J.R. 622(a)
3:11-7.2, 7.8, 7.9	Expanded lending limitations	15 N.J.R. 192(a)	R. 1983 d.133	15 N.J.R. 688(a)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R. 1982 d.263	14 N.J.R. 909(a)
3:11-10.1, 10.2	Savings banks participation in credit card operations	13 N.J.R. 61(b)	R. 1981 d.91	13 N.J.R. 185(b)
3:17-4.4, -7	Small loan licensees	13 N.J.R. 115(c)	R. 1981 d.257	13 N.J.R. 384(a)
3:17-7.1, 7.3	Permits to small loan licensees	13 N.J.R. 471(b)	R. 1981 d.430	13 N.J.R. 754(a)
3:17-7.1, 7.3	Small loan lenders and second mortgage purchases	15 N.J.R. 111(a)	R. 1983 d.120	15 N.J.R. 622(b)
3:19-2	Energy rules on home repair financing	Emergency	R. 1981 d.29	13 N.J.R. 116(a)
3:21-2	State chartered credit unions	13 N.J.R. 522(b)	R. 1981 d.414	13 N.J.R. 754(b)
3:23	Readopted: License fees for credit and lending	14 N.J.R. 277(b)	R. 1982 d.158	14 N.J.R. 471(c)
3:23-2.1	License fees for credit sales and loan businesses	15 N.J.R. 463(a)	R. 1983 d.183	15 N.J.R. 889(b)
3:26-3.1	Readopted: Action upon Detection of Crime	15 N.J.R. 372(a)	R. 1983 d.184	15 N.J.R. 889(c)
3:26-4.1	Parity with federally-chartered savings and loan	13 N.J.R. 634(a)	R. 1981 d.506	14 N.J.R. 40(a)
3:27-6	Repealed: Variable rate mortgage rules	13 N.J.R. 715(a)	R. 1981 d.507	14 N.J.R. 40(b)
3:28-5.1-5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R. 1982 d.306	14 N.J.R. 989(a)
3:30-2.1	Reserve requirements	13 N.J.R. 61(c)	R. 1981 d.90	13 N.J.R. 185(a)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R. 1982 d.302	14 N.J.R. 977(a)
3:38-1.1	Mortgage bankers and brokers license fees	13 N.J.R. 256(c)	R. 1981 d.260	13 N.J.R. 384(b)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation	14 N.J.R. 493(a)	R. 1982 d.303	14 N.J.R. 977(b)
(Title 3, Transmittal 17 dated January 14, 1981)				

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
CIVIL SERVICE—TITLE 4				
4:1-2.1	“Base salary” defined	14 N.J.R. 679(a)	R. 1982 d. 331	14 N.J.R. 1089(a)
4:1-5.11	Hearings: Decision notification	15 N.J.R. 111(b)	R. 1983 d. 100	15 N.J.R. 543(b)
4:1-7.11	Hours of work and compensation	14 N.J.R. 938(a)	R. 1983 d. 159	15 N.J.R. 801(a)
4:1-8.8B	Veterans’ age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R. 1983 d. 17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R. 1982 d. 204	14 N.J.R. 709(a)
4:1-16.13	Request for reemployment (local)	15 N.J.R. 272(b)	R. 1983 d. 222	15 N.J.R. 1015(b)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:1-18.2, 18.6–18.8	Hours of work and compensation	14 N.J.R. 938(a)	R. 1983 d. 159	15 N.J.R. 801(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)
4:1-18.5	Inclement weather emergency policy (State)	15 N.J.R. 273(a)	R. 1983 d. 196	15 N.J.R. 889(d)
4:1-25.1	Public inspection of records	14 N.J.R. 942(a)	R. 1983 d. 134	15 N.J.R. 689(a)
4:2-2.1	Repealed: Veterans’ age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:2-6.8	Repealed: (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:2-7.1	Repealed (see 4:1-7.11, 18.8)	14 N.J.R. 938(a)	R. 1983 d. 159	15 N.J.R. 801(a)
4:2-10.1, 10.2	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:2-18.1	Repealed (see 4:1-18.5)	15 N.J.R. 273(a)	R. 1983 d. 196	15 N.J.R. 889(d)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)
4:2-20.3	Granting of increments after denial	15 N.J.R. 112(a)	R. 1983 d. 164	15 N.J.R. 890(a)
4:2-20.12	Repealed (see 4:1-25.1)	14 N.J.R. 942(a)	R. 1983 d. 134	15 N.J.R. 689(a)
4:3-2.1	Repealed: Veterans’ age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:3-6.9	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R. 1982 d. 204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)
4:6	Overtime Committee Rules	14 N.J.R. 1126(a)	R. 1983 d. 158	15 N.J.R. 801(b)
(Title 4, Transmittal 16 dated June 21, 1982)				
COMMUNITY AFFAIRS—TITLE 5				
5:10-1.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d. 363	13 N.J.R. 704(a)
5:10-1.4	Row houses and multiple dwelling jurisdiction	15 N.J.R. 375(a)	R. 1983 d. 156	15 N.J.R. 803(a)
5:10-1.17	Readopted: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R. 1982 d. 334	14 N.J.R. 1089(c)
5:10-2.2	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d. 363	13 N.J.R. 704(a)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R. 1982 d. 253	14 N.J.R. 910(a)
5:10-25.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d. 363	13 N.J.R. 704(a)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d. 59	15 N.J.R. 330(b)
5:11-3.2	Duplicate rental assistance	14 N.J.R. 72(a)	R. 1982 d. 71	14 N.J.R. 278(a)
5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d. 59	15 N.J.R. 330(b)
5:11-9.2	Relocation assistance hearings	13 N.J.R. 186(d)	R. 1981 d. 183	13 N.J.R. 332(a)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R. 1982 d. 487	15 N.J.R. 83(b)
5:12	Repeal State aid for urban renewal projects	13 N.J.R. 187(a)	R. 1981 d. 180	13 N.J.R. 333(a)
5:12	Plain language review of residential leases	13 N.J.R. 473(a)	R. 1981 d. 424	13 N.J.R. 782(b)
5:12	Repealed: Plain language review of leases	14 N.J.R. 222(a)	R. 1982 d. 139	14 N.J.R. 426(a)
5:13-1.1, 1.5, 1.19, 1.20, 1.25, 1.27	Limited dividend and nonprofit housing corporations	15 N.J.R. 193(a)	R. 1983 d. 145	15 N.J.R. 803(b)
5:13-1.3, 1.21–1.24, 1.26	Repealed	15 N.J.R. 193(a)	R. 1983 d. 145	15 N.J.R. 803(b)
5:17	Expiration date for retirement community disclosure	13 N.J.R. 560(d)	R. 1981 d. 425	13 N.J.R. 782(c)
5:21	Repealed: Uniform standards for mobile homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:22-2.6	Multiple dwelling exemptions and tax list designations (joint adoption, see 18:12-6A.8)	14 N.J.R. 72(b)	R. 1982 d. 78	14 N.J.R. 278(b)
5:23	Readopted: Uniform Construction Code	14 N.J.R. 1247(a)	R. 1983 d. 144	15 N.J.R. 803(c)
5:23-1.4	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:23-1.4, -2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d. 134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d. 133	13 N.J.R. 258(c)
5:23-2.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d. 462	13 N.J.R. 885(d)
5:23-2.6	Uniform Construction Code inspections	13 N.J.R. 187(b)	R. 1981 d. 182	13 N.J.R. 333(b)
5:23-2.8	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R. 1982 d. 436	14 N.J.R. 1449(a)
5:23-3	Uniform Construction Code	13 N.J.R. 121(a)	R. 1981 d. 132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d. 133	13 N.J.R. 258(c)
5:23-3.3	Uniform Construction Code interpretations	13 N.J.R. 561(a)	R. 1981 d. 454	13 N.J.R. 886(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:23-3.3	Uniform Construction Code: Casino hotels	13 N.J.R. 561(b)	R.1981 d.455	13 N.J.R. 886(b)
5:23-3.9	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R.1983 d.12	15 N.J.R. 141(c)
5:23-4.3	Temporary appointments of municipal code officials	13 N.J.R. 863(a)	R.1982 d.23	14 N.J.R. 142(b)
5:23-4.6	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-4.8	Uniform Construction Code	13 N.J.R. 120(a)	R.1981 d.133	13 N.J.R. 258(c)
5:23-4.8	Interlocal Construction Code enforcement (recodified as 5:23-4.17(d))	14 N.J.R. 495(a)	R.1982 d.401	14 N.J.R. 1300(a)
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R.1982 d.220	14 N.J.R. 755(b)
5:23-4.8, 4.10	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-4.10A	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.42	14 N.J.R. 233(a)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(c)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R.1982 d.402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R.1982 d.220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R.1982 d.463	15 N.J.R. 323(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R.1982 d.463	15 N.J.R. 84(a)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(c)
5:23-5.2	Uniform Construction Code	13 N.J.R. 119(a)	R.1981 d.134	13 N.J.R. 258(b)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-5.3, 5.5	Uniform Construction Code	13 N.J.R. 390(a)	R.1981 d.462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	13 N.J.R. 635(a)	R.1981 d.463	13 N.J.R. 886(c)
5:23-5.5	Licensing of Code officials	13 N.J.R. 801(a)	R.1982 d.10	14 N.J.R. 143(b)
5:23-5.5	Fire subcode officials and construction licensing	14 N.J.R. 8(a)	R.1982 d.56	14 N.J.R. 234(a)
5:23-5.5, 5.6, 5.7	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R.1982 d.8	14 N.J.R. 143(a)
5:23-5.8, 5.9	Licensing of Code officials	13 N.J.R. 801(a)	R.1982 d.10	14 N.J.R. 143(b)
5:23-5.11	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R.1982 d.8	14 N.J.R. 143(a)
5:23-5.11	Uniform Construction Code	13 N.J.R. 119(a)	R.1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	13 N.J.R. 70(a)	R.1981 d.131	13 N.J.R. 258(e)
5:24-1.3	Correction: Condominium and cooperative conversion	13 N.J.R. 70(a)	R.1981 d.131	13 N.J.R. 333(c)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	13 N.J.R. 392(a)	R.1981 d.354	13 N.J.R. 562(a)
5:24-2	Protected tenancy for disabled and seniors	13 N.J.R. 802(a)	R.1982 d.9	14 N.J.R. 144(a)
5:25-2.8	Restoration of builders' registrations	14 N.J.R. 9(a)	R.1982 d.55	14 N.J.R. 234(b)
5:25-3.1	New home warranty and mixed use property	13 N.J.R. 863(b)	R.1982 d.22	14 N.J.R. 145(a)
5:25-5.5	New home warranties and builders' registration	13 N.J.R. 187(c)	R.1981 d.181	13 N.J.R. 333(d)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R.1982 d.386	14 N.J.R. 1210(a)
5:26	Planned real estate development full disclosure	12 N.J.R. 631(b)	R.1981 d.130	13 N.J.R. 259(a)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R.1982 d.260	14 N.J.R. 912(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	13 N.J.R. 474(a)	R.1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	13 N.J.R. 393(a)	R.1981 d.359	13 N.J.R. 704(c)
5:27-1.6	Rooming and boarding houses: License fees	15 N.J.R. 7(a)	R.1983 d.60	15 N.J.R. 330(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R.1982 d.422	14 N.J.R. 1365(a)
5:27-1.6	Rooming and boarding houses and discrimination	13 N.J.R. 562(b)	R.1981 d.435	13 N.J.R. 842(e)
5:27-2.1	Fire safety in boarding houses;	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-3.2	Rooming houses and discrimination	13 N.J.R. 562(b)	R.1981 d.435	13 N.J.R. 842(e)
5:27-3.5	Boarding houses: Non-ambulatory residents	14 N.J.R. 499(a)	R.1982 d.379	14 N.J.R. 1211(a)
5:27-3.12	Limited tenure residents and boarding houses	15 N.J.R. 375(b)	R.1983 d.157	15 N.J.R. 804(a)
5:27-4.8, 5.1, 5.3, 5.8, 5.9	Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R.1982 d.490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1300(c)
5:27-10.6	Boarding houses: self-administration of medicine	14 N.J.R. 499(a)	R.1982 d.379	14 N.J.R. 1211(a)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-12.2	Boarding houses: rental assistance agreements	15 N.J.R. 587(b)	R.1983 d.251	15 N.J.R. 1015(c)
5:29	Petitions for rules	13 N.J.R. 259(b)	R.1981 d.242	13 N.J.R. 395(a)
5:30-1.11	Realized revenue analysis report	13 N.J.R. 475(a)	R.1981 d.381	13 N.J.R. 755(a)
5:30-3.3	"Dedication by rider" to local budgets	14 N.J.R. 301(a)	R.1982 d.186	14 N.J.R. 654(a)
5:30-3.4	Filing of municipal budget amendments	13 N.J.R. 188(a)	R.1981 d.216	13 N.J.R. 395(b)
5:30-9.2	Form of tax collection record	13 N.J.R. 121(b)	R.1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	13 N.J.R. 70(d)	R.1981 d.121	13 N.J.R. 260(b)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R.1982 d.272	14 N.J.R. 912(b)
5:71	County offices on aging	13 N.J.R. 395(c)	R.1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	12 N.J.R. 385(a)	R.1981 d.255	13 N.J.R. 397(a)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R.1982 d.288	14 N.J.R. 983(a)
5:100-1.5, 1.6	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R.1983 d.215	15 N.J.R. 1016(a)
5:100-2	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R.1983 d.215	15 N.J.R. 1016(a)

