

# NEW JERSEY



# REGISTER

**IN THIS ISSUE—  
“INDEX OF ADOPTED RULES”**

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*\*The New Jersey Register supplements the New Jersey Administrative Code. To complete your research of the latest State agency rule changes, see the Rule Adoptions in This Issue and the Index of Adopted Rules beginning on Page 1262.*

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# RULE PROPOSALS

## AGRICULTURE

### (a)

#### DIVISION OF ANIMAL HEALTH

#### Disease Control Program Reportable Diseases

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

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Authority: N.J.S.A. 4:5-4.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director  
Division of Animal Health  
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 a notice of their readoption.

This proposal is known as PRN 1983-374.

The agency proposal follows:

#### Summary

The subchapter proposed for readoption was internally reviewed by the Department of Agriculture in April 1983 in compliance with Executive Order No. 66(1978) and was found to be adequate, reasonable and necessary in enumerating the diseases which are particularly menacing to livestock and poultry. The subchapter was

promulgated to ensure that dangerous diseases of animals were to be reported to the Department of Agriculture within 48 hours in order to control spread and reduce losses to the livestock industry. This subchapter was previously revised by the Division of Animal Health in 1979. It is necessary to maintain a healthy New Jersey livestock industry and this subchapter has been amended occasionally when new diseases were introduced into the country. There is no need to revise the subchapter at this time and is therefore proposed without change.

#### Social Impact

New Jersey veterinarians are aware of the reportable diseases and are aware of their responsibility in notifying the Department of the existence or suspected existence of such diseases. Their prompt reporting has resulted in prompt response by the Department to control dangerous disease of livestock and poultry, resulting in decreased loss of animals and animal products. Failure to readopt this subchapter would result in non-reporting of the diseases and as a consequence the failure to control the diseases. The public has been cooperative in complying with the reporting rule, N.J.A.C. 2:2-1.2.

#### Economic Impact

Transmissible disease has been kept to a minimum, resulting in fewer losses and lower prices for red meat and poultry. Failure to readopt this subchapter will result in reduced disease control and increased losses of livestock and poultry, and therefore higher meat prices. There would also be an adverse affect upon livestock and poultry farmers.

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

## NEW JERSEY REGISTER

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*The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by Administrative Publications of the Office of Administrative Law. Subscription rates for this 31-volume, regularly updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Department coverage desired.*

(a)

**DIVISION OF ANIMAL HEALTH****Disease Control Program  
Brucellosis Control and Eradication****Proposed Readoption: N.J.A.C. 2:2-2**

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Authority: N.J.S.A. 4:5-93.21-93.51.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director  
Division of Animal Health  
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 September 1, 1983. 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 1983-376.

The agency proposal follows:

**Summary**

The subchapter proposed for re-adoption was internally reviewed by the Department of Agriculture in April 1983 in compliance with Executive Order No. 66(1978) and was found to be adequate, reasonable and necessary for controlling and eradicating brucellosis. The subchapter for the control and eradication of brucellosis was promulgated in the 1950s and has been subsequently revised on several occasions to deal with current problems of the disease. In order to produce milk for human consumption, all New Jersey farms must be under a brucellosis control plan for vaccinating bovine animals. New Jersey became certified brucellosis-free in 1968 and has remained essentially so until a recent increase in the South Jersey area. The present subchapter is necessary to continue the control and future eradication of brucellosis, to protect the livestock industry and the human population from undulant fever.

The subchapter proposed for re-adoption provides for the specific type of vaccination which must be administered; specifies the requirements for female bovine animal testing which must be followed; mandates that the testing be done by the New Jersey Department of Agriculture in conformance with the Federal eradication program standards; specifies herd owner responsibilities and the identification of animals; when testing must be done and quarantine of any herd found to have brucellosis; provides for the conditions for release after quarantine; lists the tagging, segregation and slaughter requirements of brucellosis infected animals; and provides requirements for the indemnification of animals slaughtered as a result of brucellosis infection.

**Social Impact**

Brucellosis is a bacterial infection which produces abortion in cattle, sheep, goats, and swine and reduced production in cattle and goats. Humans can become infected through contact with infected animals and can develop undulant fever. The disease affects the cattle, goat, swine, and sheep industries, and is a threat to all

persons having contact with infected livestock, such as veterinarians, abattoir workers, and livestock owners.

**Economic Impact**

Without this subchapter, control of brucellosis infection will be reduced and result in increased loss from aborted animals, lower milk production, and increased human cases of undulant fever.

Veterinarians receive \$10.00 for each herd tested and \$1.00 for each animal tested. In the case of an animal slaughtered to prevent the spread of brucellosis, an indemnity not to exceed \$1,000 of the appraised value of a purebred animal and \$750.00 of the appraised value of a grade animal will be paid if certain requirements are met.

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

(b)

**DIVISION OF ANIMAL HEALTH****Disease Control Program  
Tuberculosis Control and Eradication****Proposed Readoption: N.J.A.C. 2:2-3**

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Authority: N.J.S.A. 4:5-18-75.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director  
Division of Animal Health  
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 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 1983-379.

The agency proposal follows:

**Summary**

The subchapter proposed for re-adoption was internally reviewed by the Department of Agriculture in April 1983 in compliance with Executive Order No. 66(1978) and was found to be adequate, reasonable and necessary in its intent to control and eradicate tuberculosis in bovine animals. As a result of the subchapter for the control of tuberculosis, New Jersey became bovine tuberculosis-free in 1978 after over 40 years of concerted efforts of New Jersey cattlemen, veterinarians, and Department of Agriculture employees. Control of tuberculosis has reduced cattle infection to zero and essentially eradicated human infection. The continued effectiveness of the subchapter is necessary in order to maintain New Jersey tuberculosis free in the future.

The program for control and eradication of bovine tuberculosis is found in N.J.S.A. 4:5-1 et seq. The subchapter proposed for re-adoption supplements the law and provides for the types and times established for tuberculin testing; quarantine of the herd while being

tested; fees for veterinarians and indemnification for losses resulting from the slaughtering of animals to prevent the spread of tuberculosis.

**Social Impact**

With control and eradication of bovine tuberculosis, cattlemen sustain no losses and have increased production of cattle. The human incidence of tuberculosis has been eradicated. Failure to readopt this subchapter would result in future introduction of tuberculosis and possible spread to cattle and humans, including cattle owners and abattoir workers.

**Economic Impact**

A tuberculosis-free State or area can export cattle without restriction, thereby increasing income in the farm increased cattle sales. Freedom of tuberculosis is manifested in a healthy, more productive human population. A tuberculosis-free State would result in increased profit to cattlemen who would suffer no losses from this disease and increase production of their cattle.

Veterinarians receive \$10.00 for each herd checked and \$1.00 for each animal tested. A fee of \$1.00 for each report of a dispersed herd is also paid. In the case of an animal slaughtered to prevent the spread of tuberculosis, an indemnity not to exceed \$1,000 of the appraised value of a purebred animal and \$750.00 of the appraised value of a grade animal will be paid.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:2-3.

**(a)**

**DIVISION OF ANIMAL HEALTH**

**Disease Control Program  
Swine Disease Control**

**Proposed Readoption: N.J.A.C. 2:2-4**

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Authority: N.J.S.A. 4:5-106.1-106.20.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director  
Division of Animal Health  
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 a notice of their readoption.

This proposal is known as PRN 1983-375.

The agency proposal follows:

**Summary**

The subchapter proposed for readoption was internally reviewed by the Department of Agriculture in April 1983 in compliance with Executive Order No. 66(1978) and was found to be adequate, reasonable and necessary in controlling the spread of swine disease.

The subchapter for the control of swine disease prevents the introduction of diseases transmissible through raw garbage fed to swine. It provides for the sterilization of food waste, sanitation and prevention of disease in swine. The garbage feeding law was implemented in 1957 after a severe outbreak of vesicular exanthema, a vesicular disease of swine, and lead to the eradication of hog cholera from the United States. The subchapter is needed to prevent introduction of exotic diseases such as foot and mouth disease, Africa swine fever, swine vesicular disease and others into the swine herds.

The subchapter proposed for readoption set minimum floor space for hogs; drainage of buildings; garbage trucks specifications; size and construction of vats, containers and covers; heat treatment of garbage; garbage spillage and feeding; solid waste disposal; dead animal removal; rodent and insect control; vaccine standards for hog cholera control; quarantine of premises; notice of illness; investigation of hog cholera; indemnity of swine destroyed by cholera; quarantine of swine after sale; and swine pseudorabies vaccination by persons issued a permit by the Department of Agriculture.

**Social Impact**

The subchapter affects swine breeders and feeders in that they are required to prevent the spread of swine disease through compliance with these regulations. Such compliance, in turn, increases the production of the swine herd and thereby maximizes profits through increased productivity of the herd. All this is accomplished by permitting feeding of plate food waste (food garbage) which would otherwise be deposited in landfills. Such food waste recycling through swine feeding reduces the amount of food garbage going to landfills (presumably keeping landfills open longer) and increases the food production of hogs through recycled waste food products.

**Economic Impact**

Through food waste/recycling swine farmers have a less expensive source of feed, thereby realizing an increased profit from using such food waste as feed rather than other products. This also enables the farmer to produce more pork products to benefit the public with reduced pork prices. The regulations also prevent diseases which could wipe out or seriously damage the swine industry as well as the entire livestock industry if foot and mouth disease were introduced into the country. This process also reduces the materials deposited in landfills, thus saving land for better use.

The regulations also provide for indemnification of \$100.00 per head for purebred, inbred or hybrid swine and for breeding swine and \$50.00 per head for all other swine but in no case will indemnification exceed 50 percent of the difference between the appraised value of each swine destroyed because of hog cholera.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:2-4.