(Title 5, Transmittal 16 dated March 19, 1981)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
EDUCATION—TITLE 6				
6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R. 1982 d.268	14 N.J.R. 913(a)
6:3-1	School districts: general provisions	15 N.J.R. 376(a)	R. 1983 d.248	15 N.J.R. 1016(b)
6:3-1.10	School districts: standards for determining seniority	15 N.J.R. 464(a)	R. 1983 d.255	15 N.J.R. 1017(a)
6:11-3.3	Teacher certification fees	13 N.J.R. 8(b)	R. 1981 d.82	13 N.J.R. 191(a)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R. 1983 d.40	15 N.J.R. 244(a)
6:11-3.7	Revocation of teaching certificate	14 N.J.R. 73(a)	R. 1982 d.122	14 N.J.R. 383(d)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:11-3.18	Teacher education and academic credentials	12 N.J.R. 452(e)	R. 1981 d.22	13 N.J.R. 123(b)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:20-2.3	Budget and cost distribution records	13 N.J.R. 333(e)	R. 1981 d.353	13 N.J.R. 563(b)
6:20-2.3	Program-oriented budgeting format	14 N.J.R. 309(a)	R. 1982 d.194	14 N.J.R. 654(b)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 978(b)
6:21-5.1-5.12	Standards for school buses	15 N.J.R. 383(a)	R. 1983 d.247	15 N.J.R. 1019(a)
6:21-6, 18, 19	Repealed: see 6:21-5.1-5.12	15 N.J.R. 383(a)	R. 1983 d.247	15 N.J.R. 1019(a)
6:21-10.4	Private auto use for pupil transportation	13 N.J.R. 914(a)	R. 1982 d.121	14 N.J.R. 384(a)
6:22-1.14, 1.19	Inspection fees for school facilities	14 N.J.R. 74(a)	R. 1982 d.119	14 N.J.R. 384(b)
6:24-1.3	Format of petition for controversies and disputes	13 N.J.R. 190(a)	R. 1981 d.265	13 N.J.R. 397(b)
6:24-1.3	Correction: Petition format	13 N.J.R. 190(a)	R. 1981 d.265	13 N.J.R. 481(a)
6:28-5.10, 5.11, 6.10, 6.11	Approval of auxiliary services for private school students	14 N.J.R. 617(a)	R. 1982 d.316	14 N.J.R. 1054(a)
6:29-4.2	Tuberculosis testing	13 N.J.R. 914(b)	R. 1982 d.120	14 N.J.R. 385(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:29-8.1, 8.2	Hearing screening of pupils	14 N.J.R. 108(a)	R. 1982 d.195	14 N.J.R. 654(c)
6:30	Adult diploma requirements	13 N.J.R. 721(a)	R. 1982 d.39	14 N.J.R. 205(c)
6:44-6,-7	Recodified as 6:30	13 N.J.R. 721(a)	R. 1982 d.39	14 N.J.R. 205(c)
6:46-1.1	"Technical education" in local area districts	14 N.J.R. 9(b)	R. 1982 d.118	14 N.J.R. 385(b)
6:46-1.1-1.5	Local area vocational school districts	13 N.J.R. 635(b)	R. 1981 d.495	14 N.J.R. 41(c)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R. 1982 d.368	14 N.J.R. 1154(b)
6:64-2.1-2.4	County library reorganization	15 N.J.R. 194(a)	R. 1983 d.199	15 N.J.R. 890(b)
6:66	Archives and history records management	13 N.J.R. 190(b)	R. 1981 d.202	13 N.J.R. 397(c)
6:66-2.15, 2.17, 2.20, 2.21, 3.12, 3.13	Records Management: microfilm systems and standards	15 N.J.R. 590(a)	R. 1983 d.241	15 N.J.R. 1019(b)
6:68-4.1-4.9	Library Construction Incentive Act rules	15 N.J.R. 196(a)	R. 1983 d.198	15 N.J.R. 890(c)
6:79-1.9, 1.11	Child nutrition program changes	14 N.J.R. 1248(b)	R. 1983 d.71	15 N.J.R. 440(a)
(Title 6, Transmittal 17 dated November 10, 1980)				
ENVIRONMENTAL PROTECTION—TITLE 7				
7:1A	Water Supply Bond Act loans	14 N.J.R. 10(a)	R. 1982 d.167	14 N.J.R. 573(c)
7:1A	Extension of application closing date	Public Notice	R. 1982 d.167	14 N.J.R. 1172(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R. 1982 d.281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R. 1983 d.26	15 N.J.R. 141(d)
7:1C-1.5	Fees for 90-day construction permits	13 N.J.R. 123(c)	R. 1981 d.187	13 N.J.R. 334(b)
7:1C-1.5	Maximum fees for waterfront development permits	13 N.J.R. 564(a)	R. 1981 d.473	13 N.J.R. 943(b)
7:1C-1.13	90-day construction permits	Procedural	R. 1981 d.48	13 N.J.R. 128(b)
7:1H-3.4	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R. 1983 d.50	15 N.J.R. 330(d)
7:7-2	Waterfront development permits	13 N.J.R. 73(c)	R. 1981 d.355	13 N.J.R. 564(b)
7:7A-1.13	Correction to Code: Wetlands maps	_____	_____	14 N.J.R. 1403(a)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	13 N.J.R. 75(a)	R. 1981 d.267	13 N.J.R. 401(b)
7:7E	Coastal resource and development policies	13 N.J.R. 76(a)	R. 1981 d.186	13 N.J.R. 338(a)
7:7E	Coastal Management Program: "Routine implementation" determination	_____	_____	14 N.J.R. 1467(b)
7:7E-3.10, 3.30, 3.33, 3.37, 4.10, 4.11, 5.5	Coastal resources and development policies	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 385(c)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R. 1983 d.27	15 N.J.R. 142(a)
7:7E-5.5	Correction: Coastal resources and development	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 1155(a)
7:7E-7.2	Affordable housing and coastal development	13 N.J.R. 864(a)	R. 1982 d.31	14 N.J.R. 206(a)
7:7E-8.7, 8.16, 8.17	Coastal resources and development policies	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 385(c)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R. 1982 d.421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R. 1983 d.24	15 N.J.R. 142(b)
7:9-2	Readopted: rules on individual subsurface disposal systems	15 N.J.R. 591(a)	R. 1983 d.243	15 N.J.R. 1042(a)
7:9-4, -5, -6	Water quality standards	12 N.J.R. 108(c)	R. 1981 d.80	13 N.J.R. 194(b)
7:9-8, -11, -14	Repealed	12 N.J.R. 108(c)	R. 1981 d.80	13 N.J.R. 194(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewerage approval	14 N.J.R. 504(a)	R. 1982 d.298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R. 1982 d.298	14 N.J.R. 979(a)
7:9-13.3, 13.5, 13.6	Sewer extension ban	12 N.J.R. 639(b)	R. 1981 d.224	13 N.J.R. 402(a)
7:10	Readopted: Safe Drinking Water Act rules	15 N.J.R. 592(a)	R. 1983 d.244	15 N.J.R. 1019(c)
7:10-8	Repealed: See 7:18	13 N.J.R. 260(d)	R. 1981 d.279	13 N.J.R. 481(c)
7:11-2	Consolidated Rate Schedule: D&R Canal and Spruce Run-Round Valley	15 N.J.R. 122(a)	R. 1983 d.191	15 N.J.R. 891(a)
7:11-2, -4	Water rate schedule: D and R, Spruce Run-Round Valley	14 N.J.R. 681(a)	R. 1982 d.455	14 N.J.R. 1449(b)
7:11-4	Repealed (see 7:11-2)	15 N.J.R. 122(a)	R. 1983 d.191	15 N.J.R. 891(a)
7:12	Readopted: Shellfish-Growing Water Classification	15 N.J.R. 595(a)	R. 1983 d.249	15 N.J.R. 1020(a)
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	13 N.J.R. 191(b)	R. 1981 d.190	13 N.J.R. 339(b)
7:12-1.2-1.5	Shellfish beds: Reclassification	14 N.J.R. 310(a)	R. 1982 d.182	14 N.J.R. 655(a)
7:12-1.3	Condemnation of certain shellfish areas	13 N.J.R. 566(a)	R. 1981 d.431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	13 N.J.R. 191(b)	R. 1981 d.190	13 N.J.R. 339(b)
7:13-1.11	Flood plain delineation of Great Egg Harbor River	12 N.J.R. 506(a)	R. 1981 d.88	13 N.J.R. 194(d)
7:13-1.11	Flood plain delineation of Mullica River and tributaries	12 N.J.R. 506(b)	R. 1981 d.89	13 N.J.R. 194(e)
7:13-1.11	Flood hazard area delineations	12 N.J.R. 640(b)	R. 1981 d.144	13 N.J.R. 339(c)
7:13-1.11	Flood hazard area delineations	12 N.J.R. 640(a)	R. 1981 d.145	13 N.J.R. 340(a)
7:13-1.11	Delaware Basin floodway delineations	13 N.J.R. 805(a)	R. 1982 d.154	14 N.J.R. 472(b)
7:13-1.11	Floodway delineations along Tuckahoe River	13 N.J.R. 921(a)	R. 1982 d.155	14 N.J.R. 473(a)
7:13-1.11	Floodway delineations in Hackensack basin	14 N.J.R. 19(a)	R. 1982 d.156	14 N.J.R. 473(b)
7:13-1.11	Floodway delineations: Woodbridge and Rahway rivers	13 N.J.R. 920(a)	R. 1982 d.157	14 N.J.R. 473(c)
7:13-1.11	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R. 1982 d.209	14 N.J.R. 755(c)
7:13-1.11	Delineated streams in Somerset County	14 N.J.R. 367(a)	R. 1982 d.392	14 N.J.R. 1211(b)
7:13-1.11	Floodway delineations in Union County	14 N.J.R. 870(a)	R. 1982 d.428	14 N.J.R. 1365(c)
7:13-1.11	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R. 1982 d.430	14 N.J.R. 1365(d)
7:13-1.11	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R. 1982 d.431	14 N.J.R. 1366(a)
7:13-1.11	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R. 1982 d.432	14 N.J.R. 1366(b)
7:13-1.11	Floodway delineations in Morris County	14 N.J.R. 870(b)	R. 1982 d.453	14 N.J.R. 1451(a)
7:13-1.11	Floodway delineations in Essex County	14 N.J.R. 1027(a)	R. 1983 d.478	15 N.J.R. 32(b)
7:13-1.11	Floodway delineations in Hunterdon County	14 N.J.R. 1131(b)	R. 1983 d.109	15 N.J.R. 622(c)
7:13-1.11	Floodway delineations in Burlington County	14 N.J.R. 1434(a)	R. 1983 d.135	15 N.J.R. 689(b)
7:13-1.11	Floodway delineations in Somerset-Union counties	14 N.J.R. 1131(a)	R. 1983 d.136	15 N.J.R. 690(a)
7:13-1.11	Floodway delineations in Monmouth County	14 N.J.R. 1134(a)	R. 1983 d.168	15 N.J.R. 893(a)
7:13-1.11	Flood delineations in Ocean-Monmouth counties	14 N.J.R. 1189(a)	R. 1983 d.197	15 N.J.R. 894(a)
7:14	Pollutant discharge and waste management	12 N.J.R. 569(f)	R. 1981 d.84	13 N.J.R. 194(c)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R. 1982 d.338	14 N.J.R. 1155(b)
7:14-2.12	Correction: Select trench backfill payment width	14 N.J.R. 75(a)	R. 1982 d.338	15 N.J.R. 440(b)
7:14-5, App. A	Statewide septage management	13 N.J.R. 124(a)	R. 1982 d.82	14 N.J.R. 336(c)
7:14A	Conditions for users of DTW	12 N.J.R. 569(f)	R. 1981 d.84	13 N.J.R. 194(c)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R. 1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R. 1983 d.9	15 N.J.R. 145(a)
7:14A-4	Industrial waste management facilities	12 N.J.R. 569(f)	R. 1981 d.373	13 N.J.R. 705(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R. 1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R. 1982 d.310	14 N.J.R. 1054(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R. 1983 d.9	15 N.J.R. 145(a)
7:14A-11, 13.1	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d.97	14 N.J.R. 338(a)
7:14A-13.4	Pollutant discharge and waste management	13 N.J.R. 89(a)	R. 1981 d.214	13 N.J.R. 403(a)
7:17	Hard clam depuration pilot plant program	12 N.J.R. 253(a)	R. 1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	13 N.J.R. 260(d)	R. 1981 d.279	13 N.J.R. 481(c)
7:19	Water diversion and water supply allocation permits	13 N.J.R. 639(a)	R. 1981 d.488	14 N.J.R. 42(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R. 1982 d.239	14 N.J.R. 834(f)
7:19-3.9	Annual review: fee schedule for water supply allocation			15 N.J.R. 950(a)
7:21	Water policy and supply council	Organizational	R. 1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	13 N.J.R. 481(d)	R. 1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	13 N.J.R. 192(a)	R. 1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	13 N.J.R. 9(a)	R. 1981 d.104	13 N.J.R. 195(b)
7:25-2.14	Field trials and horseback riding permits	15 N.J.R. 387(a)	R. 1983 d.185	15 N.J.R. 894(b)
7:25-4.6	Nongame and exotic wildlife inspection	13 N.J.R. 806(a)	R. 1981 d.513	14 N.J.R. 102(a)
7:25-5	Game Code	13 N.J.R. 262(a)	R. 1981 d.253	13 N.J.R. 403(c)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R. 1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982-83 Game Code changes	14 N.J.R. 871(a)	R. 1982 d.351	14 N.J.R. 1158(a)
7:25-6	1982-1983 Fish Code	13 N.J.R. 483(a)	R. 1981 d.470	13 N.J.R. 887(a)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R. 1982 d.429	14 N.J.R. 1366(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:25-7.2	Oyster seed beds recodification	13 N.J.R. 193(a)	R. 1981 d.189	13 N.J.R. 340(b)
7:25-7.10	Taking of oysters	13 N.J.R. 125(a)	R. 1981 d.199	13 N.J.R. 403(d)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R. 1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging	13 N.J.R. 125(b)	R. 1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Hard clam harvest penalties	13 N.J.R. 404(b)	R. 1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Bay scallops	13 N.J.R. 126(a)	R. 1981 d.256	13 N.J.R. 404(c)
7:25-12.1	Sea clam harvesting	Emergency	R. 1981 d.448	13 N.J.R. 843(a)
7:25-12.1	Harvest of sea clams	13 N.J.R. 613(a)	R. 1981 d.486	13 N.J.R. 943(c)
7:25-12.1	1982 sea clam harvest limits	Emergency	R. 1982 d.80	14 N.J.R. 288(a)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R. 1982 d.393	14 N.J.R. 1213(a)
7:25-14	Atlantic Coast crabbing	13 N.J.R. 262(b)	R. 1981 d.299	13 N.J.R. 546(a)
7:25-14.8-14.10	Crab harvesting	13 N.J.R. 645(a)	R. 1982 d.169	14 N.J.R. 578(a)
7:25-15.1	Hard clam relay program	13 N.J.R. 645(b)	R. 1982 d.117	14 N.J.R. 387(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R. 1982 d.411	14 N.J.R. 1300(d)
7:25-16.1	Upstream line revisions	13 N.J.R. 484(a)	R. 1981 d.469	13 N.J.R. 887(b)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R. 1982 d.454	14 N.J.R. 1451(b)
7:25-18A	Readopted: Fisheries closures and advisories	15 N.J.R. 39(a)	R. 1983 d.102	15 N.J.R. 543(c)
7:25-21	Terrapin	13 N.J.R. 126(b)	R. 1981 d.198	13 N.J.R. 405(a)
7:25-22.1	Marine finfish: Menhaden season	14 N.J.R. 945(a)	R. 1983 d.137	15 N.J.R. 690(b)
7:25A-1.1	Emergency: Oyster dredging license moratorium	Emergency	R. 1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	13 N.J.R. 192(b)	R. 1981 d.188	13 N.J.R. 340(c)
7:25A-2.1-2.7	Oyster management in Delaware Bay	13 N.J.R. 192(c)	R. 1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	13 N.J.R. 193(a)	R. 1981 d.189	13 N.J.R. 340(b)
7:25A-3.1	1982 seed oyster season	14 N.J.R. 264(a)	R. 1982 d.148	14 N.J.R. 426(b)
7:25A-3.1	1983 oyster seed bed season	15 N.J.R. 200(a)	R. 1983 d.161	15 N.J.R. 804(b)
7:26-1	Solid waste administration	12 N.J.R. 511(a)	R. 1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d.370	13 N.J.R. 706(b)
7:26-1.1	Pollutant discharge and waste management	12 N.J.R. 569(f)	R. 1981 d.84	13 N.J.R. 194(c)
7:26-1.1, 1.4	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-1.4	Correction: Hazardous waste management	14 N.J.R. 1137(a)	R. 1983 d.25	15 N.J.R. 333(a)
7:26-1.4	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R. 1983 d.192	15 N.J.R. 894(c)
7:26-1.7	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-1.8	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d.97	14 N.J.R. 338(a)
7:26-2.9, 2.13	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R. 1983 d.192	15 N.J.R. 894(c)
7:26-2.14	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-3.2,4.7	Solid waste collection and haulage	Procedural	R. 1981 d.49	13 N.J.R. 129(a)
7:26-3.8	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R. 1982 d.289	14 N.J.R. 979(b)
7:26-4.10	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R. 1983 d.50	15 N.J.R. 330(d)
7:26-5.5	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R. 1982 d.434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R. 1982 d.434	15 N.J.R. 900(a)
7:26-7, -8	Solid waste administration	12 N.J.R. 511(a)	R. 1981 d.281	13 N.J.R. 484(b)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7, 8.13, 8.15	Waste oil management as hazardous material	14 N.J.R. 20(a)	R. 1982 d.494	15 N.J.R. 88(a)
7:26-7.6, 8.16, 9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-9	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d.370	13 N.J.R. 706(b)
7:26-9.1, 9.2, 9.4,-10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-11, -12	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d.370	13 N.J.R. 706(b)
7:26-12.2	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d.97	14 N.J.R. 338(a)
7:26-14	Resource recovery grants	13 N.J.R. 9(a)	R. 1981 d.184	13 N.J.R. 340(d)
7:26-14	Codification correction: Resource recovery grants	13 N.J.R. 9(a)	R. 1981 d.184	15 N.J.R. 147(a)
7:26-15	Recycling of municipal solid waste (joint adoption, see 14A:6)	13 N.J.R. 865(a)	R. 1982 d.32	14 N.J.R. 206(b)
7:26-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R. 1983 d.119	15 N.J.R. 622(d)
7:27-2	Control and prohibition of open burning	12 N.J.R. 690(a)	R. 1981 d.135	13 N.J.R. 264(a)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R. 1982 d.456	14 N.J.R. 1452(a)
7:27-10	Sulfur in coal	12 N.J.R. 571(a)	R. 1981 d.185	13 N.J.R. 341(a)
7:27-16	Air pollution control: Volatile organic substances	13 N.J.R. 127(a)	R. 1982 d.3	14 N.J.R. 145(b)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R. 1982 d.457	14 N.J.R. 1455(a)
7:28-41	Mercury vapor lamps	13 N.J.R. 9(b)	R. 1981 d.464	13 N.J.R. 887(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:29B	Noise measurement	13 N.J.R. 127(b)	R. 1982 d.81	14 N.J.R. 339(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R. 1982 d.435	14 N.J.R. 1385(a)
7:30-3, -5, -6, -7	State Pesticide Control Code	14 N.J.R. 787(a)	R. 1983 d.166	15 N.J.R. 915(a)
7:30-10	State Pesticide Control Code: Pesticide use	14 N.J.R. 787(a)	R. 1983 d.63	15 N.J.R. 333(b)
7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R. 1982 d.231	14 N.J.R. 835(a)
7:38-1.17	Wild and scenic rivers addition	13 N.J.R. 568(a)	R. 1982 d.2	14 N.J.R. 147(a)
7:50	Pinelands management	13 N.J.R. 569(a)	R. 1982 d.131	14 N.J.R. 388(a)
7:50	Pinelands Comprehensive Management Plan and Sunset Provision	Public Notice		14 N.J.R. 1102(b)

(Title 7, Transmittal 16 dated January 14, 1981)