**(b)**

**DIVISION OF ANIMAL HEALTH**

**Disease Control Program  
Tests and Improvement Plans**

**Proposed Repeal: N.J.A.C. 2:2-10**

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Authority: N.J.S.A. 4:10-3 through 4:10-13.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director  
Division of Animal Health  
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). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-372.

The agency proposal follows:

#### Summary

The repeal of N.J.A.C. 2:2-10, Tests and Improvement Plans, is necessary since the regulations in this subchapter are a duplication of Chapter 7, Poultry and Turkey Improvement Plans.

#### Social Impact

There is no social impact from the repeal of N.J.A.C. 2:2-10 since these rules already exist in Chapter 7, Poultry and Turkey Improvement Plans.

#### Economic Impact

There is no economic impact from the repeal of N.J.A.C. 2:2-10 since these rules already exist in Chapter 7, Poultry and Turkey Improvement Plans.

**Full text** of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 2:2-10.

### (a)

## DIVISION OF ANIMAL HEALTH

### Livestock and Poultry Importations General Requirements

#### Proposed Readoption: N.J.A.C. 2:3-1

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Authority: N.J.S.A. 4:5-54-75.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director  
Division of Animal Health  
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 a notice of their readoption.

This proposal is known as PRN 1983-377.

The agency proposal follows:

#### Summary

The subchapter proposed for readoption was internally reviewed by the Department of Agriculture in April 1983, in compliance with Executive Order No. 66(1978) and was found to be adequate, reasonable and necessary in maintaining examination and certification requirements of all livestock and poultry coming into the State for slaughter. The regulations require that livestock and poultry imported into New Jersey be examined and certified free of contagious or parasitic diseases or exposure thereto in order that only healthy animals be imported into the State. The regulations also provide for the quarantine and release of all imported livestock. The continued effectiveness of the subchapter is necessary to prevent introduction of disease into New Jersey herds and flocks.

The regulations specify the type of information which must be included in the interstate health certificate; the certificate must be mailed to the Department; the Department must be notified that the livestock is in the State within three days of animal; the certificate shall be void 30 days after its issued; and livestock not meeting the requirements of the subchapter shall be refused entry into the State, or if already in the State, slaughtered or returned to the state of origin.

#### Social Impact

As long as there is disease present in other states and countries, this subchapter is needed to prevent introduction of disease into the livestock herds and poultry flocks in New Jersey. Failure to readopt this subchapter would result in the possible introduction of disease into the State with resulting loss of livestock, poultry, and animal products.

#### Economic Impact

Failure to readopt this subchapter would result in increased disease and losses of livestock, poultry, and animal products, thus, resulting in increased food prices to the consumer and economic loss to producers.

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:3-1.

### (b)

## DIVISION OF ANIMAL HEALTH

### Biological Products for Diagnostic or Therapeutic Purposes Biological Licensing

#### Proposed Readoption: N.J.A.C. 2:6

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Authority: N.J.S.A. 4:5-107-112.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director  
Division of Animal Health  
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 a notice of their readoption.

This proposal is known as PRN 1983-378.

The agency proposal follows:

**Summary**

The chapter proposed for readoption was internally reviewed by the Department of Agriculture in April 1983, in compliance with Executive Order No. 66(1978) and was found to be adequate, reasonable and necessary. The chapter regulates and licenses distributors of veterinary biologics to ensure that licensees have satisfactory storage and maintenance facilities and that products are safe. This chapter also regulates certain diagnostic agents such as tuberculin, brucella, antigen, and rabies vaccine in order that they are administered by veterinarians only.

**Social Impact**

The rules affect veterinarians, livestock owners and poultrymen. The chapter protects them from the use of non-viable vaccine, serums, antigens, and test biologics to diagnose, prevent, and treat disease conditions. Failure to readopt would result in no protection from inferior products and no protection of livestock and poultry.

**Economic Impact**

Diagnosis and prevention of disease by use of biologicals prevents losses of livestock and poultry, thus preventing decreased production of animal products. If production decreases, consumer prices increase. The decreased production would have an adverse economic impact upon livestock owners and poultrymen.

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:6.

**(a)**

**DIVISION OF ANIMAL HEALTH**

**Poultry and Turkey Improvement Plans  
General Provisions**

**Proposed Readoption: N.J.A.C. 2:7**

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Authority: N.J.S.A. 4:10-2 – 4:10-13.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director  
Division of Animal Health  
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 a notice of their readoption.

This proposal is known as PRN 1983-373.

The agency proposal follows:

**Summary**

The chapter proposed for readoption was internally reviewed by the Department of Agriculture in April 1983 in compliance with Executive Order No. 66(1978) and was found to be adequate, reasonable and necessary in controlling diseases affecting poultry and turkeys. The chapter controls pullorum-typhoid and mycoplasma of poultry and turkeys. The continued effectiveness of the chapter is necessary to ensure the healthy reproduction and hatching of eggs, the reduction of losses in newly hatched poultry, and the prevention of any export restrictions on New Jersey raised eggs and poultry.

The New Jersey State Board of Agriculture has in the past adopted the rules and regulations of the National Poultry and Turkey Improvement Plans of the United States Department of Agriculture as the official rules and regulations of the New Jersey Program. The State Board proposes to readopt those Federal standards herein. The State Board has further adopted additional rules of general applicability concerning the selection and banding of poultry by a Department of Agriculture inspector or a qualified agent. Testing for disease shall be done by the Department or qualified testing agents. The rules further specify breeding stage classifications and disease testing stages.

**Social Impact**

All poultry breeders and exhibitors of poultry in New Jersey are affected by this chapter in that they are required to reduce the spread of poultry disease. Failure to readopt this chapter would increase the likelihood of poultry disease thereby affecting poultry livestock which would restrict the export of poultry.

**Economic Impact**

Introduction and spread of pullorum-typhoid infection would reduce poultry and egg production and thereby increase prices. Failure to readopt this chapter would result in restriction by other states and countries of the exportation of New Jersey poultry and egg products.

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:7.

**(b)**

**DIVISION OF REGULATORY SERVICES**

**Commercial Fertilizers and Soil Conditioners  
General Provisions**

**Readoption with Amendment: N.J.A.C. 2:69**

Authorized By: State Board of Agriculture, Arthur R.  
Brown, Jr., Secretary, Department of Agriculture.  
Authority: N.J.S.A. 4:9-15.33.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 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 expired on July 1, 1983. The readoption of these rules becomes effective upon publication in the Register of a notice of their readoption.

This proposal is known as PRN 1983-380.

The agency proposal follows:

#### Summary

The chapter proposed for re adoption was internally reviewed by the Department of Agriculture in February 1983 in compliance with Executive Order 66(1978) and was found to be adequate, reasonable and necessary in regulating the manufacture and use of commercial fertilizers and soil conditioners. The text of the chapter describes the registration and guarantee requirements for plant nutrients besides nitrogen, available phosphoric acid and potassium. The investigational allowances for primary nutrients and secondary and micro nutrients are detailed. Content requirements of labels for soil conditioners and specialty fertilizers and approval procedures are explained. Materials classified as slowly released nitrogen products are reviewed and defined. Procedures for sampling dry, liquid and suspension fertilizers are described. Definitions of fertilizer terms, net contents, penalties for violations and commercial values for primary nutrients complete the subchapter.

The proposed amendment to N.J.A.C. 2:69-1.11 continues the present commercial values for fertilizers and soil conditioners for the period of one year ending June 30, 1984. The assessed penalties for deficient fertilizer are assessed on these values and charged to the manufacturer. The State Treasurer receives all unclaimed penalties.

#### Social Impact

Farm and non-farm consumers of commercial fertilizers and soil conditioners will be better informed about the products they use regarding guarantees and content. Manufacturers will be aware of labeling requirements for primary and secondary and micro nutrients, of materials approved for the classification, "slowly available plant nutrients," the sampling procedure employed by the agency in monitoring their products, penalties assessed for violations of the requirements and commercial values of primary plant nutrients which are periodically revised.

The proposed amendment to N.J.A.C. 2:69-1.11 will affect both consumers and manufacturers of fertilizer and soil conditioners through June 30, 1984.

#### Economic Impact

Consumers of commercial fertilizers and soil conditioners are provided economic savings through the current labeling of these products. Manufacturers will benefit in marketing channels because they will be able to compete on an equal basis.

The proposed amendment to N.J.A.C. 2:69-1.11 ensures that all consumers of fertilizer will have monetary protection when deficient fertilizers are detected. These consumers will be equally compensated for all losses. Fertilizer manufacturers will exhibit care in controlling their formulating process to avoid penalties. Since the commercial values are to remain the same, there will be no additional economic impact upon these groups.

**Full text** of the proposed re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:69, as amended in the New Jersey Register.

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

2:69-1.11 Commercial values

(a) (No change.)

(b) These values shall be effective from July 1, [1982] **1983** through June 30, [1983] **1984**.

## BANKING

(a)

### DIVISION OF ADMINISTRATION

#### Insurance Tie-In Prohibition

#### Notice of Public Hearing

#### Proposed New Rule: N.J.A.C. 3:1-13.1

**Take notice** that the New Jersey Department of Banking intends to conduct a public hearing on the proposed new rule N.J.A.C. 3:1-13.1. The purpose of the hearing is to receive comments on the proposed rule. (See the June 6, 1983 New Jersey Register at 15 N.J.R. 820(a) for the text of the proposed rule.)