HEALTH—TITLE 8

8:13-2.1, 2.3, 2.4, 2.7-2.9, 2.11, 2.13-2.15	Soft-shell clam depuration	14 N.J.R. 415(a)	R. 1982 d.241	14 N.J.R. 835(b)
8:18-1	Repealed: Children's boarding home rules	14 N.J.R. 1436(b)	R. 1983 d.101	15 N.J.R. 544(a)
8:21-2.34	Repealed (see 8:21-12)	14 N.J.R. 1265(a)	R. 1983 d.115	15 N.J.R. 623(a)
8:21-3.23	Legal animal repellants	14 N.J.R. 79(a)	R. 1982 d.123	14 N.J.R. 389(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R. 1982 d.451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R. 1983 d.41	15 N.J.R. 244(b)
8:21-10	Designated fluid milk products	12 N.J.R. 643(c)	R. 1980 d.539	13 N.J.R. 13(f)
8:21-12	Nonalcoholic beverages and bottled water	14 N.J.R. 1265(a)	R. 1983 d.115	15 N.J.R. 623(a)
8:21-12.5	Correction: labeling of bottled water	15 N.J.R. 623(a)		15 N.J.R. 809(a)
8:22-1	State Sanitary Code—Campgrounds	13 N.J.R. 130(a)	R. 1981 d.161	13 N.J.R. 342(a)
8:22-2	Repeat mobile home park rules	12 N.J.R. 577(d)	R. 1980 d.499	13 N.J.R. 13(c)
8:23-1.4	Psittacosis testing of quarantined birds	15 N.J.R. 466(a)	R. 1983 d.207	15 N.J.R. 918(a)
8:24	Retail food establishments; vending machines	14 N.J.R. 509(a)	R. 1983 d.98	15 N.J.R. 544(b)
8:24	Correction: retail food establishments		R. 1983 d.98	15 N.J.R. 809(b)
8:25	Readopted: Youth Camp Safety rules	15 N.J.R. 467(a)	R. 1983 d.186	15 N.J.R. 918(b)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R. 1982 d.476	15 N.J.R. 33(a)
8:30	Expiration date	13 N.J.R. 265(a)	R. 1981 d.283	13 N.J.R. 485(b)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d.205	14 N.J.R. 709(b)
8:30	Repealed (see 8:39)	15 N.J.R. 279(a)	R. 1983 d.236	15 N.J.R. 1022(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:30-14	Recodified as 8:39-27	15 N.J.R. 279(a)	R. 1983 d.236	15 N.J.R. 1022(b)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R. 1982 d.273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R. 1982 d.274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R. 1982 d.275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved	14 N.J.R. 1331(a)	R. 1983 d.28	15 N.J.R. 147(b)
8:31-26.1	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R. 1983 d.235	15 N.J.R. 1021(a)
8:31-26.3	All health care facilities: Employee physicals	14 N.J.R. 1274(a)	R. 1983 d.69	15 N.J.R. 337(a)
8:31-26.3	Health care facilities: employee physical exams	15 N.J.R. 470(a)	R. 1983 d.234	15 N.J.R. 1022(a)
8:31-26.4	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d.157	13 N.J.R. 342(b)
8:31-26.4	Correction: Child abuse reporting	13 N.J.R. 12(a)	R. 1981 d.157	13 N.J.R. 756(a)
8:31-26.5	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:31-27	Megavoltage radiation (recodified as 8:33I)	13 N.J.R. 406(b)	R. 1981 d.406	13 N.J.R. 756(b)
8:31-28.1, 28.3	Need and designation of regional services	12 N.J.R. 515(a)	R. 1980 d.528	13 N.J.R. 13(d)
8:31-30.1	Plan Review Fee multiplier	13 N.J.R. 265(b)	R. 1981 d.284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	13 N.J.R. 266(a)	R. 1981 d.325	13 N.J.R. 571(c)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R. 1982 d.452	14 N.J.R. 1456(b)
8:31A-7	SHARE Manual: relief from overspending challenge	15 N.J.R. 200(b)	R. 1983 d.201	15 N.J.R. 918(c)
8:31A-9.2	Correction to Code: SHARE Manual	10 N.J.R. 534(c)	R. 1979 d.25	14 N.J.R. 44(a)
8:31A-10.1	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d.38	14 N.J.R. 208(a)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	13 N.J.R. 410(a)	R. 1981 d.404	13 N.J.R. 756(c)
8:31B-3	Hospital procedural and methodological regulations	12 N.J.R. 515(b)	R. 1980 d.455	12 N.J.R. 645(c)
8:31B-3	Procedural and methodological regulations	13 N.J.R. 486(b)	R. 1981 d.494	14 N.J.R. 45(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R. 1982 d.427	15 N.J.R. 43(a)
8:31B-3	Hospital rate setting: RIM and other 1983 changes	14 N.J.R. 737(a)	R. 1982 d.427	14 N.J.R. 1389(a)
8:31B-3.19	Hospital rate setting: Patient care cost finding	14 N.J.R. 737(a)	R. 1983 d.194	15 N.J.R. 919(a)
8:31B-3.20D	Rate of return: For-profit hospitals	13 N.J.R. 266(b)	R. 1981 d.290	13 N.J.R. 486(c)
8:31B-3.26, 3.72	Hospital rate setting: economic factor; periodic adjustments	15 N.J.R. 471(a)	R. 1983 d.206	15 N.J.R. 920(a)
8:31B-3.27, 3.73	Hospital rate setting: capital facilities; reconciliation	15 N.J.R. 201(a)	R. 1983 d.200	15 N.J.R. 920(b)
8:31B-4	Hospital financial elements and reporting regulations	12 N.J.R. 516(a)	R. 1980 d.453	12 N.J.R. 645(a)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R. 1982 d.449	14 N.J.R. 1457(a)
8:31B-4.62	Excluded health care services	12 N.J.R. 643(d)	R. 1981 d.10	13 N.J.R. 92(a)
8:31B-5.1, 5.2, 5.3	Diagnostic related groups	13 N.J.R. 726(b)	R. 1982 d.27	14 N.J.R. 147(b)
8:31B-6.1-6.5	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d.38	14 N.J.R. 208(a)
8:33	Certificate of Need application changes	13 N.J.R. 267(a)	R. 1981 d.296	13 N.J.R. 487(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:33-2.2	Batching cycle for long-term care facilities	15 N.J.R. 307(b)	R. 1983 d.205	15 N.J.R. 920(c)
8:33D-1.3	Regional hemophilia care centers	13 N.J.R. 727(a)	R. 1982 d.26	14 N.J.R. 147(c)
8:33E-1.1	Cardiac diagnostic facilities	13 N.J.R. 649(a)	R. 1982 d.24	14 N.J.R. 147(d)
8:33E-2.2	Cardiac surgical centers	13 N.J.R. 651(a)	R. 1982 d.25	14 N.J.R. 147(e)
8:33F-1.1-1.4, 1.6, 1.7	Regional end-stage renal services	13 N.J.R. 922(b)	R. 1982 d.143	14 N.J.R. 426(c)
8:33G	Certificate of Need reviews: CT scanners	13 N.J.R. 487(c)	R. 1981 d.472	13 N.J.R. 944(a)
8:33G-1.2, 1.4	CT scanners: Need review	14 N.J.R. 1275(a)	R. 1983 d.64	15 N.J.R. 337(b)
8:33H-3.3	Medicare and Medicaid beds in long-term care	14 N.J.R. 191(a)	R. 1982 d.180	14 N.J.R. 578(b)
8:33H-3.3	Long-term care: expansion and new construction	15 N.J.R. 473(a)	R. 1983 d.195	15 N.J.R. 921(a)
8:33I	Megavoltage radiation units (recodified from 8:31-27)	13 N.J.R. 406(b)	R. 1981 d.406	13 N.J.R. 756(b)
8:37	Expiration date	13 N.J.R. 265(a)	R. 1981 d.283	13 N.J.R. 485(b)
8:37	Intermediate care facilities	14 N.J.R. 417(a)	R. 1982 d.205	14 N.J.R. 709(b)
8:37	Repealed (see 8:39)	15 N.J.R. 279(a)	R. 1983 d.236	15 N.J.R. 1022(b)
8:37-4.7	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:39	Licensure of long-term care facilities	15 N.J.R. 279(a)	R. 1983 d.236	15 N.J.R. 1022(b)
8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d.205	14 N.J.R. 709(b)
8:39-1	Foreword: Amend operational dates	13 N.J.R. 265(a)	R. 1981 d.283	13 N.J.R. 485(b)
8:39-1.1	Long term care standards	13 N.J.R. 268(a)	R. 1981 d.285	13 N.J.R. 495(a)
8:39-1.1, 1.16-1.21	Long-term care facilities: Licensure standards	14 N.J.R. 193(a)	R. 1982 d.146	14 N.J.R. 427(a)
8:39-1.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:39-1.33	LTC facilities: Construction standards	13 N.J.R. 809(a)	R. 1982 d.276	14 N.J.R. 916(c)
8:39-1.34	LTC facilities: Additional standards	13 N.J.R. 809(b)	R. 1982 d.277	14 N.J.R. 916(d)
8:39-1.35	Operational dates	13 N.J.R. 265(a)	R. 1981 d.283	13 N.J.R. 485(b)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d.205	14 N.J.R. 709(b)
8:40	Repealed: interim rules for abortion facilities	15 N.J.R. 308(a)	R. 1983 d.202	15 N.J.R. 922(a)
8:42-1.4, 2.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:42-1.8	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d.157	13 N.J.R. 342(b)
8:42-2	Readopted: Inpatient drug treatment facilities	14 N.J.R. 812(a)	R. 1982 d.391	14 N.J.R. 1214(a)
8:42A	Alcoholism treatment facilities	13 N.J.R. 217(b)	R. 1981 d.236	13 N.J.R. 411(a)
8:42A-2.2	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43-1.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43-2.6	Residential health care facilities	15 N.J.R. 8(a)	R. 1983 d.90	15 N.J.R. 440(c)
8:43-2.13	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d.529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d.297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	13 N.J.R. 495(c)	R. 1981 d.402	13 N.J.R. 756(d)
8:43-3.22	Fire safety in residential care homes	14 N.J.R. 194(a)	R. 1982 d.145	14 N.J.R. 427(b)
8:43-4.13	Residential care facilities: personal needs allowance	15 N.J.R. 309(a)	R. 1983 d.204	15 N.J.R. 923(a)
8:43-4.13, 4.14	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d.297	13 N.J.R. 495(b)
8:43-6.9	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d.529	13 N.J.R. 13(e)
8:43-7.1	Residential health care facilities	15 N.J.R. 8(a)	R. 1983 d.90	15 N.J.R. 440(c)
8:43A-1.5	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	13 N.J.R. 810(a)	R. 1982 d.278	14 N.J.R. 916(e)
8:43A-3.1	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d.157	13 N.J.R. 342(b)
8:43A-8.1	Ambulatory care facilities: Surgical services	15 N.J.R. 9(a)	R. 1983 d.92	15 N.J.R. 440(d)
8:43A-9.4, 9.7, 9.11	Drug abuse treatment centers	14 N.J.R. 529(a)	R. 1982 d.390	14 N.J.R. 1214(b)
8:43A-9.9	Outpatient drug abuse counseling	15 N.J.R. 10(a)	R. 1983 d.91	15 N.J.R. 441(a)
8:43B-1.8	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43B-1.13	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d.157	13 N.J.R. 342(b)
8:43B-3.1, 3.1A	Hospital construction standards	13 N.J.R. 811(a)	R. 1982 d.279	14 N.J.R. 916(f)
8:43B-8.3	Early detection of biochemical disorders in newborn infants	15 N.J.R. 311(a)	R. 1983 d.203	15 N.J.R. 923(b)
8:43B-8.3, 8.6	Hospital facilities: Maternal and newborn services	14 N.J.R. 1276(a)	R. 1983 d.68	15 N.J.R. 338(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	13 N.J.R. 812(a)	R. 1982 d.280	14 N.J.R. 917(a)
8:43F-2.3	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43F-3.3	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R. 1983 d.235	15 N.J.R. 1021(a)
8:43F-3.26	Medical day care in long-term facilities	15 N.J.R. 11(a)	R. 1983 d.89	15 N.J.R. 441(b)
8:43F-4.3, 4.20	Medical day care: admission physical; social workers	15 N.J.R. 312(a)	R. 1983 d.208	15 N.J.R. 923(c)
8:45-1.3	Licensure of clinical laboratories	13 N.J.R. 653(a)	R. 1981 d.493	14 N.J.R. 45(b)
8:57-1.1	Reportable diseases	14 N.J.R. 1277(a)	R. 1983 d.67	15 N.J.R. 338(b)
8:57-1.1-1.18	Reportable disease rules	12 N.J.R. 577(e)	R. 1980 d.498	13 N.J.R. 13(b)
8:57-4.5, 4.10, 4.12, 4.13, 4.15, 4.16	Immunization of pupils in school	13 N.J.R. 738(a)	R. 1981 d.502	14 N.J.R. 45(c)
8:65	Administrative corrections	_____	_____	15 N.J.R. 164(b)
8:65-1.1	Controlled dangerous substances: Registration fees	14 N.J.R. 1191(b)	R. 1983 d.29	15 N.J.R. 147(c)
8:65-7.5	Prescriptions for controlled substances: time limits	15 N.J.R. 125(a)	R. 1983 d.193	15 N.J.R. 923(d)

N.J.A.C. CITATION	PROPOSAL TITLE	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:65-7.8	CDS prescription filling requirements	13 N.J.R. 130(b)	R. 1981 d. 452	13 N.J.R. 845(a)
8:65-7.10	CDS: Prescriptions in LTCF's	13 N.J.R. 130(c)	R. 1981 d. 453	13 N.J.R. 845(b)
8:65-7.14, 7.18	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d. 124	14 N.J.R. 389(b)
8:65-8.7	Controlled dangerous substances	13 N.J.R. 131(a)	R. 1981 d. 238	13 N.J.R. 411(b)
8:65-10.1, 10.2	Controlled dangerous substances	Emergency	R. 1981 d. 50	13 N.J.R. 132(b)
8:65-10.1, 10.2	Rescheduling of methaqualone	14 N.J.R. 1029(b)	R. 1982 d. 450	14 N.J.R. 1457(b)
8:65-10.1, 10.3, 10.4	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d. 124	14 N.J.R. 389(b)
8:65-10.4, 10.8	Controlled dangerous substances	Emergency	R. 1981 d. 50	13 N.J.R. 132(b)
8:65-10.5	Loperamide removed from Controlled Substances	15 N.J.R. 126(a)	R. 1983 d. 171	15 N.J.R. 924(a)
8:70-1.4	Resubmission of rejected generic drug products	14 N.J.R. 1030(a)	R. 1983 d. 33	15 N.J.R. 147(d)
8:71	Interchangeable drug products	12 N.J.R. 465(a)	R. 1980 d. 454	12 N.J.R. 645(b)
8:71	Interchangeable drug products	12 N.J.R. 516(b)	R. 1981 d. 25	13 N.J.R. 131(b)
8:71	Interchangeable drug products	12 N.J.R. 465(b)	R. 1981 d. 26	13 N.J.R. 131(c)
8:71	Interchangeable drug products	Emergency	R. 1981 d. 27	13 N.J.R. 132(a)
8:71	Interchangeable drug products	12 N.J.R. 644(b)	R. 1981 d. 81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	13 N.J.R. 269(a)	R. 1981 d. 364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	12 N.J.R. 644(b)	R. 1981 d. 405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	13 N.J.R. 354(a)	R. 1981 d. 403	13 N.J.R. 757(b)
8:71	Interchangeable drug products	13 N.J.R. 654(a)	R. 1981 d. 503	14 N.J.R. 45(d)
8:71	Correction: Generic drug list	13 N.J.R. 654(a)	R. 1981 d. 503	14 N.J.R. 102(b)
8:71	Generic drug list additions	13 N.J.R. 217(c)	R. 1982 d. 58	14 N.J.R. 235(a)
8:71	Amitriptyline addition	14 N.J.R. 22(b)	R. 1982 d. 106	14 N.J.R. 342(a)
8:71	Generic drug list additions	14 N.J.R. 22(a)	R. 1982 d. 115	14 N.J.R. 389(c)
8:71	Additions to generic drug list	14 N.J.R. 22(a)	R. 1982 d. 197	14 N.J.R. 655(b)
8:71	Additions to generic drug list	14 N.J.R. 369(a)	R. 1982 d. 240	14 N.J.R. 836(a)
8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R. 1982 d. 240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R. 1982 d. 371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R. 1982 d. 372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R. 1982 d. 373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R. 1982 d. 374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R. 1982 d. 426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R. 1982 d. 426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R. 1982 d. 488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R. 1982 d. 489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R. 1983 d. 30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R. 1983 d. 31	15 N.J.R. 148(a)
8:71	Steri-med 50mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R. 1983 d. 32	15 N.J.R. 148(b)
8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R. 1983 d. 34	15 N.J.R. 149(a)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R. 1983 d. 65	15 N.J.R. 339(a)
8:71	Generic drug list changes	14 N.J.R. 888(a)	R. 1983 d. 138	15 N.J.R. 690(c)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R. 1983 d. 139	15 N.J.R. 691(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R. 1983 d. 140	15 N.J.R. 691(b)
8:71	Oxycodones; Schedule II policy	14 N.J.R. 1077(a)	—————	15 N.J.R. 700(a)

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION—TITLE 9

9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R. 1982 d. 219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R. 1982 d. 444	14 N.J.R. 1458(a)
9:2-2.25	Correction: State college retirement	14 N.J.R. 947(a)	R. 1982 d. 444	15 N.J.R. 809(c)
9:2-13.1-13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R. 1982 d. 493	15 N.J.R. 91(b)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R. 1982 d. 335	14 N.J.R. 1099(a)
9:4-1.6	County colleges: General education requirements	15 N.J.R. 203(a)	R. 1983 d. 147	15 N.J.R. 805(a)
9:4-3.1, 3.10	County college annual audit	14 N.J.R. 318(a)	R. 1982 d. 218	14 N.J.R. 757(a)
9:4-3.4	Correction: Assets to be capitalized by county colleges	—————	—————	15 N.J.R. 700(b)
9:4-5	County colleges reduction in force rules	15 N.J.R. 128(a)	R. 1983 d. 146	15 N.J.R. 805(b)
9:5-1.5	State funding for senior citizens	15 N.J.R. 73(b)	R. 1983 d. 118	15 N.J.R. 625(a)
9:7	Readopted: Student Assistance Programs	15 N.J.R. 129(a)	R. 1983 d. 126	15 N.J.R. 692(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 206(a)	R. 1983 d. 250	15 N.J.R. 1032(a)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R. 1982 d. 385	14 N.J.R. 1214(c)
9:11-1.5, 1.16	Educational Opportunity Fund financial aid rules	15 N.J.R. 206(b)	R. 1983 d. 170	15 N.J.R. 924(b)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R. 1982 d. 385	14 N.J.R. 1214(c)

(Title 9, Transmittal 17 dated June 21, 1982)

HUMAN SERVICES—TITLE 10

10:1-2	Public comments and petitions regarding department rules	—————	R. 1983 d. 165	15 N.J.R. 924(c)
10:4	Group homes and community relations	14 N.J.R. 1192(a)	R. 1982 d. 475	15 N.J.R. 33(c)
10:38	Interim Assistance Procedures Manual	13 N.J.R. 220(d)	R. 1981 d. 225	13 N.J.R. 412(c)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:44A	Group homes and supervised apartments for developmentally disabled	14 N.J.R. 531(a)	R. 1983 d.23 15 N.J.R. 149(b)
10:49-1.2	Amend recipient controls	12 N.J.R. 274(a)	R. 1980 d.549 13 N.J.R. 100(c)
10:49-1.2	Medicaid ID: Special Status Card	14 N.J.R. 418(a)	R. 1982 d.261 14 N.J.R. 917(b)
10:49-1.3	Provider participation	13 N.J.R. 496(c)	R. 1981 d.393 13 N.J.R. 758(c)
10:49-1.3, 1.4	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415 14 N.J.R. 1393(a)
10:49-1.5	Amend recipient controls	12 N.J.R. 274(a)	R. 1980 d.549 13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d.329 13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	12 N.J.R. 187(c)	R. 1981 d.123 13 N.J.R. 272(a)
10:49-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R. 1982 d.52 14 N.J.R. 235(b)
10:49-1.13, 1.14	Providers using management agencies	13 N.J.R. 272(b)	R. 1981 d.246 13 N.J.R. 412(d)
10:49-1.17	Suspension of provider from Medicaid program	12 N.J.R. 581(a)	R. 1980 d.501 13 N.J.R. 17(a)
10:49-1.17	Suspended providers	13 N.J.R. 222(a)	R. 1981 d.315 13 N.J.R. 574(c)
10:49-1.17	Provider participation	13 N.J.R. 496(c)	R. 1981 d.393 13 N.J.R. 758(c)
10:49-1.24	Medical day care in hospital-affiliated facilities	14 N.J.R. 1332(a)	R. 1983 d.75 15 N.J.R. 442(a)
10:49-1.26	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331 13 N.J.R. 575(a)
10:49-1.27	Final audits	13 N.J.R. 133(c)	R. 1981 d.114 13 N.J.R. 273(a)
10:49-1.27	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R. 1983 d.5 15 N.J.R. 155(a)
10:49-5.3, 5.4	Recipient fair hearings	12 N.J.R. 581(b)	R. 1980 d.512 13 N.J.R. 17(f)
10:49-5.6	Recipient fair hearings	12 N.J.R. 581(b)	R. 1980 d.512 13 N.J.R. 17(f)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d.147 14 N.J.R. 427(c)
10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R. 1980 d.502 13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331 13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250 13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331 13 N.J.R. 575(a)
10:51-1	Pharmacy Manual: Appendices B, C, and D	14 N.J.R. 1142(a)	R. 1982 d.458 14 N.J.R. 1458(b)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R. 1981 d.476 13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28 14 N.J.R. 158(a)
10:51-1.14, 1.17	Pharmaceutical Services: Fees and delivery	14 N.J.R. 1336(a)	R. 1983 d.56 15 N.J.R. 339(b)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R. 1981 d.411 13 N.J.R. 758(d)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R. 1981 d.476 13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28 14 N.J.R. 158(a)
10:51-1(App. B, D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R. 1981 d.124 13 N.J.R. 274(a)
10:51-1(App. B, D)	Non-legend drugs and legend services	13 N.J.R. 739(a)	R. 1981 d.505 14 N.J.R. 46(a)
10:51-1(App. E)	Pharmacy Manual: Protein replacements	14 N.J.R. 418(b)	R. 1982 d.211 14 N.J.R. 757(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R. 1981 d.247 13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R. 1982 d.340 14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	R. 1981 d.344 13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	13 N.J.R. 577(b)	R. 1981 d.465 13 N.J.R. 887(d)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R. 1981 d.101 13 N.J.R. 228(c)
10:51-5	Readopted: PAAD in Pharmacy Manual	15 N.J.R. 209(a)	R. 1983 d.155 15 N.J.R. 806(a)
10:51-5.9, 5.12	Prescription policies; telephone orders	15 N.J.R. 209(a)	R. 1983 d.155 15 N.J.R. 806(a)
10:51-5.16, 5.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28 14 N.J.R. 158(a)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	13 N.J.R. 289(a)	R. 1981 d.248 13 N.J.R. 415(c)
10:51-6	Expired: Institutional Pharmacy Permits	15 N.J.R. 209(a)	R. 1983 d.155 15 N.J.R. 806(a)
10:52	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d.327 13 N.J.R. 578(a)
10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51 13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415 14 N.J.R. 1393(a)
10:52-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75 15 N.J.R. 442(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R. 1981 d.126 13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73 14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R. 1982 d.459 14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51 13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R. 1982 d.52 14 N.J.R. 235(b)
10:52-1.9	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75 15 N.J.R. 442(a)
10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R. 1981 d.162 13 N.J.R. 358(b)
10:52-1.17	Correction: Out-of-State hospital services	13 N.J.R. 15(a)	R. 1981 d.162 13 N.J.R. 416(b)
10:52-1.18	Out-of-State hospital services	13 N.J.R. 359(a)	R. 1981 d.293 13 N.J.R. 497(a)
10:52-2.2	Uniform billing of hospital services	13 N.J.R. 93(a)	R. 1982 d.13 14 N.J.R. 158(b)
10:52-2.8A	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d.479 13 N.J.R. 946(a)
10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250 13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d.479 13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d.327 13 N.J.R. 578(a)
10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51 13 N.J.R. 147(c)
10:53-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75 15 N.J.R. 442(a)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73 14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459 14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51 13 N.J.R. 147(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:53-1.15	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:53-2.18	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d.125	13 N.J.R. 292(b)
10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73	14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459	14 N.J.R. 1458(c)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d.329	13 N.J.R. 574(b)
10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d.374	13 N.J.R. 706(d)
10:54-1.6	Reimbursement for anesthesia time	12 N.J.R. 413(a)	R. 1981 d.220	13 N.J.R. 417(b)
10:54-1.20	Physicians Services: Sterilization by hysterectomy	14 N.J.R. 1337(a)	R. 1983 d.55	15 N.J.R. 339(c)
10:54-1.22	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d.125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R. 1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R. 1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R. 1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for pacemakers	13 N.J.R. 297(a)	R. 1981 d.251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R. 1981 d.305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R. 1981 d.314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R. 1981 d.475	13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73	14 N.J.R. 278(c)
10:54-3	Procedure codes: Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459	14 N.J.R. 1458(c)
10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415	14 N.J.R. 1393(a)
10:55	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:56-1.14, 1.15	Limitations on diagnostic dental services	13 N.J.R. 875(a)	R. 1982 d.403	14 N.J.R. 1301(a)
10:56-3.15	Orthodontics	13 N.J.R. 134(b)	R. 1981 d.113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	13 N.J.R. 360(a)	R. 1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R. 1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	13 N.J.R. 430(c)	R. 1981 d.376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R. 1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:60	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:60-1, 2.1-2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R. 1982 d.199	14 N.J.R. 656(a)
10:60-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	13 N.J.R. 95(b)	R. 1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	13 N.J.R. 430(d)	R. 1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	13 N.J.R. 299(d)	R. 1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R. 1982 d.210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R. 1982 d.110	14 N.J.R. 391(a)
10:63-1.5	Inspection of long-term care	14 N.J.R. 81(a)	R. 1982 d.72	14 N.J.R. 279(a)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R. 1982 d.264	14 N.J.R. 917(c)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R. 1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R. 1981 d.345	13 N.J.R. 579(d)
10:63-1.19	LTCISM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R. 1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R. 1981 d.23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R. 1983 d.5	15 N.J.R. 155(a)
10:63-2	Readopted: Billing Procedures in long-term care	15 N.J.R. 421(a)	R. 1983 d.182	15 N.J.R. 925(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R. 1981 d.87	13 N.J.R. 227(a)
10:63-3.2	LTC: Related-party lease costs	14 N.J.R. 742(a)	R. 1983 d.74	15 N.J.R. 442(b)

10:63-3.8	LTC's nursing care costs	13 N.J.R. 360(b)	R. 1981 d. 326	13 N.J.R. 579(e)
10:63-3.10	LTC: Capital Facilities Allowance rate	14 N.J.R. 743(a)	R. 1983 d. 73	15 N.J.R. 443(a)
10:63-3.20	Long-term care facilities: Reimbursement appeals	14 N.J.R. 269(a)	R. 1983 d. 11	15 N.J.R. 156(a)
10:63-3.21	Rescission: Long-term care per diem reduction	13 N.J.R. 498(a)	R. 1981 d. 375	13 N.J.R. 707(b)
10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R. 1982 d. 74	14 N.J.R. 279(b)
10:65	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:65-1.2-1.8, 2.1, 2.4-2.7	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:65-2.1	Medical day care rates	13 N.J.R. 362(a)	R. 1981 d. 318	13 N.J.R. 580(a)
10:66	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:66-1.5, 1.6	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d. 19	14 N.J.R. 158(c)
10:66-2.10	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	13 N.J.R. 363(a)	R. 1981 d. 313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	12 N.J.R. 662(b)	R. 1981 d. 112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R. 1981 d. 212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d. 19	14 N.J.R. 158(c)
10:66-3.3	Family planning procedure codes	13 N.J.R. 663(a)	R. 1982 d. 84	14 N.J.R. 343(b)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:67-1.8	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d. 374	13 N.J.R. 706(d)
10:67-2.5, 2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	13 N.J.R. 298(a)	R. 1981 d. 305	13 N.J.R. 578(b)
10:68-2.5, 2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:69A	Readopted: Pharmaceutical Assistance Manual (PAAD)	15 N.J.R. 211(a)	R. 1983 d. 154	15 N.J.R. 806(b)
10:69A-2.1	Pharmaceutical Assistance for Aged and Disabled	14 N.J.R. 321(b)	R. 1982 d. 198	14 N.J.R. 659(a)
10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R. 1981 d. 332	13 N.J.R. 580(c)
10:69A-7.1	PAA: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d. 147	14 N.J.R. 427(c)
10:81	PAM: Readopted Federal requirements	13 N.J.R. 759(a)	R. 1981 d. 518	14 N.J.R. 102(c)
10:81-1.14	PAM: Welfare board minutes	13 N.J.R. 877(b)	R. 1982 d. 151	14 N.J.R. 473(d)
10:81-2, 3	PAM: readopted AFDC application and eligibility rules	Emergency	R. 1983 d. 189	15 N.J.R. 933(a)
10:81-2.6, 2.17, 2.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d. 482	15 N.J.R. 92(a)
10:81-2.7	PAM: Deprivation of parental support in AFDC-C	12 N.J.R. 703(a)	R. 1981 d. 28	13 N.J.R. 146(b)
10:81-3.1, 3.5, 3.11, 3.13, 3.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d. 482	15 N.J.R. 92(a)
10:81-3.17	PAM: Readopted revisions	14 N.J.R. 1168(a)	R. 1982 d. 441	14 N.J.R. 1459(a)
10:81-3.35	PAM: Legally responsible relatives	14 N.J.R. 814(a)	R. 1982 d. 352	14 N.J.R. 1161(b)
10:81-3.38	PAM: Liquidation and transfer of resources	14 N.J.R. 1437(a)	R. 1983 d. 94	15 N.J.R. 443(b)
10:81-4.5-4.11, 4.13, 4.14, 4.16, 4.18, 4.19	PAM: Vendor payments	14 N.J.R. 1034(a)	R. 1982 d. 424	14 N.J.R. 1395(a)
10:81-5.2	PAM: Periodic redetermination	14 N.J.R. 1341(a)	R. 1983 d. 54	15 N.J.R. 340(a)
10:81-6.17, 7.18	PAM: Replacement of lost or stolen checks	14 N.J.R. 373(a)	R. 1982 d. 419	14 N.J.R. 1396(a)
10:81-7.1	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d. 262	13 N.J.R. 432(b)
10:81-7.13	PAM: Request and authorization for records disposal	14 N.J.R. 947(b)	R. 1982 d. 417	14 N.J.R. 1397(a)
10:81-7.22	AFDC: Funeral or burial payments for children	13 N.J.R. 580(d)	R. 1981 d. 447	13 N.J.R. 845(d)
10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R. 1982 d. 286	14 N.J.R. 980(b)
10:81-7.26	PAM: Veterans' funeral expenses	14 N.J.R. 374(a)	R. 1982 d. 228	14 N.J.R. 836(b)
10:81-7.26, 8.4	PAM: RSDI lump sum benefits	13 N.J.R. 925(a)	R. 1982 d. 90	14 N.J.R. 344(a)
10:81-8.22	PAM: Extension of Medicaid benefits	14 N.J.R. 893(a)	R. 1982 d. 357	14 N.J.R. 1161(c)
10:81-8.22	PAM revisions	14 N.J.R. 1168(a)	R. 1982 d. 441	14 N.J.R. 1459(a)
10:81-8.23, 8.24, 8.25	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d. 482	15 N.J.R. 92(a)
10:81-10	PAM: Refugee programs	14 N.J.R. 948(a)	R. 1982 d. 425	14 N.J.R. 1397(b)
10:81-App. A	Repealed: See 10:81-10	14 N.J.R. 948(a)	R. 1982 d. 425	14 N.J.R. 1397(b)
10:82	ASH: Readopted Federal requirements	13 N.J.R. 763(a)	R. 1981 d. 519	14 N.J.R. 102(d)
10:82-1, 2, 3	ASH: readopted rules on AFDC eligible units, monthly grants, resources	Emergency	R. 1983 d. 187	15 N.J.R. 935(a)
10:82-1.2, 1.4, 1.5, 1.7, 2.1-2.6, 2.8- 2.10, 2.13, 2.19	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d. 443	14 N.J.R. 1459(b)
10:82-2.1, 2.2, 2.18, 2.20	ASH: Readopted revisions	14 N.J.R. 1169(a)	R. 1982 d. 440	14 N.J.R. 1461(a)
10:82-2.9	Correction: Stepparent's income in AFDC-C	13 N.J.R. 763(a)	R. 1981 d. 519	14 N.J.R. 281(a)
10:82-2.14	ASH: Established monthly earnings	13 N.J.R. 16(a)	R. 1981 d. 47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d. 262	13 N.J.R. 432(b)
10:82-3.1, 3.2, 3.4	ASH: Resources	14 N.J.R. 1438(a)	R. 1983 d. 93	15 N.J.R. 443(c)
10:82-3.2	Correction to ASH: Exemption resources	_____	_____	15 N.J.R. 346(c)

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10:82-3.2, 4.5	Exempt resources and disregard of earned income	13 N.J.R. 224(b)	R.1981 d.282	13 N.J.R. 499(a)
10:82-3.8	ASH: Relatives as a resource	14 N.J.R. 814(b)	R.1982 d.353	14 N.J.R. 1161(d)
10:82-3.13	Correction: Federal requirement for ASH	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 837(a)
10:82-3.13, 4.1, 4.3, 4.4, 4.15	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-4.9	ASH: Foster care rates	14 N.J.R. 374(b)	R.1982 d.208	14 N.J.R. 709(c)
10:82-4.15	Irregular and nonrecurring income in AFDC	13 N.J.R. 224(c)	R.1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	13 N.J.R. 134(c)	R.1981 d.243	13 N.J.R. 432(c)
10:82-5.3	ASH: Care for unwed mothers	13 N.J.R. 134(c)	R.1982 d.43	14 N.J.R. 235(c)
10:82-5.3	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-5.3, 5.10	ASH: Child care; emergency assistance	14 N.J.R. 1169(a)	R.1982 d.440	14 N.J.R. 1461(a)
10:82-5.10	ASH: Emergency assistance	12 N.J.R. 584(a)	R.1980 d.552	13 N.J.R. 101(a)
10:82-5.10	ASH: Emergency house furnishings allowance	14 N.J.R. 375(a)	R.1982 d.207	14 N.J.R. 709(d)
10:82-5.10	ASH: Return of child from foster care placement	14 N.J.R. 698(a)	R.1982 d.376	14 N.J.R. 1215(a)
10:83	Repeal Medical Assistance for Aged	14 N.J.R. 1081(a)	R.1982 d.460	14 N.J.R. 1462(a)
10:85-1, 2, 3, 4, 5, 6, 10	Readopted portions of General Assistance Manual	Emergency	R.1983 d.209	15 N.J.R. 938(a)
10:85-1.2, 1.5, 2.2	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R.1982 d.61	14 N.J.R. 281(b)
10:85-2.2	GAM: Temporary director of municipal welfare	12 N.J.R. 584(b)	R.1980 d.505	13 N.J.R. 17(c)
10:85-2.2	GAM: Local assistance board	13 N.J.R. 96(b)	R.1981 d.98	13 N.J.R. 228(b)
10:85-2.2	GAM: Local assistance board appointments	14 N.J.R. 1144(a)	R.1982 d.492	15 N.J.R. 92(b)
10:85-3.1	GAM: Common living quarters	13 N.J.R. 927(a)	R.1982 d.102	14 N.J.R. 344(b)
10:85-3.1	GAM: Eligibility of young people	14 N.J.R. 815(a)	R.1982 d.355	14 N.J.R. 1162(a)
10:85-3.1	Correction to Code: General Assistance eligibility			14 N.J.R. 1103(b)
10:85-3.1, 3.2	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R.1981 d.160	13 N.J.R. 363(b)
10:85-3.2	General Assistance application process	12 N.J.R. 584(c)	R.1980 d.514	13 N.J.R. 18(a)
10:85-3.2	GAM: Clarification of "unemployable"	13 N.J.R. 927(b)	R.1982 d.103	14 N.J.R. 344(c)
10:85-3.2	GAM: Workfare compliance	13 N.J.R. 929(a)	R.1982 d.104	14 N.J.R. 344(d)
10:85-3.2	GAM: Verification of unemployment/disability benefits	14 N.J.R. 956(a)	R.1982 d.418	14 N.J.R. 1398(a)
10:85-3.2	GAM: Determination of unemployability	15 N.J.R. 314(a)	R.1983 d.160	15 N.J.R. 807(a)
10:85-3.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R.1980 d.547	13 N.J.R. 100(a)
10:85-3.3	GAM: Financial eligibility	12 N.J.R. 16(b)	R.1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
10:85-3.3	GAM: Boarding rate for residential care	13 N.J.R. 879(a)	R.1982 d.53	14 N.J.R. 235(d)
10:85-3.3	GAM: Hospital shelter time	13 N.J.R. 930(a)	R.1982 d.98	14 N.J.R. 345(a)
10:85-3.3	GAM: Cash Contributions	14 N.J.R. 270(a)	R.1982 d.185	14 N.J.R. 659(b)
10:85-3.3	GAM: Members of household	14 N.J.R. 893(b)	R.1982 d.375	14 N.J.R. 1216(a)
10:85-3.3	GAM: Residential health care rates	14 N.J.R. 894(a)	R.1983 d.105	15 N.J.R. 550(a)
10:85-3.4	GAM: Income and alien sponsorship	14 N.J.R. 122(b)	R.1982 d.134	14 N.J.R. 428(a)
10:85-4.6	GAM: Emergency grants	12 N.J.R. 585(a)	R.1980 d.538	13 N.J.R. 18(d)
10:85-4.6	GAM: Emergency grants	14 N.J.R. 124(a)	R.1982 d.135	14 N.J.R. 428(b)
10:85-4.6	GAM: Emergency house furnishings	14 N.J.R. 1342(a)	R.1983 d.58	15 N.J.R. 340(b)
10:85-4.8	GAM: Funeral and burial contributions	14 N.J.R. 463(a)	R.1982 d.287	14 N.J.R. 980(c)
10:85-5.2	GAM: Diagnostic-Related Group payments	12 N.J.R. 585(b)	R.1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM: Payments for inpatients hospital care	13 N.J.R. 433(b)	R.1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Submission of Form GA-18	12 N.J.R. 586(a)	R.1980 d.531	13 N.J.R. 18(c)
10:85-5.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R.1980 d.547	13 N.J.R. 100(a)
10:85-5.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	13 N.J.R. 499(c)	R.1981 d.417	13 N.J.R. 768(b)
10:85-5.6, 8.4	GAM: Renal services; child health services	14 N.J.R. 420(b)	R.1982 d.377	14 N.J.R. 1217(a)
10:85-6.5	GAM: Repayment by SSI recipients	12 N.J.R. 586(b)	R.1980 d.551	13 N.J.R. 100(d)
10:85-6.5	GAM: Reimbursement authorization and repayment agreement	14 N.J.R. 1342(b)	R.1983 d.57	13 N.J.R. 340(c)
10:85-6.6	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
10:85-7.2	GAM: Receipt of assistance	12 N.J.R. 535(b)	R.1981 d.53	13 N.J.R. 147(d)
10:85-7.3	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R.1982 d.61	14 N.J.R. 281(b)
10:85-8.2	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
10:85-8.2	GAM: Eligibility of refugee groups	14 N.J.R. 815(b)	R.1982 d.356	14 N.J.R. 1162(b)
10:85-8.3	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R.1981 d.160	13 N.J.R. 363(b)
10:85-9.1	GAM: Legally responsible relatives	14 N.J.R. 543(a)	R.1982 d.284	14 N.J.R. 980(d)
10:85-10.3, 10.6, 10.8	GAM: Workfare compliance	13 N.J.R. 929(a)	R.1982 d.104	14 N.J.R. 344(d)
10:87	Emergency amend Food Stamp Manual	Emergency	R.1981 d.64	13 N.J.R. 226(b)
10:87	Student participation in Food Stamps	13 N.J.R. 96(c)	R.1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	13 N.J.R. 364(a)	R.1981 d.316	13 N.J.R. 581(a)
10:87	FSM: Readopted Federal requirements	13 N.J.R. 769(a)	R.1981 d.517	14 N.J.R. 103(a)
10:87	Correction: FSM-Federal requirements	13 N.J.R. 769(a)	R.1981 d.517	14 N.J.R. 208(b)