The Department of Banking will hold the public hearing on August 24, 1983 at 10:00 A.M. at:

Conference Room  
36 West State Street  
Trenton, NJ 08625

Persons who wish to speak at the hearing should contact the Department of Banking at (609)292-7659 by August 23, 1983 and should bring three copies of their testimony to the hearing.

This Notice is published as a matter of public information.

(b)

### DIVISION OF SAVINGS AND LOAN

#### Reward Profit Plans

#### Proposed Amendment: N.J.A.C. 3:30-1.3

#### Proposed New Rule: N.J.A.C. 3:30-1.4

Authorized By: Michael M. Horn, Commissioner,  
Department of Banking.  
Authority: N.J.S.A. 17:12B-133.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William B. Lewis  
Deputy Commissioner  
Department of Banking  
Division of Savings and Loan  
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). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-365.

The agency proposal follows:

#### Summary

The purpose of this proposal is to amend the existing regulation dealing with the required notice of maturity on long term time

deposits which every insured savings and loan association must give to its depositors as set out in the rule.

N.J.A.C. 3:30-1.3 was originally adopted in August of 1975 by the Commissioner of Banking to establish regulations relative to safe and sound methods of operations 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. 3:30-1.3 stipulates that every insured savings and loan association shall give written notice of the date on which a time deposit, payable one year or more after the date of deposit, will mature. It 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. 3:30-1.3, 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. 3:30-1.4 is added to set standards for notifications in instances where an account may contain deposits with varying maturity dates which will provide an alternate procedure for issuing notices on variable maturity accounts. This regulation is the same as N.J.A.C. 3:7-4.3 which provides the same requirements for banks and savings banks. The banking regulation has been in effect since August 1978 and is currently being readopted.

The Department of Banking has found the existing rule including N.J.A.C. 3:7-4.3 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. It 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. It has also afforded institutions with an opportunity to convey options they have available to customers in the prescribed notices. The amendment proposed to N.J.A.C. 3:30-1.3 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, 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 Banking Department.

#### **Economic Impact**

Depositors, who formally 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 shareholders and provide funds to be used in loans which aid the economic growth of their communities.

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

#### **3:30-1.3 Notice of maturity of fixed term savings accounts**

(a) Every insured association shall give written notice of the maturity date of a savings certificate account, payable one year or more after the date of deposit or one year or more after the date of the instrument evidencing the deposit, to each savings member not less than 15 and not more than 45 days prior to the expiration of the term of the savings account. The notice shall be directed to the last known address of the savings member.

(b) Such notice shall clearly inform the savings member of the saving account 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 savings members should be advised to contact the insured association prior to the maturity date to determine the specific or anticipated rate applicable to a particular type of account.**

#### **3:30-1.4 Variable maturity accounts**

(a) **In the case of any single time deposit account evidenced by an instrument or any certificate in book-entry form 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**
- 3. Annually thereafter, provided such notice lists the date 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. 3:30-1.3.**

## COMMUNITY AFFAIRS

### (a)

#### **NEW JERSEY HOUSING FINANCE AGENCY**

#### **Sale of Projects Owned by Nonprofit Corporations to Limited Dividend Partnerships**

#### **Proposed Repeal: N.J.A.C. 5:80-2.1 Proposed New Rule: N.J.A.C. 5:80-2**

Authorized By: New Jersey Housing Finance Agency,  
Feather O'Connor, Secretary.  
Authority: N.J.S.A. 55:14J-34(f).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard H. Godfrey, Jr.  
 Director of Policy Development  
 New Jersey Housing Finance Agency  
 3625 Quakerbridge Road  
 CN 070  
 Trenton, NJ 08625

The New Jersey Housing Finance Agency 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.

The proposal is known as PRN 1983-366.

The agency proposal follows:

#### Summary

For years, the New Jersey Housing Finance Agency has been a leader in providing financing to nonprofit corporations which desire to sponsor housing developments for senior citizens and moderate income families. All of these developments have been subsidized under programs of the United States Department of Housing and Urban Development including the Section 8 Housing Assistance Payment Program and the Section 236 Interest Reduction Program.

Despite financing by the New Jersey Housing Finance Agency, subsidies from the Federal government and the dedication of volunteers who serve in the nonprofit corporations, it has been shown that the infusion of private capital is essential to the viability of many developments and will provide substantial benefits to all developments. Accordingly, the United States Congress and Internal Revenue Service have provided incentives for private investors to form partnerships to own and operate low and moderate income housing developments. The Agency proposes the following regulations to encourage nonprofit corporations to join with these private investors so that significant financial benefits can be obtained.

The Agency continues to recognize the importance of local nonprofit organizations in the development of community housing. Indeed one of the primary purposes of these regulations is to insure that funding will be available over the long term to undertake capital improvements, fund emergency repairs and ease the rental burden on the tenants. In many instances only by obtaining outside private capital can the autonomy of the nonprofit sponsors be assured. However, the role of the nonprofit in the purchasing partnership may vary depending upon the agreement reached between the parties. In some instances the nonprofit may become the managing general partner. In other cases the nonprofit may serve an important community role outside the partnership or may choose to eliminate its involvement with the project altogether.

Recent Federal budgetary problems have curtailed resources benefiting housing developments. This places the almost total responsibility for maintenance and production of moderate income housing on entities such as the Agency. Therefore, while the primary purpose of the proposed regulations is to protect the individual development and the nonprofit sponsor, a second purpose is to use a portion of the proceeds which may be gained on the sale of the project to assist other senior citizen and moderate income family developments to meet their financial needs.

The type and condition of developments financed by the New Jersey Housing Finance Agency varies greatly. Location, building materials, tenant population, available subsidies and management contribute to the diversity and condition of the development. Accordingly, these regulations, while providing rules according to which most transactions should be structured, must be applied with flexibility if the maximum benefits from the sale are to be realized.

#### Social Impact

The proposal will result in the preservation of decent, safe and affordable housing for low and moderate income residents of New Jersey. A few examples of the types of social activities funded from the community development escrows are as follows: (1)the

purchase and operation of mini-buses to transport senior citizens; (2)maintenance cost associated with municipal parks; (3)construction of geriatric centers; and (4)construction of Babyland Nursery facilities.

#### Economic Impact

The proposal will insure the continued financial viability of Agency financed projects. The escrow funds generated by the conversion process will be utilized to offset operating deficits, debt service arrears and to provide funds for community development activities.

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

#### SUBCHAPTER 2. [AGENCY-FINANCED LIMITED-DIVIDEND HOUSING PROJECTS] SALE OF PROJECTS OWNED BY NONPROFIT CORPORATIONS TO LIMITED DIVIDEND PARTNERSHIPS

##### [5:80-2.1 Equity syndication

(a) The agency will require that the sponsor of agency-financed limited-dividend housing projects must comply with the following regulations:

1. The equity escrow account shall be required to meet project operating deficits for the first five years of a development. This account shall be established in the amount of five per cent of the total rent roll of the project, including Federal subsidies under the Housing and Community Development Act of 1974 as projected in the mortgage commitment. The amount is to be funded by the agency accepting a satisfactory letter of credit from the general partner of the sponsor for a term of five years plus the term of the construction contract. This account is to be used in its entirety to meet operating deficits prior to closing on the development cost escrow account established by paragraph 2 of this subsection.

2. A development cost escrow account shall be established in an amount determined by:

i. Reducing a sponsor's maximum return on equity from eight per cent to five per cent;

ii. Determining how much of mortgage this three per cent of rental income will support and adding that amount to the total development cost;

iii. At initial mortgage closing, this latter amount shall be deposited with the agency and drawn upon after the equity escrow account established by paragraph 1 of this subsection is fully depleted for the following purposes:

(1) Project operating deficits; and

(2) Supplement to the normal reserves for painting and decorating and repairs and replacements;

iv. Said development cost escrow account shall be established for a period of not less than ten years from the date of the initial mortgage closing, unless the agency agrees to decrease the amount by resolution.]

##### 5:80-2.1 Definitions

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

**"Agency" means the New Jersey Housing Finance Agency.**

**"Cash proceeds" means that portion of the purchase price paid by the partnership to the nonprofit in cash at closing or in successive years following the closing.**

**"Closing" means the date on which title to the development or project is transferred from the nonprofit to the partnership.**

**"Community Development Escrow" (CDE) means that fund established pursuant to N.J.A.C. 5:80-2.5(a)2 or 5:80-2.6(b)4 primarily for use in assisting community improvements or services related to the development.**

“Conversion” means the overall transaction in which ownership is transferred from the nonprofit to a partnership.

“Development Cost Escrow” (DCE) means that fund established pursuant to N.J.A.C. 5:80-2.5(a)1 intended primarily for use in improving or supporting the project itself.

“Gross syndication proceeds” means the sum of all capital contributions.

“Net proceeds” means the gross proceeds of the syndication, which are received from investor limited partners, less the costs of the syndication. The net proceeds include all payments made to or on behalf of the nonprofit and may include interest due on deferred payments. The net proceeds may not be used for any purpose other than to pay transaction costs or to fund the DCE or CDE unless otherwise expressly authorized by the Agency. Net proceeds does not include secondary financing granted on the sale from the nonprofit to the partnership.

“Nonprofit” means the nonprofit owner of the project that is conveying its interest in the project and assigning its Agency mortgage on the premises to the partnership.

“Operating deficits” means all obligations, to the extent such obligations have or will not be paid in full out of operating income, arising out of the management and operation of the project including without limitation:

1. Reserves, escrows or fees required by the Agency or by law;
2. Taxes or payments in lieu of taxes;
3. Utility bills;
4. Legal, accounting and other professional fees incurred by the partnership which have received prior approval by the Agency;
5. Insurance premiums; and
6. Judgments or settlements approved by the Agency.