10:87-2.2, 2.3, 2.21	Readopted Food Stamp Program revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-2.3, 2.21	Food Stamp Program: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-2.4, 2.7, 2.8	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-2.7	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-2.32, 2.34, 2.35	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-2.34	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-2.38	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-3.2, 3.12	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-3.10, 3.11	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-3.15-3.21	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-3.19	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-3.23, 3.24	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-4.3, 4.8	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-4.4, 4.6, 4.7, 4.14, 4.16	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-4.4, 4.19	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-4.8, 4.12, 5.5	Food Stamp Program: Resource exclusions	15 N.J.R. 212(a)	R. 1983 d.141	15 N.J.R. 692(b)
10:87-5.4, 5.6	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-5.5	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-5.10	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-6.2, 6.3, 6.16, 6.17, 6.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-6.14, 6.15	FSP: Readopted emergency revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-7.14, 7.15	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-7.16, 7.17	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-7.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-9.7	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-9.7	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-9.16	Replacement of food stamp benefits	14 N.J.R. 1081(b)	R. 1982 d.474	15 N.J.R. 35(a)
10:87-11.1-11.12, 11.15, 11.16, 11.20-11.29	Food Stamp Program: readopted revisions	15 N.J.R. 633(a)	R. 1983 d.224	15 N.J.R. 1034(a)
10:87-12.1	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-12.1, 12.2	Emergency amend Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.1, 12.3, 12.4, 12.6	Readopted: Food Stamp Program adjustments	14 N.J.R. 757(d)	R. 1982 d.318	14 N.J.R. 1057(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Readopted revisions	14 N.J.R. 1170(a)	R. 1982 d.442	14 N.J.R. 1463(a)
10:87-12.3	Food Stamp Program maximum net income levels	13 N.J.R. 500(a)	R. 1981 d.400	13 N.J.R. 772(a)
10:87-12.3, 12.4	Emergency adoption: Food Stamp income levels	Emergency	R. 1981 d.278	13 N.J.R. 500(a)
10:87-12.4	Emergency amend Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.5, 12.6	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-12.7	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:88	Repealed: Food Stamp Plan of Operation Manual	15 N.J.R. 611(a)	R. 1983 d.246	15 N.J.R. 1034(b)
10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R. 1982 d.62	14 N.J.R. 281(c)
10:89-2.3, 3.1, 3.2, 3.4, 3.5, 3.6, 4.1, 5.2, 5.3	Readopted: Home Energy Assistance Handbook	14 N.J.R. 1311(a)	R. 1982 d.497	15 N.J.R. 92(c)
10:89-3.6	Emergency rule on Home Energy Assistance	Emergency	R. 1980 d.548	13 N.J.R. 100(b)
10:90	Monthly Reporting Policy Handbook	14 N.J.R. 958(a)	R. 1982 d.399	14 N.J.R. 1302(a)
10:91	Repealed: Services to families and children	14 N.J.R. 744(a)	R. 1982 d.317	14 N.J.R. 1057(b)
10:93	Repealed: obsolete rules on refugee assistance programs	15 N.J.R. 611(b)	R. 1983 d.245	15 N.J.R. 1035(a)
10:94-3	Medicaid Only: readopted nonfinancial eligibility criteria	Emergency	R. 1983 d.188	15 N.J.R. 949(a)
10:94-4,-5	Medicaid Only: Income and resource eligibility	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-4.4, 5.3	Medicaid Only: exclusion of burial spaces and funds	15 N.J.R. 422(a)	R. 1983 d.167	15 N.J.R. 925(b)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 773(a)
10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 846(a)
10:94-5.4, 5.5, 5.6	Readopted: Medicaid Only computation amounts	14 N.J.R. 758(a)	R. 1982 d.314	14 N.J.R. 1058(a)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R. 1982 d.354	14 N.J.R. 1162(c)
10:94-8	Medicaid Only	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R. 1982 d.461	14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R. 1982 d.311	14 N.J.R. 1058(b)
10:98	State Plan for Vocational Rehabilitation Services	14 N.J.R. 1193(a)	R. 1983 d.149	15 N.J.R. 807(b)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R. 1981 d.386	13 N.J.R. 773(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R. 1982 d. 315	14 N.J.R. 1059(a)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R. 1982 d. 285	14 N.J.R. 981(a)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R. 1981 d. 445	13 N.J.R. 846(b)
10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R. 1982 d. 227	14 N.J.R. 837(b)
10:109-3.2, 3.4	Ruling 11-Sick leave and leave without pay	13 N.J.R. 515(a)	R. 1981 d. 395	13 N.J.R. 774(a)
10:109-App. I, II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R. 1981 d. 498	14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R. 1982 d. 319	14 N.J.R. 1060(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R. 1982 d. 321	14 N.J.R. 1060(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R. 1981 d. 63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	13 N.J.R. 99(a)	R. 1981 d. 298	13 N.J.R. 516(a)
10:122-1.1-1.3, 2.1, 2.2, 2.4, 2.5, 2.6, 3.1-3.6	Child care centers for ages 2 1/2-5	15 N.J.R. 214(a)	R. 1983 d. 179	15 N.J.R. 926(a)
10:122-4.1, 4.3-4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R. 1982 d. 384	14 N.J.R. 1218(a)
10:122-4.1, 4.3-4.7	Correction: Child care centers	14 N.J.R. 816(b)	R. 1982 d. 384	14 N.J.R. 1307(a)
10:122-4.2	Standards for child care centers	14 N.J.R. 82(a)	R. 1982 d. 136	14 N.J.R. 428(c)
10:122-4.4, 4.6, 5.1-5.4, 6.1-6.9, 7.1, 7.2, 7.6, 7.7	Child care centers for ages 2 1/2-5	15 N.J.R. 214(a)	R. 1982 d. 179	15 N.J.R. 926(a)
10:122-7.1-7.7	Child care centers	14 N.J.R. 82(a)	R. 1982 d. 136	14 N.J.R. 428(c)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d. 423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d. 423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R. 1982 d. 301	14 N.J.R. 981(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R. 1982 d. 222	14 N.J.R. 761(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R. 1982 d. 138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R. 1982 d. 222	14 N.J.R. 761(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R. 1982 d. 317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R. 1981 d. 434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled	14 N.J.R. 699(b)	R. 1982 d. 320	14 N.J.R. 1060(c)

(Title 10, Transmittal 15 dated November 10, 1980)

CORRECTIONS-TITLE 10A

(Title 10A, Transmittal 7 dated June 21, 1982)

INSURANCE-TITLE 11

11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance			15 N.J.R. 810(a)
11:1-13	Sale of auto club service contracts	13 N.J.R. 879(b)	R. 1982 d. 177	14 N.J.R. 579(a)
11:1-14	Licenses: Address change; process serving	14 N.J.R. 748(a)	R. 1982 d. 336	14 N.J.R. 1099(b)
11:2-1.6	Independent testing service	13 N.J.R. 364(d)	R. 1981 d. 433	13 N.J.R. 846(d)
11:2-17	Unfair claims-settlement practices	12 N.J.R. 600(f)	R. 1981 d. 407	13 N.J.R. 774(c)
11:2-17	Correction: Operative date for settlement practices	13 N.J.R. 774(c)	R. 1981 d. 407	13 N.J.R. 894(a)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R. 1982 d. 400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R. 1982 d. 410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R. 1982 d. 410	14 N.J.R. 1398(b)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R. 1982 d. 246	14 N.J.R. 917(d)
11:3-8	Nonrenewal of automobile policies	15 N.J.R. 231(a)	R. 1983 d. 190	15 N.J.R. 927(a)
11:4-2	Replacement of existing life insurance	13 N.J.R. 18(e)	R. 1982 d. 16	14 N.J.R. 158(d)
11:4-11.5, 11.6	Life insurance solicitation	13 N.J.R. 36(a)	R. 1982 d. 17	14 N.J.R. 159(a)
11:5-1.2, 1.3	Real Estate Commission rules	13 N.J.R. 306(a)	R. 1981 d. 261	13 N.J.R. 440(c)
11:5-1.8, 1.14	Real Estate Commission rules	13 N.J.R. 302(b)	R. 1982 d. 101	14 N.J.R. 345(b)
11:5-1.14	Correction: Real Estate Commission rules	13 N.J.R. 302(b)	R. 1982 d. 101	14 N.J.R. 1162(d)
11:5-1.33-1.35	Real Estate Commission rules	13 N.J.R. 306(a)	R. 1981 d. 261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	13 N.J.R. 306(a)	R. 1981 d. 252	13 N.J.R. 441(a)
11:12	Legal services insurance	13 N.J.R. 601(a)	R. 1981 d. 422	13 N.J.R. 776(a)
11:13	Commercial lines insurance	14 N.J.R. 1045(a)	R. 1982 d. 423	14 N.J.R. 1398(c)

(Title 11, Transmittal 16 dated January 14, 1981)

LABOR-TITLE 12

12:15-1.3	Maximum weekly benefit rates	13 N.J.R. 602(b)	R. 1981 d. 419	13 N.J.R. 777(a)
12:15-1.3	Correction: Operative date	13 N.J.R. 602(b)	R. 1981 d. 419	13 N.J.R. 894(b)
12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R. 1982 d. 383	14 N.J.R. 1218(b)
12:15-1.4	Taxable wage base for unemployment compensation	13 N.J.R. 602(c)	R. 1981 d. 421	13 N.J.R. 777(b)
12:15-1.4	Correction: Operative date	13 N.J.R. 602(c)	R. 1981 d. 421	13 N.J.R. 894(b)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R. 1982 d. 382	14 N.J.R. 1219(a)
12:15-1.5	Unemployment compensation contribution rates	13 N.J.R. 603(a)	R. 1981 d. 418	13 N.J.R. 777(c)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R. 1982 d. 381	14 N.J.R. 1219(b)
12:17-10.3, 10.4	Repayment of unemployment benefits	15 N.J.R. 74(a)	R. 1983 d. 83	15 N.J.R. 447(a)
12:45	Vocational Rehabilitation Services: legal authority	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
12:46	Vocational Rehabilitation Services: Administration	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
12:47	Vocational Rehabilitation Services: advisory councils	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
12:48	Vocational Rehabilitation Services: potential, eligibility, economic need	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
12:49	Vocational Rehabilitation Services: appeals	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
12:50	Repealed: Disability Determinations Service	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
12:51	Vocational rehabilitation facilities	13 N.J.R. 230(a)	R. 1981 d.289	13 N.J.R. 517(a)
12:56-3.2	Correction to Code: Exemptions from minimum wage rates			15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R. 1982 d.468	15 N.J.R. 36(a)
12:57	Wage orders for minors	13 N.J.R. 307(a)	R. 1981 d.226	13 N.J.R. 441(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:191	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:192	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:195	Carnival-amusement rides	13 N.J.R. 441(d)	R. 1981 d.321	13 N.J.R. 603(b)
12:235-1.5	Workers' compensation benefit rates	13 N.J.R. 604(a)	R. 1981 d.420	13 N.J.R. 777(d)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R. 1982 d.380	14 N.J.R. 1219(c)

(Title 12, Transmittal 14 dated January 14, 1981)

LAW AND PUBLIC SAFETY—TITLE 13

13:2-7.10	ABC rules	13 N.J.R. 604(b)	R. 1981 d.432	13 N.J.R. 777(e)
13:2-24.1, 24.4	ABC rules	13 N.J.R. 604(b)	R. 1981 d.432	13 N.J.R. 777(e)
13:2-24.4	Correction: ABC debt regulation	13 N.J.R. 604(b)	R. 1981 d.432	13 N.J.R. 846(e)
13:2-24.4	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d.71	13 N.J.R. 238(b)
13:2-38.1, 39.3	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d.71	13 N.J.R. 238(b)
13:2-41	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d.71	13 N.J.R. 238(b)
13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:19-2	Repealed: Probationary Driver Licenses	15 N.J.R. 501(b)	R. 1983 d.242	15 N.J.R. 1035(b)
13:19-5.1	Convulsive seizures	12 N.J.R. 606(a)	R. 1981 d.18	13 N.J.R. 150(b)
13:19-6	Repealed: Delaware motor vehicle reciprocity rule	14 N.J.R. 87(a)	R. 1982 d.94	14 N.J.R. 346(a)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R. 1982 d.364	14 N.J.R. 1162(e)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R. 1982 d.485	15 N.J.R. 93(b)
13:20-25.2	Approval of safety glazing material	12 N.J.R. 606(b)	R. 1981 d.15	13 N.J.R. 149(d)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R. 1983 d.19	15 N.J.R. 156(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R. 1983 d.20	15 N.J.R. 156(c)
13:20-33.53	Motorcycle handlebars and grips	12 N.J.R. 606(c)	R. 1981 d.16	13 N.J.R. 149(e)
13:20-33.72	Repeal handhold devices	12 N.J.R. 607(a)	R. 1981 d.17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	12 N.J.R. 427(a)	R. 1981 d.31	13 N.J.R. 150(e)
13:21-3	Repeal rules on dealer's temporary certificates	12 N.J.R. 607(b)	R. 1981 d.14	13 N.J.R. 149(c)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R. 1982 d.370	14 N.J.R. 1163(a)
13:21-7.2	Student permits	12 N.J.R. 490(a)	R. 1981 d.66	13 N.J.R. 237(d)
13:21-8.17	Waiver of driving test	12 N.J.R. 666(f)	R. 1981 d.65	13 N.J.R. 237(c)
13:21-8.18	Repealed: Nonresident driver legend	14 N.J.R. 88(a)	R. 1982 d.95	14 N.J.R. 346(b)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R. 1982 d.484	15 N.J.R. 94(a)
13:26-1.2, 3.11	Transportation of bulk commodities	12 N.J.R. 724(f)	R. 1981 d.61	13 N.J.R. 237(b)
13:27-6	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d.320	13 N.J.R. 607(a)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R. 1982 d.387	14 N.J.R. 1219(d)
13:28-1.3	Toilet facilities in beauty shops	13 N.J.R. 102(b)	R. 1981 d.109	13 N.J.R. 308(a)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2			15 N.J.R. 347(a)
13:28-2.10, 2.14-2.16	Credit for Saturday beauty classes	13 N.J.R. 931(a)	R. 1982 d.70	14 N.J.R. 283(a)
13:28-2.24	Beauty schools: "Seniors" and clinical work	13 N.J.R. 930(b)	R. 1982 d.69	14 N.J.R. 283(b)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R. 1982 d.405	14 N.J.R. 1309(a)
13:29-1.7	Board of Accountancy: conditional credit	14 N.J.R. 1279(a)	R. 1983 d.211	15 N.J.R. 1035(c)
13:29-2.2	Examination for registered municipal accountant	13 N.J.R. 39(a)	R. 1981 d.67	13 N.J.R. 238(a)
13:29-3.1-3.9, 3.12-3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R. 1982 d.407	14 N.J.R. 1309(b)
13:30-2.5, 2.10-2.17	Dental hygienists and assistants	13 N.J.R. 231(b)	R. 1981 d.264	13 N.J.R. 442(a)
13:30-2.18	Application fees for dental hygienists	13 N.J.R. 518(b)	R. 1981 d.378	13 N.J.R. 707(c)
13:30-8.12	Dental insurance forms and professional misconduct	13 N.J.R. 102(c)	R. 1981 d.175	13 N.J.R. 366(a)
13:31-1.3	Examinations	13 N.J.R. 664(a)	R. 1981 d.491	13 N.J.R. 946(c)
13:31-1.8	Inspections of electrical work	13 N.J.R. 607(b)	R. 1982 d.92	14 N.J.R. 346(c)
13:31-2.1	Repeal: Uniform penalty letter (electrical)	13 N.J.R. 442(b)	R. 1981 d.372	13 N.J.R. 707(d)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R. 1982 d.388	14 N.J.R. 1219(e)
13:33-1.1-1.7,	Licensure of ophthalmic dispensers and	14 N.J.R. 545(a)	R. 1983 d.15	15 N.J.R. 157(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
1.9-1.13, 1.15-1.19, 1.25, 1.34, 1.39, 1.42	technicians			
13:33-1.38	Minimum standards for eyeglass dispensing	14 N.J.R. 1085(a)	R. 1983 d. 81	15 N.J.R. 447(b)
13:33-1.41	Fee schedules	12 N.J.R. 546(a)	R. 1981 d. 148	13 N.J.R. 366(b)
13:35-1.5	Military service in lieu of internship (podiatry)	13 N.J.R. 366(c)	R. 1981 d. 346	13 N.J.R. 608(a)
13:35-2.7	Military service in lieu of internship	13 N.J.R. 367(a)	R. 1981 d. 348	13 N.J.R. 608(b)
13:35-6.2	Guidelines for externship programs	13 N.J.R. 148(a)	R. 1981 d. 149	13 N.J.R. 367(b)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R. 1982 d. 214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R. 1982 d. 214	14 N.J.R. 918(b)
13:35-6.19, 6.20	Excessive fees for professional services	13 N.J.R. 232(b)	R. 1981 d. 237	13 N.J.R. 443(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R. 1982 d. 416	14 N.J.R. 1400(a)
13:35-9.3	Emergency amend certified nurse/midwife	Emergency	R. 1981 d. 21	13 N.J.R. 150(c)
13:35-9.3(c)	Operative date on certified nurse/midwife standards	Emergency	R. 1981 d. 24	13 N.J.R. 150(d)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R. 1983 d. 97	15 N.J.R. 550(b)
13:36-1.6	Mortuary board fees	13 N.J.R. 367(c)	R. 1982 d. 105	14 N.J.R. 346(d)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R. 1982 d. 409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R. 1982 d. 333	14 N.J.R. 1110(a)
13:36-5.12	Advertising of funeral services	13 N.J.R. 368(a)	R. 1981 d. 349	13 N.J.R. 609(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R. 1982 d. 404	14 N.J.R. 1309(d)
13:36-9.1	Uniform penalty letter	13 N.J.R. 452(c)	R. 1981 d. 347	13 N.J.R. 609(b)
13:37-1.26	Board of Nursing rule	13 N.J.R. 149(a)	R. 1981 d. 174	13 N.J.R. 370(a)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R. 1982 d. 406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R. 1982 d. 408	14 N.J.R. 1310(a)
13:38-1.9, 1.10	Optometric advertising	13 N.J.R. 233(a)	R. 1981 d. 295	13 N.J.R. 519(a)
13:39-6.4, 6.5, 6.7, 6.8, 9.13	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R. 1983 d. 22	15 N.J.R. 157(b)
13:39-9.12	Outdated or sample drugs	13 N.J.R. 235(a)	R. 1981 d. 350	13 N.J.R. 609(c)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R. 1983 d. 21	15 N.J.R. 157(c)
13:39-9.16	Board of Pharmacy fees	15 N.J.R. 78(a)	R. 1983 d. 95	15 N.J.R. 553(a)
13:39-9.17	Advertising and sale of prescription drugs	13 N.J.R. 445(a)	R. 1981 d. 377	13 N.J.R. 708(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R. 1983 d. 36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R. 1983 d. 16	15 N.J.R. 158(a)
13:40-6.1	Engineer and surveyor test fees	13 N.J.R. 446(a)	R. 1982 d. 142	14 N.J.R. 429(c)
13:40-6.1	Examination fees for engineers and surveyors	15 N.J.R. 78(b)	R. 1983 d. 148	15 N.J.R. 807(c)
13:40-7	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d. 320	13 N.J.R. 607(a)
13:41-3.2	Professional planning examination fees	15 N.J.R. 79(a)	R. 1983 d. 114	15 N.J.R. 626(a)
13:41-4	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d. 320	13 N.J.R. 607(a)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R. 1983 d. 122	15 N.J.R. 626(b)
13:44-2.1	Veterinary prescriptions	13 N.J.R. 519(b)	R. 1981 d. 451	13 N.J.R. 847(a)
13:44-2.9	Veterinary board: Temporary permits	15 N.J.R. 130(a)	R. 1983 d. 113	15 N.J.R. 626(c)
13:44-2.12	Patient records	13 N.J.R. 520(a)	R. 1981 d. 450	13 N.J.R. 847(b)
13:44-3.1	Repeal: Uniform penalty letter (veterinary)	13 N.J.R. 371(a)	R. 1981 d. 371	13 N.J.R. 708(b)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R. 1982 d. 502	15 N.J.R. 94(b)
13:44-4.1	Veterinary Medical Examiners: registration fees	15 N.J.R. 612(a)	R. 1983 d. 252	15 N.J.R. 1035(d)
13:44B	Compensation for State board members	13 N.J.R. 932(a)	R. 1982 d. 144	14 N.J.R. 429(d)
13:45A-15.1-15.4	Posting of retail refund policies	13 N.J.R. 665(a)	R. 1982 d. 29	14 N.J.R. 160(a)
13:45A-17	Sale of advertising in quasi-official journals	13 N.J.R. 235(b)	R. 1981 d. 294	13 N.J.R. 520(b)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R. 1982 d. 221	14 N.J.R. 767(b)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-1.2-1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-15.15-15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R. 1982 d. 398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R. 1982 d. 271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R. 1982 d. 271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R. 1982 d. 304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R. 1982 d. 265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R. 1982 d. 266	14 N.J.R. 919(c)
13:47B-1.1	Correction to Code: Liquid measuring devices			14 N.J.R. 1315(b)
13:47C-5	Repealed: Rules on precious metal sales	13 N.J.R. 818(a)	R. 1982 d. 96	14 N.J.R. 346(e)
13:47C-6	Bonding of transient buyers	13 N.J.R. 819(a)	R. 1982 d. 93	14 N.J.R. 346(f)
13:51	Certification for chemical breath testing	14 N.J.R. 376(a)	R. 1982 d. 187	14 N.J.R. 660(a)
13:70	Thoroughbred racing rules	14 N.J.R. 91(a)	R. 1982 d. 183	14 N.J.R. 661(a)
13:70-3.47	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d. 14	15 N.J.R. 158(b)
13:70-4.1	Thoroughbred racing: License fees	14 N.J.R. 1444(a)	R. 1983 d. 103	15 N.J.R. 553(b)
13:70-6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d. 14	15 N.J.R. 158(b)
13:70-6.16	Racing: Eligibility of maidens	13 N.J.R. 520(c)	R. 1981 d. 489	13 N.J.R. 946(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
13:70-29.48	Emergency amend daily double pool	Emergency	R. 1981 d.32	13 N.J.R. 150(f)
13:70-29.48	Racing: Entries and daily double	13 N.J.R. 521(a)	R. 1981 d.490	13 N.J.R. 947(a)
13:71	Harness racing regulation	13 N.J.R. 820(a)	R. 1982 d. 109	14 N.J.R. 347(a)
13:71-7.1	Harness racing: License fees	14 N.J.R. 1445(a)	R. 1983 d. 104	15 N.J.R. 554(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R. 1983 d. 13	15 N.J.R. 158(c)
13:75-1.7	Violent crimes funeral compensation	13 N.J.R. 743(a)	R. 1982 d.37	14 N.J.R. 208(c)