“Original mortgage amount” means the amount of the loan which was made to the nonprofit or its predecessors by the Agency for development costs and was financed by bonds issued by the Agency.

“Partnership” means the limited partnership, which qualifies as a limited dividend housing association pursuant to N.J.S.A. 55:16-1 et seq., which takes title to the project from the nonprofit.

“Portfolio Reserve Account” (PRA) means that fund established pursuant to N.J.A.C. 5:80-2.4(a)3 intended primarily for financial support for any development financed by the Agency.

“Project Subsidy Reserve Fund” (PSR) means that fund established pursuant to N.J.A.C. 5:80-2.6(b) intended primarily for maintaining the operating viability of the Section 236 developments.

“Stated equity” means an amount equal to 10 percent of the revised total development cost determined by the Agency pursuant to N.J.A.C. 5:80-2.3.

“Syndication” means the admission of limited partners to the Partnership through the sale of partnership interests.

“Transaction cost” means those costs related directly to the sale of the project which are paid by or on behalf of the nonprofit. All transaction costs must be approved by the Agency and include with limitation required fees and payments specified in N.J.A.C. 5:80-2.4 as well as professional fees of the nonprofit and title insurance.

#### 5:80-2.2 Procedures

(a) The sale of a nonprofit sponsored development to a limited partnership is a complex transaction and involves substantial sums of money. Accordingly, the procedures in this section governing the transaction are intended to insure the integrity of the process and the protection of the nonprofit.

(b) The nonprofit may obtain such legal, financial and other professional services as are necessary to investigate, process and complete the transaction. The scope of all services and compensation for same must be approved by the Agency in advance. The amounts which can be paid for all such

professional services may not exceed limits and hourly rates established from time to time by the Agency. If for any reason the conversion is not completed and approved services have been provided to the nonprofit, then the Agency may, if requested by the nonprofit, approve payment for professional services out of other assets of the nonprofit including operating income.

(c) No member of the nonprofit, its employees or professional advisors shall receive any fees in conjunction with the transaction other than those disclosed to and approved by the Agency. The president of the nonprofit, its attorney, the purchaser and the purchaser’s attorney shall all provide affidavits at closing stating that to the best of their knowledge, no fees or payments have been made nor will be made to any member of the nonprofit corporation, employees or professional advisor other than those approved by the Agency.

(d) Since the nonprofit may become a partner with the purchaser of the development, the selection of same will be primarily in the hands of the nonprofit. However, the following procedures must be incorporated into the selection process:

1. While public bidding procedures are not required, equal information and opportunity must be provided to all potential purchasers.

2. Initial proposals must be solicited from as many interested parties as possible including all those on a list of interested parties maintained by the Agency.

3. All responses to proposals must be made in writing and should be submitted in a sealed envelope directly to a specific designee of the nonprofit on or prior to a certain date. No proposals shall be opened prior to the specified time and after the time set for submission of proposals, no new proposals should be accepted.

4. Upon opening the proposals, the nonprofit’s designee shall immediately forward copies of all proposals to the Agency.

5. The nonprofit shall evaluate the proposals taking into account the initial purchase price offered, the amount of secondary financing involved in the transaction; the residual value to be returned to the nonprofit, if any; management support and control; and a variety of other business considerations. In evaluating all financial considerations, present value calculations should be included.

6. Upon the determination by the nonprofit as to choice of purchaser, it should submit a recommendation to the Agency along with a full report on the reasons behind the decision and an affidavit as to compliance with the procedures described in this section. As mortgagee, final approval of the transaction shall rest with the Agency.

(e) Within 21 days of the Agency’s approval of the proposed sale of the project, the prospective purchaser shall deliver to the Agency security, in the form of cash, bond or letter of credit, in an amount equal to five percent of the cash proceeds. This security will be held by the Agency until the purchaser has fulfilled its obligations under the offer and purchase agreement, subject to terms and conditions approved by the Agency. If the purchaser does not fulfill its obligations in accordance with the purchase agreement as approved by the Agency within four months of the approval, then the security funds shall be deposited by the Agency into a Project Subsidy Reserve or Development Cost Escrow established in the name of the nonprofit. If the proposed purchaser demonstrates its willingness and ability to perform its obligations in accordance with the purchase agreement, and the transaction is not completed within four months of the Agency’s approval, the security shall be returned to the proposed purchaser except for an amount not to exceed \$15,000, to reimburse the nonprofit for its actual costs incurred in the attempted conversion.

(f) At closing, the purchaser must provide cash or letter of credit in an amount equal to 30 percent of the cash proceeds. The difference between the amount provided at closing and the

stated equity amount must be funded at closing with cash or equivalents acceptable to the Agency.

(g) At closing, the purchaser shall deposit with the Agency a deed transferring title in the property back to the nonprofit. This deed will be held in escrow by the Agency subject to an agreement which authorizes the Agency to record the deed if the purchaser fails to pay any installment of the purchase price within 120 days of the date due.

#### 5:80-2.3 Determination of total development cost

Prior to granting its approval of the sale of the project, the Agency will make a determination as to the total development cost of the project. The total development cost shall include the original mortgage loan amount and may include any supplemental financing provided by the Agency or the State of New Jersey other than funds provided pursuant to N.J.S.A. 55:14J-45, and any additional funds to be paid out of the net proceeds which the Agency has determined to be reasonable and necessary for the development or financial viability of the housing project.

#### 5:80-2.4 Required fees and repayments

(a) The following fees and repayments shall generally apply to all sales. However, where the nonprofit can demonstrate that the payment of such fees would be detrimental to the viability of the project these provisions may be waived, adjusted or deferred.

1. At closing, the nonprofit shall pay to the Agency a processing fee of one-half of one percent of the purchase price including cash, existing indebtedness assumed and secondary financing.

2. At closing, the nonprofit will pay to the Agency for return to the Revolving Housing Demonstration Fund interest on any seed money originally loaned to the nonprofit. Such interest shall be calculated at a rate of one percent above the prime interest rate as reasonably determined by the Agency for each given year on the amount of outstanding principal from the date on which any disbursement is made until the time of repayment.

3. At closing, for projects subsidized under Section 236 the nonprofit shall pay 10 percent of the cash proceeds received and for projects subsidized under Section 8 the nonprofit shall pay 15 percent of the cash proceeds received into the Portfolio Reserve Account established by the Agency. Funds deposited in the Portfolio Reserve Account and the investment income earned on those funds will be used by the Agency to fund debt service arrearages, operating deficits or essential capital improvements of any project financed by the Agency that cannot fund these items from normal project income.

4. Any supplemental mortgages or advances made by the Agency to the nonprofit shall be repaid at closing.

5. There shall be paid from the interest income on the escrow accounts a yearly Agency administrative fee of \$3,500 per project which shall be assessed proportionately against the respective accounts for the project to the extent available.

6. In determining whether required fees and payments pursuant to this section are to be waived, adjusted or deferred or in determining the amount of funds which may be allocated to a CDE on Section 236 projects, the Agency will consider the factors set forth in (a)6i-iv below. Accordingly, the nonprofit shall submit detailed information on the following matters:

- i. Operating revenue and expense projections for five years.
- ii. The rents expected to be charged at the development assuming reasonable annual increases for five years.
- iii. The rents charged and expected to be charged at comparable developments.
- iv. The effect on the requested action on (a)6i and ii above.

#### 5:80-2.5 Use of funds with regard to developments subsidized under Section 8

(a) While the primary reason for permitting the sale and syndication of Section 8 developments is to insure financial viability of the development, a large portion of the proceeds will be available to the nonprofit to finance community activities. Accordingly, after payment of the amounts required under N.J.A.C. 5:80-2.3, the proceeds of the transaction shall be disbursed in the following manner:

1. There shall be deposited into a Development Cost Escrow (DCE) for the project those funds remaining after transaction costs are deducted from 60 percent of the cash proceeds or the stated equity amount whichever is greater. With the approval of the Agency, the DCE shall be used to fund debt service arrearages and other operating deficits at the project and for such other purposes as may be approved by the Agency as will improve the financial viability or physical structure of the project, or increase tenant safety and comfort.

2. The balance of the cash proceeds shall be deposited into a Community Development Escrow (CDE) in the name of the nonprofit. With the approval of the Agency these funds may be utilized by the nonprofit for any use permitted under (a)1 above or to increase amenities of the project; reduce maintenance and replacement costs of the project; provide or assist desirable social services benefiting the residents of the project or the community in which it is located; and finance various community development activities.

#### 5:80-2.6 Use of funds with regard to projects subsidized under Section 236 Interest Reduction Program

(a) These regulations recognize the essential difference between the Section 236 and Section 8 Program. In projects through interest reductions, tenants must bear the full responsibility for all other operating costs. Accordingly after payments required by N.J.A.C. 5:80-2.4, all proceeds of the sale of the project will be primarily pledged to easing the burden on the tenants by subsidizing operating costs. If, however, the nonprofit can demonstrate that the project is in sound physical and financial condition and will likely remain so for the foreseeable future, a portion of the proceeds of investment income on the proceeds may be deposited into a CDE.

(b) All cash proceeds received on the sale of a development subsidized under Section 236 shall, after payment of the fees required under N.J.A.C. 5:80-2.4, be deposited into a Project Subsidy Reserve (PSR). The income and principal on the PSR may be utilized in the following manner:

1. First to pay any existing operating deficits or debt service arrearages at the development;

2. To fund any capital improvements or repairs which are required for the viable operation of the project and cannot be funded out of these reserves at the development;

3. To provide an additional source of operating revenue to assist in financing the normal operations of the project including debt service so that future rent increases can be moderated or so that rents may be maintained, to the extent feasible, at a level which is appropriate to the tenant population for which the development is intended;

4. After the nonprofit has demonstrated, based on information required under N.J.A.C. 5:80-2.4(a)6, that the funds in the PSR are not required for any of the purposes listed in (b)1-3 above and will not be required for the foreseeable future, it may request that a portion of these funds or the investment income on these funds be deposited into a CDE as described in N.J.A.C. 5:80-2.5.

#### 5:80-2.7 Investment income earned on the PSR, DCE and CDE

(a) After the payment of the fee specified in N.J.A.C. 5:80-2.4(a)5 the investment income earned on the DCE and CDE may be used:

1. To fund current operating deficits and/or arrearages including debt service arrearages of the development;
  2. To pay the partners a return on equity to the extent allowed by law and to the extent not paid from operating revenues of the development, but only if there are no operating deficits or arrearages at the development;
  3. In accordance with the designated uses of the accounts or for other purposes requested by the nonprofit and approved by the Agency.
- (b) After funding the uses described in N.J.A.C. 5:80-2.6(b)1-3 and the required fee specified in N.J.A.C. 5:80-2.4(a)5, the investment income on the PSR may be utilized in the manner set forth in (a) above.

**5:80-2.8 Additional terms of purchase**

(a) The terms and conditions between the selling nonprofit and the purchasing partnership may vary from transaction to transaction. However, the following matters should be considered:

1. The role of the nonprofit in the purchasing partnership must be determined based on the past performance record of the nonprofit and the extent to which it desires to remain actively involved in the development;
2. Deferred purchase payments in the form of a debt owed by the purchaser to the nonprofit will only be permitted to the extent allowable under applicable bond resolutions and shall incorporate at least the following provisions:
  - i. That the second mortgage, security agreement, or any other debt instrument must be subordinate to any existing mortgage of the Agency;
  - ii. That in the event of declaration of a default on any existing mortgage of the Agency, the debt and all rights thereunder to rent or any other project income or assets shall be assigned to the Agency;
3. Upon sale or refinancing of the development, or upon termination development, of the mortgage other than by default, any remaining assets of the development may be shared among the nonprofit, other partners, the Agency and municipality to the extent allowed by law.

**5:80-2.9 Tax obligations**

- (a) The partnership shall be responsible for all tax consequences arising out of the sale of the project.
- (b) All existing contractors shall be notified of the sale and of the fact that they shall be responsible for the payment of all New Jersey sales tax and other taxes arising out of the loss of nonprofit status by the owner from the date of closing forward.

**5:80-2.10 Approval and disclosure requirements**

The Agency specifically reserves the right to investigate and approve any party involved in the transaction including without limitation all limited and general partners, attorneys, syndicators, brokers or consultants, as well as any partners or shareholders thereof. Prior to its approval the Agency may require any party to disclose such information as may be reasonably related to the transaction and may require any party to sign such waivers, releases or affidavits as may be necessary to authenticate or investigate the information requested.

**5:80-2.11 Request for use of escrow funds**

All uses of escrow funds or the investment income earned thereon must receive written approval by the Agency in accordance with procedures adopted from time to time by the Agency.

**5:80-2.12 Waivers**

Any party desiring a waiver or release from the express provisions of these regulations are invited to submit a written

request to the Agency to the attention of the Director of Policy Development. Waivers may be granted only by a resolution of the members of the Agency upon a demonstration that the primary purpose of these regulations, for example, the preservation and promotion of housing for senior citizens and families of low or moderate income, is being met.

(a)

**HOUSING FINANCE AGENCY**

**Income Limits**

**Maximum Gross Aggregate Family Income**

**Proposed Amendment: N.J.A.C. 5:80-3.1**

Authorized By: New Jersey Housing Finance Agency,  
Feather O'Connor, Secretary.  
Authority: N.J.S.A. 55:14J-34(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard H. Godfrey, Jr.  
Director of Policy Development  
New Jersey Housing Finance Agency  
3625 Quakerbridge Road  
CN 070  
Trenton, NJ 08625

The New Jersey Housing Finance Agency 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 1983-384.

The agency proposal follows:

**Summary**

The change of the statutory cite from N.J.S.A. 55:14J-19(a) to N.J.S.A. 55:14J-10(a) is a correction. The change of the income limit to \$45,000 is more substantive and is necessary to reflect the changing economic conditions.

Eligibility for initial occupancy in certain HFA-financed developments (market rent developments) is determined by a "dual" test of gross aggregate family income as specified in N.J.S.A. 55:14J-10(a). Under the statute, gross aggregate family income may not exceed either of the following:

1. A "multiplier" limit equal to six times the Annual Rental or carrying charges, or seven times said charges if there are three or more dependents; or

2. An absolute or "fixed dollar" limit which is currently a gross aggregate family income of \$36,000 (\$15,000 under original law).

The "fixed dollar" limit serves as an upper ceiling which the multiplier limit cannot exceed. Currently, in some of the market rent developments, the income limit created by the multiplier is detrimentally higher than the current \$36,000 limit.

**Social Impact**

This amendment does have a social impact. It will ensure neighborhood stability and social development of the community.

**Economic Impact**

Current rents at certain market rent developments are at such levels that families earning \$36,000 (or less) are vacating for less costly housing. In these developments agents are required to reject

applications from interested families because their gross aggregate family income exceeds the \$36,000 "fixed dollar" income limit. Future rent increases to cover increasing operating costs of developments, some of which are currently experiencing no market problems, may serve to intensify the problem of vacating tenants and rejecting applicants.

The new \$45,000 limit would decrease the vacancy rate in these developments and place the project in a more financially sound condition.

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

SUBCHAPTER 3. INCOME LIMITS

5:80-3.1 Maximum gross aggregate family income  
 Pursuant to N.J.S.A. [14J-19(a)] **55:14J-10(a)**, the maximum gross aggregate family income for eligibility for admission to any housing project financed by the New Jersey Housing Finance Agency shall be [\$26,850] **\$45,000**.

# ENVIRONMENTAL PROTECTION

(a)

## THE COMMISSIONER

### Sanitary Landfill Facility Contingency Fund

#### Proposed New Rule: N.J.A.C. 7:11

Authorized By: Robert E. Hughey, Commissioner,  
 Department of Environmental Protection.  
 Authority: N.J.S.A. 13:1E-100 et seq. specifically 13:1E-114 (P.L. 1981, c. 306).  
 DEP Docket No. 038-83-06.

**Two public hearings** concerning this proposal will be held on the following dates:

August 22, 1983, 1:30 P.M.  
 Labor Education Center of  
 Rutgers University, Auditorium  
 Ryders Lane and Clifton Avenue  
 New Brunswick, Middlesex County

August 23, 1983, 1:30 P.M.  
 Cherry Hill Township Municipal Building  
 Council Meeting Room  
 Room 208  
 820 Mercer Street  
 Cherry Hill, Camden County

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before September 1, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gail Gutmann  
 Office of Regulatory Services  
 Department of Environmental Protection  
 Labor and Industry Building  
 Room 803  
 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 1983-386.

The agency proposal follows:

#### Summary

The proposed new rules (N.J.A.C. 7:11, Sanitary Landfill Facility Contingency Fund) establish procedures governing the preparation, submission and review of a claim for compensation for damages proximately resulting from the operations or closure of a sanitary landfill. This action is being taken to conform to the requirements established pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq., which became effective on January 1, 1982. That Act established a nonlapsing, revolving fund referred to as the Sanitary Landfill Facility Contingency Fund ("the Fund"). The Fund is to be administered by the Department of Environmental Protection and is to be credited with all tax revenues collected from the owner or operator of every sanitary landfill by the Division of Taxation in the Department of the Treasury pursuant to section 5 of the Act.

The proposed new rules, and the claim form provided thereunder, provide minimum requirements for proof of damages and their causal relationship to a sanitary landfill, which must be met by a claimant before a claim will be considered by the department. In addition, payment of any damages by the Fund shall be based upon the department acquiring, by subrogation, a claimant's rights to recovery of the damages from any owner or operator of a facility.

#### Social Impact

The purpose of the proposed new rules is to provide a mechanism for prompt and adequate compensation for damages resulting from the operations or closure of a sanitary landfill which poses a significant threat to life, property, and the environment, including contamination of surface and groundwaters and methane gas migration. The negative impact resulting from implementation of the law is an increased cost to persons for their garbage disposal since facility owners are permitted to collect the tax as a surcharge on any tariff established by the Board of Public Utilities for the solid waste disposal operations of the facility.

Since submission of a claim against the Fund will not assure an award, persons may still have to file a civil action in an appropriate court in order to preserve their rights. Also the remedies provided in the Act are in addition to those provided by existing statutory or common law.

#### Economic Impact

The Sanitary Landfill Facility Contingency Fund is credited with tax revenues levied upon the owner or operator of a sanitary landfill pursuant to the Act for all solid waste accepted for disposal. The tax is levied at the rate of \$0.15 per cubic yards of solids and \$0.002 per gallon of liquids. These taxes are to be paid throughout the operating life of a sanitary landfill. Any additional expenditures made by any county or municipality as a result of this tax shall be considered an expenditure, for the purpose of this "cap" law (N.J.S.A. 40A:4-45.1 et seq.), mandated by State law.

In the event that the total claims awarded exceed the current balance of the Fund at any time, the Act and these rules (N.J.A.C. 7:11) provide that a prorated share shall be paid at that time until the total amount of proven damages is paid to the claimants. Thus, although the legislative intent was to provide a mechanism for prompt and adequate compensation for damages, at times the result may be less than prompt and adequate compensation. The Fund created by the levied taxes will, however, ensure that over the life of a facility, an owner or operator is compelled to contribute to a fund whose purpose is to compensate persons for their damages.