(Title 13, Transmittal 17 dated January 14, 1981)

PUBLIC UTILITIES-TITLE 14

(Title 14, Transmittal 16 dated June 21, 1982)

ENERGY-TITLE 14A

14A:3	Correction: Expiration date of N.J.A.C. 14A:3, Energy Conservation	—————	—————	15 N.J.R. 701(a)
14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R. 1982 d.262	14 N.J.R. 919(d)
14A:3-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R. 1983 d.119	15 N.J.R. 622(d)
14A:12-1	Computing cost savings in shared-savings contracts	14 N.J.R. 820(a)	R. 1983 d. 10	15 N.J.R. 158(d)

(Title 14A, Transmittal 8 dated June 21, 1982)

STATE-TITLE 15

15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R. 1983 d.61	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d.339	14 N.J.R. 1163(b)

(Title 15, Transmittal 13 dated March 19, 1981)

PUBLIC ADVOCATE-TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978)

TRANSPORTATION-TITLE 16

16:22-1.1, 1.2, 1.4	Transportation Rehabilitation and Improvement funds	14 N.J.R. 97(a)	R. 1982 d.68	14 N.J.R. 284(a)
16:25-13	Railroad crossing and bridge cases	14 N.J.R. 1197(a)	R. 1983 d.45	15 N.J.R. 341(a)
16:26-1.1	Traffic signal information	13 N.J.R. 152(b)	R. 1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal traffic and parking on NJDOT property	13 N.J.R. 153(a)	R. 1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	13 N.J.R. 153(b)	R. 1981 d.150	13 N.J.R. 372(c)
16:28-1.15	Speed limits along Route 13	13 N.J.R. 155(a)	R. 1981 d.152	13 N.J.R. 372(d)
16:28-1.16	Speed rates on I-195	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.17	Speed limits on Route 147	13 N.J.R. 239(a)	R. 1981 d.196	13 N.J.R. 451(a)
16:28-1.23	Speed limits along Route 18	13 N.J.R. 744(b)	R. 1981 d.484	13 N.J.R. 947(d)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R. 1982 d.465	15 N.J.R. 41(a)
16:28-1.23	Speed rate on Route 18 in East Brunswick	14 N.J.R. 1446(a)	R. 1983 d.51	15 N.J.R. 341(b)
16:28-1.23	Readopted school zone on Route 18 in Old Bridge	15 N.J.R. 41(a)	R. 1983 d.70	15 N.J.R. 448(a)
16:28-1.23	Speed limits on Route 18 in Monmouth and Middlesex Counties	15 N.J.R. 519(a)	R. 1983 d.232	15 N.J.R. 1036(a)
16:28-1.41	US 9 and 35 speed changes in Atlantic County	13 N.J.R. 838(a)	R. 1982 d.11	14 N.J.R. 160(c)
16:28-1.49	Speed limits on Route 35	13 N.J.R. 451(b)	R. 1981 d.333	13 N.J.R. 612(a)
16:28-1.56	Speed rates on US 40 and 322	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US130 in Gloucester County	14 N.J.R. 824(a)	R. 1982 d.323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R. 1982 d.499	15 N.J.R. 94(c)
16:28-1.72	Speed limits on US 206 and 130 in Bordentown	14 N.J.R. 324(a)	R. 1982 d.168	14 N.J.R. 580(b)
16:28-1.90	School zone on Route 166 in Dover Twp.	15 N.J.R. 520(a)	R. 1983 d.231	15 N.J.R. 1036(b)
16:28-1.111	Speed limits for Route 87	13 N.J.R. 452(a)	R. 1981 d.334	13 N.J.R. 613(a)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.2	Parking on Route 1 and 9 in Newark	14 N.J.R. 1049(a)	R. 1982 d.420	14 N.J.R. 1402(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R. 1982 d.247	14 N.J.R. 919(e)
16:28A-1.4	Route 4 bus stops	14 N.J.R. 98(a)	R. 1982 d.83	14 N.J.R. 347(b)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R. 1982 d.328	14 N.J.R. 1100(b)
16:28A-1.6	Restricted parking along Route 7	13 N.J.R. 522(a)	R. 1981 d.383	13 N.J.R. 778(b)
16:28A-1.6	Restricted parking on Route 7	13 N.J.R. 745(a)	R. 1981 d.483	13 N.J.R. 947(b)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R. 1982 d.203	14 N.J.R. 710(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 157(b)	R. 1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	US 9 parking	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.7	Parking on US 9	13 N.J.R. 240(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route US 9	13 N.J.R. 452(c)	R. 1981 d.335	13 N.J.R. 613(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.7	Restricted parking on US 9	13 N.J.R. 745(b)	R. 1981 d.487	13 N.J.R. 947(f)
16:28A-1.7	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d.44	14 N.J.R. 236(a)
16:28A-1.7	Parking on US9	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R. 1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R. 1982 d.45	14 N.J.R. 236(b)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R. 1982 d.201	14 N.J.R. 710(b)
15:28A-1.9	Parking on Route 17 in Paramus	15 N.J.R. 520(b)	R. 1983 d.228	15 N.J.R. 1036(c)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US22	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.13	Route US 22	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R. 1982 d.313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.14	Restricted parking along Route US 22 alternate	13 N.J.R. 453(b)	R. 1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	13 N.J.R. 241(a)	R. 1981 d.192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	13 N.J.R. 454(a)	R. 1981 d.337	13 N.J.R. 613(d)
16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R. 1982 d.501	15 N.J.R. 95(a)
16:28A-1.15	Parking on Route 23 in Sussex County	Emergency	R. 1983 d.96	15 N.J.R. 555(a)
16:28A-1.15	Readopted: Parking on Route 23 in Sussex County	15 N.J.R. 555(a)	R. 1983 d.225	15 N.J.R. 1036(d)
16:28A-1.16	Restricted parking along Route 24	13 N.J.R. 455(a)	R. 1981 d.338	13 N.J.R. 613(e)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R. 1982 d.248	14 N.J.R. 919(f)
16:28A-1.18	Restricted parking along Route 27	13 N.J.R. 373(c)	R. 1981 d.312	13 N.J.R. 613(f)
16:28A-1.18	Route 27 bus stops in Edison	13 N.J.R. 934(a)	R. 1982 d.46	14 N.J.R. 236(c)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R. 1982 d.249	14 N.J.R. 920(a)
16:28A-1.18	Route 27 parking in South Brunswick	15 N.J.R. 317(a)	R. 1983 d.150	15 N.J.R. 807(d)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.19	Route 28 parking	13 N.J.R. 155(b)	R. 1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	13 N.J.R. 157(b)	R. 1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 242(a)	R. 1981 d.193	13 N.J.R. 455(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 240(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.19	Route 28 parking in Roselle Park	14 N.J.R. 138(a)	R. 1982 d.111	14 N.J.R. 391(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R. 1982 d.250	14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R. 1982 d.322	14 N.J.R. 1061(b)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R. 1982 d.251	14 N.J.R. 920(c)
16:28A-1.23	Route 33 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	13 N.J.R. 156(a)	R. 1981 d.154	13 N.J.R. 374(a)
16:28A-1.23	Route 33 parking in Hopewell Township	13 N.J.R. 838(b)	R. 1982 d.12	14 N.J.R. 161(a)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.23, 1.25	Restricted parking on Routes 33 and 35	13 N.J.R. 746(a)	R. 1981 d.482	13 N.J.R. 947(c)
16:28A-1.25	Route 35 parking	13 N.J.R. 157(a)	R. 1981 d.155	13 N.J.R. 374(b)
16:28A-1.25	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R. 1982 d.60	14 N.J.R. 284(b)
16:28A-1.25	Parking on Route 35	14 N.J.R. 324(b)	R. 1982 d.173	14 N.J.R. 580(c)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R. 1982 d.501	15 N.J.R. 95(a)
16:28A-1.25	Route 35 parking in Dover Township	15 N.J.R. 318(a)	R. 1983 d.151	15 N.J.R. 808(a)
16:28A-1.26	Parking on Route 36	13 N.J.R. 453(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.26, 1.27, 1.28, 1.31, 1.32	Parking on Routes 36, 38, 40, 45, 46	14 N.J.R. 702(b)	R. 1982 d.312	14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R. 1982 d.203	14 N.J.R. 710(a)
16:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R. 1982 d.313	14 N.J.R. 1061(a)
16:28A-1.28	Restricted parking on US 40 and Route 70	13 N.J.R. 747(a)	R. 1981 d.481	13 N.J.R. 947(e)
16:28A-1.28	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d.44	14 N.J.R. 236(a)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 241(a)	R. 1981 d.192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 242(b)	R. 1981 d.194	13 N.J.R. 455(c)
16:28A-1.32	Restricted parking along Route US 46	13 N.J.R. 522(b)	R. 1981 d.384	13 N.J.R. 779(a)
16:28A-1.32	Restricted parking on US 46	13 N.J.R. 747(b)	R. 1981 d.480	13 N.J.R. 948(a)
16:28A-1.32	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R. 1982 d.47	14 N.J.R. 236(d)
16:28A-1.33, 1.36, 1.37, 1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 47, 57, 70, 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R. 1982 d.249	14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R. 1983 d.1	15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	13 N.J.R. 242(b)	R. 1981 d.194	13 N.J.R. 455(c)
16:28A-1.37	Restricted parking along Route 70	13 N.J.R. 456(a)	R. 1981 d.339	13 N.J.R. 614(a)
16:28A-1.37	Route 70 parking	13 N.J.R. 747(a)	R. 1981 d.481	13 N.J.R. 947(e)
16:28A-1.37	Parking on Route 70 in Lakehurst	15 N.J.R. 426(a)	R. 1983 d.172	15 N.J.R. 929(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.38	Parking on Route 71 in Belmar	14 N.J.R. 325(a)	R.1982 d.174	14 N.J.R. 580(d)
16:28A-1.41	Parking on Route 77	14 N.J.R. 324(b)	R.1982 d.173	14 N.J.R. 580(c)
16:28A-1.43	Restricted parking along Route 82	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.44	Route 88 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.46	Parking on US 130	13 N.J.R. 746(a)	R.1981 d.482	13 N.J.R. 947(c)
16:28A-1.50	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R.1982 d.45	14 N.J.R. 236(b)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.51	Restricted parking along Route 168	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.55	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R.1982 d.47	14 N.J.R. 236(d)
16:28A-1.55	Restricted parking on State highways	13 N.J.R. 455(a)	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.55	Parking on US 202 in Morris Township	15 N.J.R. 131(a)	R.1983 d.111	15 N.J.R. 626(d)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R.1982 d.252	14 N.J.R. 920(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 156(a)	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.57	Parking along US 206	13 N.J.R. 453(b)	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.57	US206 parking in Hamilton Township	14 N.J.R. 139(a)	R.1982 d.112	14 N.J.R. 391(d)
16:28A-1.60	Restricted parking on Route US 322-47	13 N.J.R. 523(a)	R.1981 d.382	13 N.J.R. 779(b)
16:28A-1.61	Bus stops on US9W in Fort Lee	14 N.J.R. 139(b)	R.1982 d.113	14 N.J.R. 391(e)
16:28A-1.61	Bustops and parking on US 9W	14 N.J.R. 465(a)	R.1982 d.224	14 N.J.R. 838(b)
16:28A-1.61	Parking on US 9W in Fort Lee	15 N.J.R. 521(a)	R.1983 d.227	15 N.J.R. 1036(e)
16:28A-1.64	Route 41 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R.1982 d.202	14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R.1983 d.52	15 N.J.R. 342(a)
16:28A-1.65	Route 15 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R.1982 d.226	14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.66	Parking on Route 18	13 N.J.R. 239(b)	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.68	Route 93 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.68	Parking on Route 93	14 N.J.R. 199(a)	R.1982 d.116	14 N.J.R. 391(b)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.69	Parking on Route 124	13 N.J.R. 240(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.70	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R.1982 d.60	14 N.J.R. 284(b)
16:28A-1.70	Parking on Route 439 in Elizabeth	15 N.J.R. 521(b)	R.1983 d.226	15 N.J.R. 1037(a)
16:28A-1.71	Bus stops on Route 67 in Fort Lee	14 N.J.R. 139(b)	R.1982 d.113	14 N.J.R. 391(e)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R.1982 d.251	14 N.J.R. 920(c)
16:28A-1.74-1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50, 53, 59, I-80, 87, US 130, 33, 153, 159, 161, 182,62, 208, 280, I-280, 287, I-295, US322, US322-45	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.81	Parking along Route 87 in Atlantic City	15 N.J.R. 234(a)	R.1983 d.130	15 N.J.R. 694(a)
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R.1982 d.322	14 N.J.R. 1061(b)
16:29-1.3, 1.20, 1.24-1.28	No passing zone changes	14 N.J.R. 1283(b)	R.1983 d.2	15 N.J.R. 162(b)
16:30-2.5	Stop intersection on Route 71, Oceanport- Eatontown	15 N.J.R. 318(b)	R.1983 d.152	15 N.J.R. 808(b)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R.1982 d.414	14 N.J.R. 1402(b)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R.1982 d.299	14 N.J.R. 982(c)
16:30-3.6	Readopt HOV lanes along Route 444	13 N.J.R. 456(b)	R.1981 d.323	14 N.J.R. 614(b)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R.1982 d.294	14 N.J.R. 982(d)
16:30-3.7	Bus lane on US 22 in Westfield-Mountainside	15 N.J.R. 522(a)	R.1983 d.229	15 N.J.R. 1037(b)
16:30-9.1	Drawbridge use on Route 35 in Old Bridge-Sayerville	15 N.J.R. 132(a)	R.1983 d.106	15 N.J.R. 554(b)
16:31-1.1	U turns on US 206 in Bordentown	15 N.J.R. 426(b)	R.1983 d.173	15 N.J.R. 930(a)
16:31-1.1	Turns on US 206 in Somerset County	15 N.J.R. 522(b)	R.1983 d.230	15 N.J.R. 1037(c)
16:31-1.3	Turns on Route 46 in Dover, Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31-1.10	Turns along Route US 30	13 N.J.R. 457(a)	R.1981 d.340	13 N.J.R. 614(c)
16:31-1.16	No left turn along Route 79	13 N.J.R. 614(d)	R.1981 d.460	13 N.J.R. 895(b)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R.1982 d.225	14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R.1982 d.327	14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R.1982 d.394	14 N.J.R. 1220(c)
16:31-1.20	Left turns on Route 28 in Somerset County	14 N.J.R. 1447(a)	R.1983 d.53	15 N.J.R. 342(b)
16:31-1.21	Turns on Route 15 in Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31A-1.4, 1.13, 1.17, 1.19, 1.23	Prohibited rights on red: Routes 4, 18, 24, 28, 33	13 N.J.R. 935(b)	R.1982 d.48	14 N.J.R. 236(e)
16:31A-1.25, 1.35, 1.37, 1.65	Prohibited rights on red: Routes 35, 49, US46, and 206	13 N.J.R. 936(a)	R.1982 d.49	14 N.J.R. 237(a)