In addition, the department's subrogation to the rights of a claimant who has been recompensed by application to the Fund will

enable the department to institute a civil action in an appropriate court and to recover monies expended from the Fund. The rules also permit the department to join such claims in appropriate cases in order to expedite and more efficiently prepare for and obtain recovery of monies expended from the Fund.

#### Environmental Impact

A positive impact upon the environment of New Jersey will result from the application of the new rules. Since the Fund shall, in appropriate cases provide compensation for the cost of restoring and replacing any natural resource damaged or destroyed, including any potable water supply, as well as the costs of the design, construction, installation, operation and maintenance of any device or action deemed necessary by the department to cleanup, remedy, mitigate, monitor or analyze any threat to the public health, safety or welfare of the citizens of New Jersey.

AGENCY NOTE: The claim form referred to in this chapter shall be on file with the Office of Administrative Law and shall be made available, upon request, at the Department of Environmental Protection address set forth in proposed N.J.A.C. 7:11-2.2(b)1.

Full text of the proposed new rule follows.

### CHAPTER 11

## SANITARY LANDFILL FACILITY CONTINGENCY FUND

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 7:11-1.1 Scope

The following shall constitute the rules governing submission of a claim for compensation for damages proximately resulting from the operations or closure of any sanitary landfill, pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq., including department procedures for review and decision making regarding such claims.

#### 7:11-1.2 Construction

This chapter shall be liberally construed to permit the Department of Environmental Protection to fulfill the purposes of the Act concerning claims for compensation for damages resulting from the operations on closure of a sanitary landfill.

#### 7:11-1.3 Purpose

(a) This chapter is promulgated for the following purposes:

1. To implement the purposes and objectives of the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq.;
2. To establish policies and procedures for administration of the Sanitary Landfill Facility Contingency Fund, established pursuant to the Act, for the purpose of providing prompt and adequate compensation for damages as defined herein; and
3. To protect the public and State of New Jersey by insuring that the taxes credited to the Fund are spent in a proper manner and for the intended purposes.

#### 7:11-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings. Where words and terms are used which are not defined herein, the definitions of those words and terms will be the same as the definitions found in the department rules at N.J.A.C. 7:26-1.4 (Definitions concerning hazardous waste management).

“Act” means the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq.

“Claim” means the completed claim as set forth in the application form provided by the department and related documentation asserting a right to compensation for damages, which form has been filed with and accepted as complete by the department.

“Claimant” means the person or person filing a claim with the department for compensation for damages to be paid out of the Fund.

“Closure” means the construction and implementation of all environmental safeguards required by law or by the sanitary landfill’s approved Closure and Post-Closure Plan and the facility’s approved engineering design subsequent to the termination of operations at portion of that facility.

1. Closure may include, but is not limited to, all activities and costs associated with the design, purchase, construction and maintenance of all items in order to prevent, minimize or monitor pollution or health hazards resulting from sanitary landfills subsequent to the termination of operations at any portion thereof, including but not necessarily limited to, the costs of placement of acceptable cover, the installation of methane gas monitoring, venting, or evacuation systems, the installation and monitoring of wells or leachate collection and control systems at the site or in the vicinity of any sanitary landfill.

“Damages” means and includes the following:

1. The cost of restoring, repairing or replacing any real or personal property damaged or destroyed;
2. The cost of restoration and replacement, where possible, of any natural resource damaged or destroyed, including any potable water supply;
3. The cost of any personal injuries, including medical expenses incurred and income lost as a result thereof; and
4. The cost of the design, construction, installation, operation and maintenance of any device or action deemed necessary by the department to clean up, remedy, mitigate, monitor or analyze any threat to the public health, safety or welfare of the citizens of this State, including the installation and maintenance of methane gas monitors and vents and groundwater monitoring wells and leachate collection systems, and the sampling and analysis of any public or private potable water supply.

“Filing date” or “filed” means the date the claim, as defined in this chapter, is received by the department.

“Fund” means the Sanitary Landfill Facility Contingency Fund.

“Investigative hearing” or “hearing” means a non-adversarial hearing held by the department pursuant to N.J.A.C. 7:11-3.4.

“Operations” means the act or acts of accepting, disposing, or otherwise discarding of waste materials in a sanitary landfill, and all activities associated with such act or acts.

“Owner or operator” means and includes, in addition to the usual meanings thereof, every registered operator of a sanitary landfill and every agent or representative of such operator, every owner of record of any interest in land whereon a sanitary landfill is or has been located, and any person, partnership or corporation which owns a majority interest in any other corporation which is the owner or operator of any sanitary landfill.

“Person” means an individual, trust, firm, joint stock company, Federal agency, partnership, corporation (including a government corporation), corporate official, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

“Personal property” means property which is not more or less permanently attached to the land.

“Real property” means land, interests in land, and those things, such as buildings and other improvements, which are more or less permanently attached to the land.

#### 7:11-1.5 Liabilities for damages

(a) Every owner or operator of a sanitary landfill shall be jointly and severally liable for the proper operations and closure of the facility, as required by law, and for any damages proximately resulting from the operations or closure of the facility.

(b) The Fund shall be credited with all tax revenues collected from sanitary landfill owners or operators pursuant to the Act, and shall be strictly liable for all direct and indirect damages proximately resulting from the operations or closure of any sanitary landfill.

(c) The moneys in the Fund shall be disbursed by the department for the following purposes and no other:

1. Administrative costs incurred by the department pursuant to the Act; and

## 2. Damages as provided in this chapter.

### 7:11-1.6 Eligibility of claimant

(a) Any person who claims to have incurred any damages as a proximate result of the operations or closure of a sanitary landfill is eligible to file a claim under this chapter.

(b) Anyone held to be responsible for the action upon which a claim is based, or who is held to have been an accomplice or conspirator of the perpetrator, is not eligible for compensation.

### 7:11-1.7 Compensable damages

(a) The department will consider only those damages for which the claimant can produce substantial evidence. There will be no compensation awarded by the department for:

1. Disability, unless it results in a verified economic loss to the claimant; or

2. Pain and suffering.

(b) In determining the amount of an award, the department shall take into consideration any prior compensation or collateral benefits received by the claimant from or on behalf of any person who committed the action in question, or from any insurance program, or from public funds or any other private sources.

(c) The claimant shall be forever barred from recovering against the Fund if the claimant or his authorized representative entered into a settlement agreement with responsible party with respect to the damages.

## SUBCHAPTER 2. FILING AND PROCESSING OF CLAIM

### 7:11-2.1 Timely filing of claim

(a) Claims against the Fund shall be filed not later than one year after the date of discovery of damage, and in a manner as shall be prescribed by the department.

(b) The claimant shall be forever barred from recovering against the Fund if he failed to file his claim with the department within one year of the date of discovery of the damage.

### 7:11-2.2 Filing of claim

(a) All claims shall be filed on official forms provided by the department. These forms are available upon request at the address stated in (b)1 below.

1. Any claim received by the department which does not comply with this chapter must be resubmitted.

2. For the purposes of the applicable statute of limitations, however, such claim shall reflect the filing date of its original receipt by the department.

(b) The claim as defined in N.J.A.C. 7:11-1.4, once signed and certified under oath, shall be mailed by certified mail, return receipt requested, to the following parties:

1. Sanitary Landfill Facility Contingency Fund, Office of Special Funds Administration, CN 402, Trenton, New Jersey 08625; and

2. The owner and/or operator of the sanitary landfill and/or any other responsible persons alleged by the claimant to have caused the damage.

(c) All damages shall be stated in their entirety in a single claim. Damages of which the claimant knew or should have known at the time of filing the claim, which are included in a claim at the time a settlement is concluded or an award of damages from the Fund is made, shall be deemed waived.

(d) The claim shall be signed by the claimant.

1. Where the claimant is a minor or incompetent, as defined under New Jersey law, or is deceased, the claim may be signed by the claimant's parent, guardian, executor, or court-appointed representative, as the case may be.

2. No claim by a subrogee or an assignee may be filed with or processed by the department.

### 7:11-2.3 Processing of claim

(a) Claims shall be processed in the order in which they are filed

with the department and based on the completeness of the claim, except as otherwise provided in N.J.A.C. 7:11-4.1.

(b) Upon receipt of a claim, the department shall review same within a reasonable time, and upon completion of its review, shall notify the claimant in writing whether the application is complete.

1. If incomplete, the department shall list the information necessary to make the application complete.

i. The department shall specify a date for submitting the necessary information; and

ii. The claimant shall submit all requested information within the time specified or the claim shall be disallowed.

(c) When, in the opinion of the department, the claim is complete and compensable pursuant to N.J.A.C. 7:11-1.7, the department shall notify the owner and/or operator of the sanitary landfill and/or any other responsible persons alleged by the claimant to have caused the damage, by mailing a notice of the claim, a copy of the claim, and where appropriate, copies of any supporting documents, by certified mail, return receipt requested, to such owner and/or operator and/or any other alleged responsible persons.

(d) When, in the opinion of the department, the claim is complete and noncompensable pursuant to N.J.A.C. 7:11-1.7, the department shall render its decision in writing and shall forward a copy thereof by certified mail, return receipt requested, to the claimant or his attorney, if any, and to the owner and/or operator and/or any other responsible persons alleged by the claimant to have caused the damage.

1. This decision shall be considered to be the final agency action on the claim for the purposes of the Administrative Procedure Act, and shall be subject only to judicial review as provided in the Rules of Court, unless the claimant shall request a hearing pursuant to N.J.A.C. 7:11-3.4 within 15 working days of the claimant's receipt of such decision.

## SUBCHAPTER 3. SETTLEMENT OF CLAIM

### 7:11-3.1 Settlement of claim

(a) In its discretion, the department may take no further action concerning a compensable claim for 60 days following a person's receipt of the notice of completeness of the claim, mailed pursuant to N.J.A.C. 7:11-2.3, in order to afford the claimant the opportunity to settle his claim with the owner and/or operator of the sanitary landfill and/or any other responsible persons.

(b) If the claim has not been settled at the expiration of the 60 day settlement period, the department may undertake further investigation of the claim.

(c) Any settlement concerning the following damages shall be subject to the approval of the department:

1. The cost of restoration and replacement, where possible, of any natural resource damaged or destroyed; and

2. The costs of the design, construction, installation, operation and maintenance of any device or action deemed necessary by the department to clean up, remedy, mitigate, monitor or analyze any threat to the public health, safety or welfare of the citizens of this State.

### 7:11-3.2 Investigation of claim

(a) All claimants shall permit the department to inspect all records relating to his claim for damages including, but not limited to, corporate records, income tax returns, insurance policies, hospital, medical, and employment records.

(b) The department may direct a medical examination of the claimant by an independent physician selected by the department. The claimant shall present himself to the physician selected at the time and place designated.

1. A written report of such examination shall be filed by the examining physician with the department and a copy mailed by the department to the claimant.

2. If the department has directed a medical examination by a physician selected by the department, such physician's fee shall be paid by the department from the Fund.

(c) The claimant shall permit the department or its authorized representative to examine all personal and real property related to his claim for damages. The department may require an appraisal of any property loss claimed by an appraiser selected by the department.

1. The appraisal shall be filed by the examining appraiser with the department and a copy mailed by the department to the claimant.

2. If the department has required an appraisal by an appraiser selected by the department, such appraiser's fee shall be paid by the department from the Fund.

(d) The claimant shall cooperate fully with the investigators, agents and/or representatives of the department in the reasonable investigation of a claim in order to be eligible for any award. In the event that such cooperation is refused or denied, the department may, in its discretion, deny such claim.

#### 7:11-3.3 Settlement of claims against the Fund

(a) If the settlement of a claim is not reached within the period set forth in N.J.A.C. 7:11-8, the department, after any further investigation which it may deem necessary, shall proceed to offer a settlement of the claim against the Fund. Such further investigations prior to an offer of settlement may include a hearing pursuant to N.J.A.C. 7:11-3.4.

(b) In the event the claimant accepts the department's offer of settlement, the claimant shall be forever barred from filing another claim to recover against the Fund for those damages for which the offer of settlement was accepted.

(c) In the event the claimant rejects the department's offer of settlement, the department's offer shall be considered to be the final agency action on the claim for the purpose of the Administrative Procedure Act, and shall be subject only to judicial review as provided in the Rules of Court if:

1. A hearing has been held pursuant to (a) above; or

2. The claimant fails to request a hearing, pursuant to N.J.A.C. 7:11-3.4, within 15 working days of the claimant's receipt of the department's offer.

#### 7:11-3.4 Investigative hearing

(a) Whenever the department finds, on the basis of its review of a claim, that further information is necessary prior to final agency decision on a claim, the department may hold a hearing pursuant to N.J.A.C. 7:11-3.3(a).

(b) The department shall hold a hearing upon the request of a claimant pursuant to N.J.A.C. 7:11-2.3(d) and 3.3(c).

(c) The department shall give public notice of a hearing at least 15 days before the hearing. Public notice shall be given by notice in a newspaper of general circulation in the area of the sanitary landfill which is alleged to have caused the damage.

(d) Whenever a hearing will be held, the department shall designate a hearing officer for the hearing who shall be responsible for its scheduling and orderly conduct.

(e) The department may conduct joint hearings and join as many claimants with similar claims as it deems appropriate.

(f) Any interested person may submit oral or written statements and data concerning the claim. Reasonable limits may be set upon the time allowed for such submissions.

(g) The testimony taken at any hearing shall be under oath and a tape recording or written transcript of the hearing shall be made and kept by the department as a permanent record. The hearing shall be conducted in accordance with the following:

1. The parties shall not be bound by rules of evidence whether statutory, common law or adopted by the Rules of Court;

2. All relevant evidence is admissible, except as otherwise provided in this section;

3. Every party shall have the right to present his case or defense by oral and documentary evidence, to request information from any other party, and to submit rebuttal evidence as may be required for a full and true disclosure of the facts; and

4. The hearing officer may, in his discretion, exclude any

evidence if he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion.

(h) Within 60 days after the close of the hearing record, the hearing officer shall render his report to the Commissioner of Environmental Protection.

(i) Within 45 days of receiving the hearing report, the Commissioner shall render his decision. The decision by the Commissioner, based on the hearing record and recommendations of the hearing officer, shall be considered to be the final agency action on the claim for the purposes of the Administrative Procedure Act, and shall be subject only to judicial review as provided in the Rules of Court.

### SUBCHAPTER 4. PAYMENT OF CLAIM

#### 7:11-4.1 Criteria for priority of claims

The department may determine the priorities for the payment of claims based on extreme hardship or extreme existing or imminent hazard to the public health, safety and welfare, and the evaluation of the permanency of the harm to the environment.

#### 7:11-4.2 Payment of claim

(a) In the event that the total amount of claims awarded exceeds the current balance of the Fund, each award shall be paid on a prorated basis until the total amount of the award is paid to the claimant.

(b) Any costs incurred by the claimant prior to the filing of a claim or during the pendency of a claim shall not prejudice the rights of the department to evaluate the reasonableness of said costs prior to the granting of any final award.

1. Payment of a claim shall be based on the reasonableness of all costs incurred or to be incurred.

2. Where appropriate, the claimant shall attempt to mitigate his damages.

3. The department may approve payment of only a portion of the claim.

(c) The department, within its discretion, may make partial payments in advance of any final award. Such payments shall be agreed to in writing between the department and the claimant, and the claimant shall be required to use such payment only as authorized and subject to department audit.

(d) Payment of any damages from the Fund shall be conditioned upon the department acquiring, by subrogation, all rights of the claimant to recovery of the damages from any owner and/or operator of a sanitary landfill.

1. The claimant shall not prejudice such subrogation rights in any manner;

2. The claimant shall cooperate fully with the department in the preparation of a case for trial, and at the trial, should the department commence a civil action to recover any amount awarded; and

3. The claimant shall permit the department to join his claim with as many claims as the department may have against an opposing party in any civil action commenced to recover any amounts awarded.

(a)

**DIVISION OF FISH, GAME AND WILDLIFE**

**Fish and Game Council  
1984-85 Fish Code**

**Proposed Amendment: N.J.A.C. 7:25-6**

Authorized By: Fish and Game Council, Anthony DiGiovanni, Chairman.  
Authority: N.J.S.A. 13:1B-30 et seq. and 23:1-1 et seq.  
DEP Docket No. 039-83-06.

A public hearing concerning this proposal will be held on September 13, 1983 at 8:00 P.M. at:  
Division of Fish, Game and Wildlife  
363 Pennington Avenue  
Trenton, NJ 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before September 13, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

A. Bruce Pyle, Chief  
Bureau of Freshwater Fisheries  
Division of Fish, Game and Wildlife  
Department of Environmental Protection  
CN 400  
Trenton, NJ 08625

The Fish and Game Council 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 1983-389.

The agency proposal follows:

**Summary**

The proposed 1984-85 Fish Code states when, by what means, at which locations, in what numbers and at what sizes fish may be pursued, caught, killed or possessed.

The proposed amendments to the code include the following revisions to the current text of the code:

1. New Jersey's trout season traditionally opens on the first Saturday following the sixth of April, which in 1984 is April 7.
2. Stocking dates are adjusted to correspond with the 1984 calendar. The Musconetcong River will be stocked on Tuesday instead of Fridays, the South Branch of the Raritan River will be stocked on Fridays instead of Tuesday, and Pohatcong Creek will be stocked Wednesdays rather than Tuesday.
3. The following waters were dropped from the trout-stocked waters list because of access problems, posting and/or deterioration of habitat:

- Burlington County—Woolman's Lake, Mount Holly.
- Hunterdon County—Back Brook, Ringoes.
- Monmouth County—Shadow Lake, Middletown Township.
- Morris County—Stickle Brook, Boonton Township.
- Sussex County—
  - Hunt's Lake Brook, Yellow Frame.
  - Mill Brook, Montaque Township.
  - Tar Hill Brook, Lake Lenape.
  - Yellow Frame Brook, Yellow Frame.

4. Mulhockaway Creek (Hunterdon County) will be dropped as a Natural Trout Fishing Area because of habitat deterioration and will once again be stocked with trout as in the past.

5. That portion of the Big Flatbrook, extending from the Polegate downstream to the Roy bridge, a distance of approximately 2.2 miles, is designated as a Natural Trout Fishing Area. Fishing therein will be limited to the use of single hook artificial lures and flies. The size limit on trout will be 12 inches and the daily bag and possession limit will be one trout.

6. A season is set for the taking of striped bass from rivers and streams, downstream of impoundments, extending from March 1 to December 31.

7. A 12-inch minimum length size limit is imposed on largemouth bass and smallmouth bass in Mercer Lake (Mercer County).

8. The restriction against the taking of American shad from the Raritan River drainage is lifted.

9. The minimum length on striped bass in lakes is set at 18 inches with a daily bag and possession limit of two fish. In all other freshwaters the minimum length is 15 inches and, with the exception of the Delaware River, the daily bag and possession limit will be five fish. The size limit in the Delaware River is increased to 15 inches, with no bag limit. (Since striped bass is classified as a foodfish in the Delaware River, the Council may not unilaterally set a bag limit.)