N.J.A.C. CITATION	PROPOSAL SUBJECT	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:31A-1.67	Route I-280 right-on-red prohibition in Orange	13 N.J.R. 937(a)	R. 1982 d. 50	14 N.J.R. 237(b)
16:31A-1.77	Route 181 right-on-red prohibition in Sparta	13 N.J.R. 937(b)	R. 1982 d. 51	14 N.J.R. 237(c)
16:32	Designated routes for special categories of trucks	Emergency	R. 1983 d. 124	15 N.J.R. 643(a)
16:41-8.1, 8.4, 8.5, 8.6	Outdoor advertising	13 N.J.R. 615(a)	R. 1981 d. 497	14 N.J.R. 46(d)
16:41A-7.1	Outdoor Advertising Tax Act	13 N.J.R. 616(a)	R. 1981 d. 496	14 N.J.R. 47(a)
16:51	Recodified as 16:73	13 N.J.R. 881(a)	R. 1982 d. 40	14 N.J.R. 209(a)
16:51-4	Repealed: Delegation of powers	13 N.J.R. 881(a)	R. 1982 d. 40	14 N.J.R. 209(a)
16:53-1.1-1.3, 1.6-1.9, 1.11, 1.19, 1.21-1.30, 2	Autobus specifications	14 N.J.R. 1347(a)	R. 1983 d. 110	15 N.J.R. 694(b)
16:53-2	Autobus specifications	13 N.J.R. 834(a)	R. 1982 d. 30	14 N.J.R. 160(b)
16:53-3.1-3.39, 4, 5.1, 6, 7, 8, 9.1, 9.2	Autobus specifications	14 N.J.R. 1347(a)	R. 1983 d. 110	15 N.J.R. 694(b)
16:54	Licensing of aeronautical facilities	12 N.J.R. 289(a)	R. 1981 d. 141	13 N.J.R. 374(c)
16:54-1.3	"Commercial purposes" and balloon operations	14 N.J.R. 326(a)	R. 1982 d. 175	14 N.J.R. 580(e)
16:56-3	Repeal aircraft registry logs	13 N.J.R. 457(b)	R. 1981 d. 341	13 N.J.R. 616(b)
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R. 1983 d. 8	15 N.J.R. 162(c)
16:65-9	Corporate reorganization of contractors	13 N.J.R. 524(a)	R. 1981 d. 399	13 N.J.R. 779(c)
16:72	N.J. Transit procurement policies and procedures	13 N.J.R. 158(a)	R. 1981 d. 176	13 N.J.R. 374(d)
16:73	Reduced Fare Transportation Program	13 N.J.R. 881(a)	R. 1982 d. 40	14 N.J.R. 209(a)

(Title 16, Transmittal 15 dated March 19, 1981)

TREASURY-GENERAL-TITLE 17

17:1	Readopted: General Administration pension rules	15 N.J.R. 523(a)	R. 1983 d. 174	15 N.J.R. 930(b)
17:1-1.1	Administration and receipt of checks	13 N.J.R. 616(c)	R. 1981 d. 427	13 N.J.R. 779(d)
17:1-1.3, 1.8, 1.18, 1.19	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R. 1982 d. 491	15 N.J.R. 95(b)
17:1-1.5	Pensions: Monthly transmittals and interest charges	15 N.J.R. 80(b)	R. 1983 d. 77	15 N.J.R. 448(b)
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R. 1982 d. 470	15 N.J.R. 36(b)
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R. 1982 d. 358	14 N.J.R. 1163(c)
17:1-1.15	Credit unions and direct deposit agreements	13 N.J.R. 883(a)	R. 1982 d. 20	14 N.J.R. 161(b)
17:1-1.24	Pensioners' Health Plan: Coverage and termination	14 N.J.R. 35(b)	R. 1982 d. 59	14 N.J.R. 237(d)
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R. 1982 d. 346	14 N.J.R. 1163(d)
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R. 1982 d. 438	14 N.J.R. 1464(a)
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R. 1982 d. 483	15 N.J.R. 95(c)
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R. 1201(a)	R. 1982 d. 480	15 N.J.R. 96(a)
17:1-4.6, 4.25	Transfers and hearings	14 N.J.R. 1290(a)	R. 1982 d. 491	15 N.J.R. 95(b)
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R. 1982 d. 347	14 N.J.R. 1163(e)
17:1-4.13, 4.34	Pensions: Service credit; purchases	14 N.J.R. 1201(b)	R. 1982 d. 469	15 N.J.R. 36(c)
17:1-4.33	Leaves of absence for maternity	13 N.J.R. 617(b)	R. 1981 d. 428	13 N.J.R. 779(e)
17:1-5,-7	Hearing request; Adjustment Program	14 N.J.R. 1290(a)	R. 1982 d. 491	15 N.J.R. 95(b)
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R. 1982 d. 471	15 N.J.R. 37(a)
17:1-8.12	Social Security: Late filing penalties	15 N.J.R. 319(b)	R. 1983 d. 132	15 N.J.R. 696(a)
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R. 1982 d. 350	14 N.J.R. 1164(a)
17:1-12.2	Loan information	14 N.J.R. 1201(b)	R. 1982 d. 469	15 N.J.R. 36(c)
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R. 1983 d. 39	15 N.J.R. 245(a)
17:1-12.4	Interfund transfers: court attendants appointed sheriff's officers	15 N.J.R. 525(a)	R. 1983 d. 216	15 N.J.R. 1037(d)
17:1-12.5	Interfund transfers and accumulated interest	15 N.J.R. 526(a)	R. 1983 d. 217	15 N.J.R. 1037(e)
17:2-2.3, 3.3, 7.1, 7.2	PERS: Ineligibility; contributory insurance rates; interfund transfers	14 N.J.R. 1150(a)	R. 1983 d. 7	15 N.J.R. 162(d)
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R. 1982 d. 343	14 N.J.R. 1164(b)
17:2-3.9	Repealed: PERS insurance liability for unenrolled members	15 N.J.R. 16(a)	R. 1983 d. 76	15 N.J.R. 449(a)
17:2-3.12,-5	PERS: Beneficiary designation; purchases	14 N.J.R. 1151(a)	R. 1983 d. 6	15 N.J.R. 163(a)
17:2-6.26	PERS: Critical disability claims	13 N.J.R. 748(a)	R. 1981 d. 515	14 N.J.R. 105(a)
17:3	Readopted: Teachers' Pension and Annuity Fund rules	15 N.J.R. 526(b)	R. 1983 d. 175	15 N.J.R. 930(c)
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R. 1982 d. 344	14 N.J.R. 1164(c)
17:3-1.11, 3.12	Teachers' Pension and Annuity Fund	14 N.J.R. 1202(b)	R. 1983 d. 78	15 N.J.R. 449(b)
17:3-5	Teachers' Pension: Purchase and eligible service	13 N.J.R. 618(b)	R. 1981 d. 510	14 N.J.R. 105(b)
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d. 78	15 N.J.R. 449(b)
17:3-6.4	Loan repayments to teachers' fund	13 N.J.R. 748(b)	R. 1982 d. 14	14 N.J.R. 161(c)
17:3-6.15	Teachers' Pension: Compulsory retirement	13 N.J.R. 620(a)	R. 1981 d. 509	14 N.J.R. 105(c)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)	
17:3-6.25	Teacher's fund: Critical disability claims	13 N.J.R. 749(a)	R. 1982 d. 15	14 N.J.R. 161(d)
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d. 78	15 N.J.R. 449(b)
17:4-1.1	Police and firemen's pension board meetings	13 N.J.R. 938(a)	R. 1982 d. 64	14 N.J.R. 284(c)
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R. 1983 d. 4	15 N.J.R. 163(b)
17:4-3.6	Police and Firemen's Retirement: Insurance liability	14 N.J.R. 1291(a)	R. 1983 d. 47	15 N.J.R. 342(c)
17:4-5	Police and firemen's purchases and eligible service	13 N.J.R. 682(a)	R. 1982 d. 4	14 N.J.R. 161(e)
17:4-5.1	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d. 292	13 N.J.R. 525(c)
17:4-5.3, 5.6	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R. 1983 d. 3	15 N.J.R. 163(c)
17:4-5.5	Police and Firemen's Retirement: Reinstatement	15 N.J.R. 132(b)	R. 1983 d. 127	15 N.J.R. 696(b)
17:4-6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d. 292	13 N.J.R. 525(c)
17:4-6.4	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R. 1983 d. 3	15 N.J.R. 163(c)
17:4-6.13	Police and firemen's critical disability claims	13 N.J.R. 684(a)	R. 1982 d. 5	14 N.J.R. 162(a)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d. 292	13 N.J.R. 525(c)
17:4-7.1, 7.2	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R. 1983 d. 3	15 N.J.R. 163(c)
17:5-1.9	State Police Retirement: Proof of age	14 N.J.R. 1205(a)	R. 1983 d. 49	15 N.J.R. 342(d)
17:5-2.4	State Police Retirement System	14 N.J.R. 1448(a)	R. 1983 d. 48	15 N.J.R. 342(e)
17:5-2.5	State Police pension coverage and unpaid leaves	13 N.J.R. 938(b)	R. 1982 d. 65	14 N.J.R. 284(d)
17:5-4.1, 4.2, 4.3	State Police pension purchases and eligible service	13 N.J.R. 939(a)	R. 1982 d. 66	14 N.J.R. 284(e)
17:5-5.15	State Police: Critical disability claims	13 N.J.R. 939(a)	R. 1982 d. 67	14 N.J.R. 285(a)
17:5-6.1, 6.2	State Police Retirement: Interfund transfers	14 N.J.R. 1292(a)	R. 1983 d. 46	15 N.J.R. 343(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R. 1983 d. 35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R. 1982 d. 349	14 N.J.R. 1164(d)
17:7	Readopted: Prison Officers' Pension Fund rules	15 N.J.R. 527(a)	R. 1983 d. 176	15 N.J.R. 930(d)
17:7-3.10	Prison officers' fund: Disability claims	13 N.J.R. 750(a)	R. 1982 d. 89	14 N.J.R. 347(c)
17:8-2.6, 3.3	Supplemental Trust: Suspended deductions; withdrawal or retirement	15 N.J.R. 81(a)	R. 1983 d. 128	15 N.J.R. 697(a)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R. 1982 d. 348	14 N.J.R. 1164(e)
17:9	Readopted: Health Benefits Program rules	15 N.J.R. 529(a)	R. 1983 d. 177	15 N.J.R. 930(e)
17:9-1.4, 1.6, 2.1, 2.2, 2.3, 2.6, 2.7, 2.11	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d. 44	15 N.J.R. 343(b)
17:9-2.10	HMO options for employees who move	15 N.J.R. 81(b)	R. 1983 d. 129	15 N.J.R. 697(b)
17:9-4.6	State Health Benefits Program: "Local, full time"	14 N.J.R. 1296(a)	R. 1983 d. 43	15 N.J.R. 343(c)
17:9-5.3, 5.5, 5.6, 5.8, 5.10	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d. 44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R. 1982 d. 341	14 N.J.R. 1165(a)
17:9-6.1-6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d. 44	15 N.J.R. 343(b)
17:10	Readopted: Judicial Retirement System rules	15 N.J.R. 530(a)	R. 1983 d. 178	15 N.J.R. 931(a)
17:10-1.3, 1.4	Judicial Retirement System administration	14 N.J.R. 1296(b)	R. 1983 d. 212	15 N.J.R. 1038(a)
17:10-1.8	Judicial Retirement System: proof of age	14 N.J.R. 1298(a)	R. 1983 d. 214	15 N.J.R. 1038(b)
17:10-2.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R. 1983 d. 212	15 N.J.R. 1038(a)
17:10-3.1	Judicial Retirement: computation of benefits	14 N.J.R. 1299(a)	R. 1983 d. 213	15 N.J.R. 1038(c)
17:10-3.2	Judicial Retirement System: Maternity leave	14 N.J.R. 201(b)	R. 1982 d. 345	14 N.J.R. 1165(b)
17:10-3.6, 4.3, 4.4, 4.7, 4.8, 4.9, 5.1, 5.2, 5.3	Judicial Retirement System administration	14 N.J.R. 1296(b)	R. 1983 d. 212	15 N.J.R. 1038(a)
17:10-5.10	Judicial Retirement System: Disability	14 N.J.R. 140(a)	R. 1982 d. 342	14 N.J.R. 1165(c)
17:10-6.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R. 1983 d. 212	15 N.J.R. 1038(a)
17:12-5.1	Subscription fee for State contract information	14 N.J.R. 1085(b)	R. 1982 d. 481	15 N.J.R. 96(b)
17:16-5.1, 5.2	Readopted: State Investment Council, classification of funds	15 N.J.R. 531(a)	R. 1983 d. 233	15 N.J.R. 1038(d)
17:16-5.1-5.6	State Investment Council funds	14 N.J.R. 329(b)	R. 1982 d. 397	14 N.J.R. 1220(d)
17:16-5.5	Classification of funds: Temporary reserve group	13 N.J.R. 620(c)	R. 1982 d. 188	14 N.J.R. 663(a)
17:16-11.3, 12.2, 12.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d. 192	14 N.J.R. 663(b)
17:16-17.2, 17.3	State Investment Council: Applicable funds; equity investments	15 N.J.R. 133(a)	R. 1983 d. 107	15 N.J.R. 627(a)
17:16-27.1	Collateralized certificates of deposit	13 N.J.R. 528(a)	R. 1982 d. 191	14 N.J.R. 663(c)
17:16-28.3, 28.4, 29.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d. 192	14 N.J.R. 663(b)
17:16-31.9, 40.1	Administrative expenses; collateralized securities	13 N.J.R. 528(a)	R. 1982 d. 191	14 N.J.R. 663(c)
17:16-31.15	Cash Management Fund: Statement correction	14 N.J.R. 899(a)	R. 1982 d. 363	14 N.J.R. 1166(a)
17:16-42.2, 42.4	Covered call options: Expanded trading	13 N.J.R. 750(b)	R. 1982 d. 193	14 N.J.R. 663(d)
17:16-42.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d. 192	14 N.J.R. 663(b)
17:16-43.1, 43.2	Mortgage-backed securities	14 N.J.R. 652(a)	R. 1982 d. 396	14 N.J.R. 1221(a)

N.J.A.C. CITATION		PROPOSAL NOTICE DOCUMENT (N.J.R. CITATION)	ADOPTION NOTICE (N.J.R. CITATION)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R. 1982 d.362
17:20-10	Correction to Code: Lottery ticket rules		14 N.J.R. 1166(b)
17:26-2	Spill compensation tax and Federal Superfund	14 N.J.R. 36(b)	R. 1982 d.79
(Title 17, Transmittal 16 dated September 15, 1981)			

TREASURY-TAXATION-TITLE 18

18:3-1.2, 2.1	New Jersey wines	13 N.J.R. 839(a)	R. 1982 d.181	14 N.J.R. 664(a)
18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R. 1982 d.256	14 N.J.R. 920(e)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-1.15	Investment company defined	13 N.J.R. 684(b)	R. 1982 d.34	14 N.J.R. 209(b)
18:7-3	Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d.6	14 N.J.R. 105(d)
18:7-3.1, 3.3, 3.4	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-3.5	Corporation Business Tax and short table	14 N.J.R. 826(b)	R. 1982 d.395	14 N.J.R. 1221(b)
18:7-3.5	Corporation Business Tax: short tax table	15 N.J.R. 320(a)	R. 1983 d.219	15 N.J.R. 1038(e)
18:7-3.14	Correction: Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d.6	14 N.J.R. 1065(a)
18:7-4.1, 4.10, 5.2, 8.5	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-11.12	Emergency extension for filing corporate return	Emergency	R. 1981 d.163	13 N.J.R. 377(a)
18:7-11.12, 13.6, 14.2	Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d.6	14 N.J.R. 105(d)
18:12-4	Local property tax: revaluation of real property	15 N.J.R. 322(a)	R. 1983 d.221	15 N.J.R. 1039(a)
18:12-6A.8	Multiple dwelling exemptions and tax list designations (joint adoption, see 5:22-2.6)	14 N.J.R. 72(b)	R. 1982 d.78	14 N.J.R. 278(b)
18:12-7.12	Readopted: Homestead rebate filing extension	13 N.J.R. 948(b)	R. 1982 d.41	14 N.J.R. 212(a)
18:12-7.12	Homestead Rebate: Extension of time to file	Emergency	R. 1982 d.439	14 N.J.R. 1466(a)
18:12-9	Mobile homes tax moratorium (local property)	13 N.J.R. 162(b)	R. 1981 d.207	13 N.J.R. 462(c)
18:12A-1.6	Appeals to county tax boards	14 N.J.R. 231(a)	R. 1982 d.176	14 N.J.R. 580(f)
18:12A-1.12	Local property tax	13 N.J.R. 621(a)	R. 1981 d.478	13 N.J.R. 948(c)
18:12A-1.20	County boards of taxation	13 N.J.R. 44(d)	R. 1981 d.44	13 N.J.R. 165(a)
18:14-1.1, 2.2, 2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10	Local property tax senior citizens deduction	13 N.J.R. 462(d)	R. 1981 d.426	13 N.J.R. 779(f)
18:18-3.6	Distributors and gas jobbers bond ceiling	14 N.J.R. 202(a)	R. 1982 d.140	14 N.J.R. 430(a)
18:19-1.1, 2.1, 2.2, 2.6, 2.10, 3.1, 3.3	Gallon and liter pricing of motor fuels	13 N.J.R. 855(a)	R. 1982 d.77	14 N.J.R. 285(c)
18:19-2.2	Retail gasoline prices display	14 N.J.R. 331(b)	R. 1982 d.257	14 N.J.R. 921(a)
18:19-2.7	Cash discounts: Motor fuel sales	14 N.J.R. 705(a)	R. 1982 d.369	14 N.J.R. 1166(c)
18:24-2.3	Sales and Use Tax Act	13 N.J.R. 163(a)	R. 1981 d.209	13 N.J.R. 465(a)
18:24-2.15	Sales tax recordkeeping standards	13 N.J.R. 751(a)	R. 1982 d.36	14 N.J.R. 212(b)
18:24-5.7	Capital improvement installations and sales tax	14 N.J.R. 140(b)	R. 1982 d.141	14 N.J.R. 430(b)
18:24-7.19	Sales and Use Tax Act	13 N.J.R. 163(b)	R. 1981 d.206	13 N.J.R. 465(b)
18:24-11.3	Sales Tax increase: transitional provisions	15 N.J.R. 324(a)	R. 1983 d.220	15 N.J.R. 1039(b)
18:24-12.4	Sales Tax exemptions	13 N.J.R. 111(a)	R. 1981 d.210	13 N.J.R. 465(c)
18:24-24.2	Underground gas tanks as real property	13 N.J.R. 883(b)	R. 1982 d.85	14 N.J.R. 348(a)
18:24-27.1, 27.2	Sales and Use Tax Act	13 N.J.R. 164(a)	R. 1981 d.208	13 N.J.R. 465(d)
18:24-28	Taxation of purchase or use of race horses	13 N.J.R. 622(a)	R. 1981 d.436	13 N.J.R. 847(c)
18:26-2.12, 5.9, 5.17, 5.19, 6.16, 6.17, 8.6, 8.12	Transfer Inheritance Tax	13 N.J.R. 623(a)	R. 1981 d.477	13 N.J.R. 948(d)
18:26-8.7	Pre-audit payment of inheritance tax	14 N.J.R. 1153(a)	R. 1982 d.445	14 N.J.R. 1464(b)
18:35-1.15	Exclusions from taxable gross income	14 N.J.R. 271(a)	R. 1982 d.164	14 N.J.R. 581(a)
18:35-1.16	All-savers interest exclusion	14 N.J.R. 332(a)	R. 1982 d.258	14 N.J.R. 921(b)
18:35-2	Debt liability and tax refunds and rebates	13 N.J.R. 940(a)	R. 1982 d.161	14 N.J.R. 474(b)
18:35-2.3, 2.4, 2.5, 2.7	Gross income tax refunds and debt setoff	14 N.J.R. 705(b)	R. 1982 d.479	15 N.J.R. 37(b)
(Title 18, Transmittal 16 dated January 14, 1981)				

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

5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d.288	14 N.J.R. 983(a)
19:1-1.6	Debarment and suspension from contracting	14 N.J.R. 1050(a)	R. 1982 d.413	14 N.J.R. 1310(b)
19:1-5	Home improvement loan program	13 N.J.R. 312(b)	R. 1981 d.268	13 N.J.R. 529(c)
19:3-1.1, 1.2, 1.4	Subdivision and zoning fees	15 N.J.R. 428(a)	R. 1983 d.254	15 N.J.R. 1039(c)
19:4-3.2	Meadowlands zoning exemptions	14 N.J.R. 231(b)	R. 1982 d.163	14 N.J.R. 581(b)
19:4-4.142	Variances and appeals	13 N.J.R. 529(d)	R. 1981 d.446	13 N.J.R. 847(d)
19:4-5.17	Meadowlands variances	13 N.J.R. 694(a)	R. 1982 d.1	14 N.J.R. 162(b)
19:4-6.25	Variances and appeals	13 N.J.R. 529(d)	R. 1981 d.446	13 N.J.R. 847(d)
19:4-6.26	Meadowlands variances	13 N.J.R. 694(a)	R. 1982 d.1	14 N.J.R. 162(b)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
19:4-6.28	District zoning; change in zoning map	13 N.J.R. 624(a)	R. 1981 d.467 13 N.J.R. 895(c)
19:4-6.28	Zoning change in Little Ferry	15 N.J.R. 133(b)	R. 1983 d.142 15 N.J.R. 697(c)
19:4A	Flood plain management	15 N.J.R. 18(a)	R. 1983 d.143 15 N.J.R. 697(d)
19:8	Readopted: Garden State Parkway rules	15 N.J.R. 615(a)	R. 1983 d.237 15 N.J.R. 1039(d)
19:8-1.2	Speed limits on Garden State Parkway	14 N.J.R. 827(a)	R. 1982 d.325 14 N.J.R. 1101(a)
19:8-1.9	Autobus length allowable on Parkway	14 N.J.R. 333(a)	R. 1982 d.116 14 N.J.R. 581(c)
19:8-2.11	Garden State Arts Center	13 N.J.R. 247(e)	R. 1981 d.169 13 N.J.R. 378(a)
19:8-2.12	Emergency service	13 N.J.R. 165(b)	R. 1981 d.115 13 N.J.R. 315(a)
19:8-2.12	Emergency service fees on Garden State Parkway	15 N.J.R. 134(a)	R. 1983 d.99 15 N.J.R. 554(c)
19:8-3.1	Tolls on Garden State Parkway	13 N.J.R. 248(a)	R. 1981 d.170 13 N.J.R. 378(b)
19:8-7.3	State Police motor vehicle accident reports	13 N.J.R. 531(a)	R. 1981 d.387 13 N.J.R. 780(a)
19:8-9	Off-premise outdoor advertising along Parkway	14 N.J.R. 901(a)	R. 1982 d.361 14 N.J.R. 1166(d)
19:9-1.9	Out-of-service school buses	13 N.J.R. 751(b)	R. 1981 d.520 14 N.J.R. 106(a)
19:9-1.9	Bus length on Turnpike	14 N.J.R. 1087(a)	R. 1982 d.448 14 N.J.R. 1464(c)
19:9-2.1	Hearing officer in rejected bidder appeals	14 N.J.R. 974(a)	R. 1982 d.446 14 N.J.R. 1854(d)
19:9-3.1	Towing rates	13 N.J.R. 49(b)	R. 1981 d.37 13 N.J.R. 165(c)
19:9-4.2	Fees for photographs and slides	14 N.J.R. 974(b)	R. 1982 d.447 14 N.J.R. 1464(e)
19:12	PERC: Negotiations and impasse procedures	Organizational	R. 1981 d.357 13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations	Organizational	R. 1981 d.357 13 N.J.R. 625(a)
19:25-8	Financial disclosure by legislative agents	13 N.J.R. 695(a)	R. 1981 d.471 13 N.J.R. 895(d)
19:25-8	Interpretive statement on disclosure	13 N.J.R. 695(a)	R. 1981 d.471 14 N.J.R. 392(a)
19:25-15	Public Financing of General Election for Governor	13 N.J.R. 49(a)	R. 1981 d.54 13 N.J.R. 248(b)
19:25-15.38, 15.39	Correction: Political action committees	13 N.J.R. 49(a)	R. 1981 d.54 15 N.J.R. 96(c)
19:25-19.1	Severability	13 N.J.R. 49(a)	R. 1981 d.54 13 N.J.R. 248(b)
19:30-2.1-2.3	Economic Development Authority fees	13 N.J.R. 248(c)	R. 1981 d.245 13 N.J.R. 465(e)
19:30-4.2	Targeting of authority assistance	13 N.J.R. 625(b)	R. 1981 d.457 13 N.J.R. 898(a)
19:30-4.4	EDA: Targeting of Authority assistance	13 N.J.R. 165(d)	R. 1981 d.168 13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	12 N.J.R. 356(a)	R. 1981 d.167 13 N.J.R. 378(d)

(Title 19, Transmittal 16 dated January 14, 1981)

TITLE 19 SUBTITLE K-CASINO CONTROL COMMISSION

19:40-1.3	Conflicting terms and conditions	14 N.J.R. 558(b)	R. 1982 d.254 14 N.J.R. 841(a)
19:41	Readopted: rules on Applications	15 N.J.R. 532(b)	R. 1983 d.181 15 N.J.R. 931(b)
19:41-4.3	Employee residency qualifications	14 N.J.R. 37(a)	R. 1982 d.63 14 N.J.R. 285(d)
19:41-5	Repealed (see 19:41)	15 N.J.R. 532(b)	R. 1983 d.181 15 N.J.R. 931(b)
19:41-7.14	Personal History Disclosure Form 2A	14 N.J.R. 380(b)	R. 1982 d.190 14 N.J.R. 664(b)
19:41-9.1, 9.4	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367 13 N.J.R. 709(a)
19:41-9.7	Hotel alcoholic beverage license fees	14 N.J.R. 1364(a)	R. 1983 d.80 15 N.J.R. 449(c)
19:41-9.9A	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R. 1983 d.112 15 N.J.R. 627(b)
19:41-9.12, 9.13, 9.14, 9.16	Fixed fees and employee licensing	14 N.J.R. 38(a)	R. 1982 d.57 14 N.J.R. 237(e)
19:41-9.15	Hotel employee registration fee	14 N.J.R. 232(a)	R. 1982 d.162 14 N.J.R. 581(d)
19:41-9.19	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367 13 N.J.R. 709(a)
19:41-11.1, 11.2, 11.3	Casino licensee agreements	13 N.J.R. 626(a)	R. 1981 d.439 13 N.J.R. 847(e)
19:41-12.5	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367 13 N.J.R. 709(a)
19:42	Readopted: rules on Hearings	15 N.J.R. 534(a)	R. 1983 d.180 15 N.J.R. 931(c)
19:42-4.1-4.5	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R. 1982 d.359 14 N.J.R. 1167(a)
19:43-1.1, 1.2	Casino licensing requirements	13 N.J.R. 627(a)	R. 1981 d.440 13 N.J.R. 848(a)
19:43-1.3	Service industry applications	14 N.J.R. 827(b)	R. 1982 d.332 14 N.J.R. 1101(b)
19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R. 1981 d.273 13 N.J.R. 534(a)
19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R. 1981 d.273 13 N.J.R. 534(a)
19:44-17.10	Gaming school exterior advertising	13 N.J.R. 841(a)	R. 1982 d.21 14 N.J.R. 162(c)
19:45	Accounting and internal controls	13 N.J.R. 534(b)	R. 1981 d.437 13 N.J.R. 848(b)
19:45	Readopted: Accounting and internal controls	15 N.J.R. 240(a)	R. 1983 d.125 15 N.J.R. 699(a)
19:45-1.1, 1.8, 1.9	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R. 1983 d.112 15 N.J.R. 627(b)
19:45-1.3	Licensee's system of internal control	14 N.J.R. 381(a)	R. 1982 d.189 14 N.J.R. 664(c)
19:45-1.3, 1.7	Correction: Annual audit	13 N.J.R. 47(c)	R. 1981 d.272 13 N.J.R. 628(a)
19:45-1.3, 1.8	Casino accounting and internal controls	13 N.J.R. 47(c)	R. 1981 d.272 13 N.J.R. 541(a)
19:45-1.12	Internal and gaming controls	13 N.J.R. 534(b)	R. 1982 d.206 14 N.J.R. 710(d)
19:45-1.15	Gaming plaques	14 N.J.R. 708(a)	R. 1982 d.329 14 N.J.R. 1101(c)
19:45-1.15	Gaming control	13 N.J.R. 534(b)	R. 1982 d.171 14 N.J.R. 582(a)
19:45-1.24	Patrons' cash deposits	13 N.J.R. 47(c)	R. 1981 d.272 13 N.J.R. 541(a)
19:45-1.24	Patrons' cash deposits	14 N.J.R. 381(a)	R. 1982 d.189 14 N.J.R. 664(c)
19:45-1.34	Internal controls: slot booths	13 N.J.R. 534(b)	R. 1982 d.171 14 N.J.R. 582(a)
19:45-1.36	Slot machine entry	14 N.J.R. 1052(a)	R. 1983 d.239 15 N.J.R. 1040(b)
19:45-1.45	Internal controls: signatures	13 N.J.R. 47(c)	R. 1981 d.272 13 N.J.R. 541(a)
19:45-1.46	Patron coupon redemption programs	14 N.J.R. 203(a)	R. 1982 d.170 14 N.J.R. 582(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
19:45-1.46	Coupon redemption and complimentary cash programs	14 N.J.R. 559(a)	R. 1982 d. 293	14 N.J.R. 983(b)
19:46	Readopted: Gaming Equipment rules	15 N.J.R. 429(b)	R. 1983 d. 163	15 N.J.R. 932(a)
19:46-1.2	Gaming plaques	14 N.J.R. 708(a)	R. 1982 d. 329	14 N.J.R. 1101(c)
19:46-1.3	Gaming chips	13 N.J.R. 534(b)	R. 1981 d. 408	13 N.J.R. 780(b)
19:46-1.11, 1.26	Craps table and slot machine rules	13 N.J.R. 534(b)	R. 1981 d. 388	13 N.J.R. 780(c)
19:46-1.19	Blackjack play and wagering	14 N.J.R. 559(b)	R. 1983 d. 238	15 N.J.R. 1040(c)
19:46-1.33	Issuance and use of tokens	14 N.J.R. 569(a)	R. 1982 d. 330	14 N.J.R. 1101(d)
19:47	Readopted: Rules of the Games	15 N.J.R. 429(b)	R. 1983 d. 163	15 N.J.R. 932(a)
19:47-1.2, 1.4	Craps wagering	13 N.J.R. 534(b)	R. 1981 d. 388	13 N.J.R. 780(c)
19:47-1.6	"Double odds" option in craps	14 N.J.R. 382(a)	R. 1982 d. 230	14 N.J.R. 838(e)
19:47-1.10	Craps: point thrown	15 N.J.R. 242(b)	R. 1983 d. 240	15 N.J.R. 1041(a)
19:47-2	Blackjack play and wagering	14 N.J.R. 559(b)	R. 1982 d. 255	14 N.J.R. 841(b)
19:47-2.5	Blackjack shuffle and cut of cards	14 N.J.R. 567	R. 1982 d. 305	14 N.J.R. 991(a)
19:47-2.6	Correction: Blackjack dealing	14 N.J.R. 566	R. 1982 d. 255	14 N.J.R. 983(c)
19:47-2.6, 2.8	Readopt Blackjack wagering changes	13 N.J.R. 534(b)	R. 1981 d. 368	13 N.J.R. 709(b)
19:47-2.12	Blackjack play	13 N.J.R. 534(b)	R. 1981 d. 388	13 N.J.R. 780(c)
19:47-2.13	Readopt Blackjack wagering	13 N.J.R. 534(b)	R. 1981 d. 368	13 N.J.R. 709(b)
19:47-5.2	Roulette payout odds	13 N.J.R. 534(b)	R. 1981 d. 388	13 N.J.R. 780(c)
19:47-5.7	Minimum and maximum wagering	13 N.J.R. 534(b)	R. 1981 d. 368	13 N.J.R. 709(b)
19:47-5.7	Blackjack wagering	14 N.J.R. 559(b)	R. 1982 d. 255	14 N.J.R. 841(b)
19:48-1.1, 1.4, 1.5, 1.8	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R. 1982 d. 359	14 N.J.R. 1167(a)
19:49	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R. 1983 d. 112	15 N.J.R. 627(b)
19:50	Readopted: Casino Hotel Alcoholic Beverage Control	15 N.J.R. 539(a)	R. 1983 d. 210	15 N.J.R. 932(b)
19:50-1.3, 1.6-1.14	Alcoholic beverage control	15 N.J.R. 539(a)	R. 1983 d. 210	15 N.J.R. 932(b)
19:50-1.6	Alcoholic beverage control	13 N.J.R. 541(b)	R. 1981 d. 438	13 N.J.R. 849(a)
19:51-1.1-1.4	Advertising	13 N.J.R. 542(a)	R. 1981 d. 409	13 N.J.R. 780(d)
19:52-1.3	Nightly entertainment	13 N.J.R. 543(a)	R. 1981 d. 369	13 N.J.R. 709(c)
19:52-1.4	Casino room entertainment	15 N.J.R. 139(a)	R. 1983 d. 123	15 N.J.R. 628(a)
19:53	Readopted: Equal Employment Opportunity rules	15 N.J.R. 433(a)	R. 1983 d. 162	15 N.J.R. 932(c)
19:54	Readopted: Gross Revenue Tax rules	15 N.J.R. 328(b)	R. 1983 d. 131	15 N.J.R. 699(b)

(Title 19 Subtitle K, Transmittal 3 dated January 14, 1981)

CONTENTS

(Continued From Front Cover)

RULE ADOPTIONS	
OFFICE OF ADMINISTRATIVE LAW	
Pre-hearing conferences by telephone	1093(a)
AGRICULTURE	
Voluntary Gypsy-Moth Suppression Program	1093(b)
BANKING	
Readopted: Approval of banks to exceed 10% limitation on investments	1094(a)
COMMUNITY AFFAIRS	
Residential tax exemptions: additions and improvements	1094(b)
ENVIRONMENTAL PROTECTION	
Readopted: NJPDES permit program rules	1094(c)
Taking of hard clams: size tolerance control	1095(a)
Readopted: solid waste fee schedules	1095(b)
Siting of new hazardous waste facilities	1096(a)
HEALTH	
Generic drug list changes	1100(a)
Generic drug list addition	1100(b)
Generic drug list changes	1100(c)
HIGHER EDUCATION	
Student Assistance Programs: minimum academic progress	1101(a)
HUMAN SERVICES	
Covered home health services: medical supplies	1102(a)
LAW AND PUBLIC SAFETY	
Board of Architects examination fees	1102(b)
TRANSPORTATION	
Readopted: Designated routes for special categories of trucks	1102(c)
TREASURY—GENERAL	
Social Security late transmittal fee	1104(a)
TREASURY—TAXATION	
Residential exemptions: improvements to multiple dwellings	1105(a)
Motor fuels sales: electronic pumps	1105(b)

OTHER AGENCIES	
TURNPIKE AUTHORITY	
Transportation of explosives	1105(c)
ECONOMIC DEVELOPMENT AUTHORITY	
Additional administrative fees	1105(d)

EMERGENCY ADOPTION

BANKING	
Revolving Credit Equity Loans	1107(a)

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION	
Application period for Water Supply Rehabilitation Loans	1109(a)
Annual NJPDES permit fee hearing	1109(b)
LAW AND PUBLIC SAFETY	
Common and contract carrier applicants	1109(c)
TREASURY—TAXATION	
Cigarette surtax for next six months	1110(a)

OTHER AGENCIES	
CASINO CONTROL COMMISSION	
Petition for rulemaking: Credit practices and procedures; exclusion from casinos	1110(b)

LATE FILINGS

HUMAN SERVICES	
Readopt Need for Guardianship rules	1111(a)
LAW AND PUBLIC SAFETY	
Readopt Transportation of Bulk Commodities rules	1116(a)

INDEX OF ADOPTED RULES	1118
------------------------------	------

Filing Deadlines

August 1 issue:	
Proposals	July 7
Adoptions	July 18