**Social Impact**

With the exception of certain localized impact, the modifications being made to the Fish Code have relatively minor influence on the recreational use of the freshwater fisheries resource of the State.

A more significant proposed revision is the establishment of a Natural Trout Fishing Area on the Big Flatbrook. When proposed for the 1983 Fish Code, 79 letters were received in opposition to the project (seven letters of support were also received) and three oral comments opposing the project were made at the public hearing. The revision reintroduced by this proposal has been modified to make it more acceptable by taking into consideration the three basic points of dispute. These were: (1) opposition to removal of "fly-fishing only" regulations on a portion of the stream currently under that regulation; (2) opposition to the use of treble hooks; and (3) opposition to the cessation of stocking. Under the revised proposal, there will be no "fly-fishing only" waters opened to the use of bait, only single hook lures and flies are allowed and the stream will be stocked as needed. The Council believes this proposal to provide a better balance between the conflicting interests of food fishers and recreational fishers.

The removal of certain waters from the trout-stocked-waters list will create some local inconveniences for those trout fishers that had habitually fished these waters. However, because access to these waters is denied to the general public, either by postings or by lack of parking, they will no longer be continued to be stocked.

Reopening the Mulhockaway Creek Natural Trout Fishing Area to general fishing regulations and the resumption of trout stocking there will create additional fishing opportunities. The stream's trout habitat has deteriorated to a point where it was unable to support a fishery, without stocking.

The establishment of a 15-inch minimum size for striped bass in all freshwater rivers and streams, tidal and non-tidal, will result in a significant decrease in the number of legal bass available in these waters. This will have an impact on those areas where bass under 15 inches are predominant.

Changing the stocking date for the South Branch of the Raritan River from Tuesday to Friday may result in some impact on local landowners because of the increase in fishers using the river on Saturday morning. This change was prompted by change of the stocking date of the Musconetcong River from Friday to Tuesday. It was felt that the impact will be less severe on the South Branch of the Raritan River, since much of the river land is in public ownership.

**Economic Impact**

The Department can foresee no specific, significant economic

impact or detriment arising from the proposal since the amendments are primarily an annual review of the existing Fish Code.

#### Environmental Impact

The Fish Code has been established to promote the greatest recreational use of the State's freshwater fisheries without endangering the future of that resource. In the opinion of the Department, the proposed 1984-85 Fish Code accomplishes that objective.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]). Full text of the existing Fish Code can be found at 14 N.J.R. 872(a) and 1366(c).

#### SUBCHAPTER 6. [1983-84] **1984-85 FISH CODE**

##### 7:25-6.1 General provisions

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

(d) This Code, when adopted and when effective, shall supersede the provisions of the [1982-83] **1983-84** Fish Code. [Publication of this Code in the New Jersey Administrative Code was suspended inasmuch as this Code is a temporary rule (one year unless continued). Subchapter 6 of chapter 25 of Title 7 of the Administrative Code is reserved for the Fish Code.]

##### 7:25-6.2 Trout season and angling in trout-stocked waters

(a) The trout season for [1983] **1984** shall commence 12:01 A.M. January 1, [1983] **1984** and extend to midnight March [20, 1983] **18, 1984**. The trout season shall re-open at 8:00 A.M. Saturday, April [9, 1983] **7, 1984** and extend to include March [18, 1984] **17, 1985**. [Between March 20, and 8:00 A.M. on April 9, 1983 it shall be unlawful to angle with fly, bait or lure, hook and line, or with bow and arrow in ponds, lakes or those portions of streams that are listed herein for stocking during 1983.] (See separate regulations for Greenwood Lake, [and for] the Delaware River between New Jersey and Pennsylvania[.]), **Round Valley Reservoir, Musconetcong River "No Kill" Area and the Van Campens Brook Natural Trout Fishing Area.**

(b) **It shall be unlawful to fish for any species of fish between March 18 and 8:00 A.M. on April 7, 1984 in ponds, lakes or those portions of streams that are listed herein for stocking during 1984.**

[(b)](c) (No change in text.)

[(c)](d) Trout stocked waters for which in-season closures will be in force; waters will be closed from 5:00 A.M. to 5:00 P.M. on dates indicated.

1. Big Flat Brook - 100 feet above Stream Mill Bridge on Crigger Road in Stokes State Forest to Delaware River - [April 15, 22, 29; May 6, 13, 20, 27.] **April 13, 30, 27; May 4, 11, 18, 15.**

2. Black River - Route 206, Chester to Dam at lower end of Hacklebarney State Park - [April 14, 21, 28; May 5, 12, 19, 26.] **April 12, 19, 26; May 3, 10, 17, 24.**

3. Manasquan River - Route 9 bridge downstream to [the Allenwood Bridge - April 11, 18, 25; May 2, 9, 16, 23.] **Bennetts Bridge, Manasquan Wildlife Management Area - April 9, 16, 23, 30; May 7, 14, 21.**

4. Metedeconk River, N. Br. - Aldrich Road Bridge to Ridge Avenue - [April 11, 18, 25; May 2, 9, 16, 23.] **April 9, 16, 23, 30; May 7, 14, 21.**

5. Metedeconk River, S. Br. - Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood - [April 11, 18, 25; May 2, 9, 16, 23.] **April 9, 16, 23, 30; May 7, 14, 21.**

6. Musconetcong River - Lake Hopatcong Dam to Delaware River including all main stem impoundments, but excluding Lake Musconetcong, Netcong - [April 15, 22, 29; May 6, 13, 20, 27.] **April 10, 17, 24; May 1, 8, 15, 22.**

7. Paulinskill River - Limecrest Railroad Spur Bridge, Sparta Township, to [Delaware River - April 14, 21, 28; May 5, 12, 19, 26.] **Columbia Lake dam - April 12, 19, 26; May 3, 10, 17, 24.**

8. Pequest River - Source to Delaware River - [April 15, 22, 29; May 6, 13, 20, 27.] **April 13, 20, 27; May 4, 11, 18, 25.**

9. Pohatcong Creek - Route 31 to Delaware River - [April 12, 19, 26; May 3, 10, 17, 24.] **April 11, 18, 25; May 2, 9, 16, 23.**

10. Ramapo River - State line to Pompton Lake - [April 14, 21, 28; May 5, 12, 19.] **April 12, 19, 26; May 3, 10, 17.**

11. Raritan River, N. Br. - Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River - [April 13, 20, 27; May 4, 11, 18, 25.] **April 11, 18, 25; May 2, 9, 16, 23.**

12. Raritan River, S. Br. - Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River - [April 12, 19, 26; May 3, 10, 17, 24] **April 13, 20, 27; May 4, 11, 18, 25.**

13. Rockaway River - Holland Mt. Road Bridge, Milton to Jersey City Reservoir in Boonton - [April 11, 18, 25, May 2, 9, 16, 23.] **April 9, 16, 23, 30; May 7, 14, 21.**

14. Tom's River, N. Br. - Ocean County Route 528 Holmansville to [Ocean County Route 571 - April 11, 18, 25; May 2, 9, 16, 23.] **confluence with Maple Root Branch and Route 70 to County Route 571 - April 9, 16, 30; May 7, 14, 21.**

15. Wallkill River - W. Mt. Road to Route 23, Hamburg - [April 11, 18, 25; May 2, 9, 16, 23.] **April 9, 16, 23, 30; May 7, 14, 21.**

16. Wanaque River - Greenwood Lake Dam to Jct. with Pequannock River, excluding Wanaque Reservoir and Lake Inez - [April 15, 22, 29; May 6, 13, 20, 27.] **April 13, 20, 27; May 4, 11, 18, 25.**

Note: The Division reserves the right not to stock on the above dates when emergency situations prevail.

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

[(e)](f) Trout stocked waters for which no in-season closures will be in force. Figure in parenthesis indicates the anticipated number of stockings to be carried out from April [11] **9** through May [27] **25**.

Note: The Division reserves the right to suspend stocking when emergency conditions prevail.

1. Atlantic County:

i. Birch Grove Park Pond - Northfield (3);

ii. (No change.)

2. Bergen County: (No change.)

3. Burlington County:

i.-ii. (No change.)

[iii. Woolman's Lake - Mount Holly (2);]

4.-9. Camden County, Cape May County, Cumberland County, Essex County, Gloucester County, Hudson County: (No change.)

10. Hunterdon County:

i.-iii. (No change.)

[iv. Back Brook - Ringoes (1);]

Renumber v.-xiv. as **iv.-xiii.** (No change in text.)

[xv.] **xiv.** Mulhockaway Creek - Pattenberg, source to [Norton Road Bridge] **Spruce Run Reservoir** (2);

Renumber xvi.-xxvi. as **xv.-xxv.** (No change in text.)

11.-12. Mercer County, Middlesex County: (No change.)

13. Monmouth County:

i.-iii. (No change.)

iv. Hockhocks Brook - Hockhocks Road [to spillway at Tinton Falls] **Garden State Parkway bridge (northbound)** (3);

[x. Shadow Lake - Middletown Township (2);] v.-ix. (No change.)

Renumber xi.-xvi. as **x.-xv.** (No change in text.)

14. Morris County: (No change.)

15. Ocean County:

i. Prospertown Lake - Prospertown [(3)](2);

16.-18. Passaic County, Salem County, Somerset County: (No change.)

19. Sussex County:

i.-xiii. (No change.)

[xiv. Hunt's Lake Brook - Yellow Frame, entire length (2);]

Renumber xv.-xxii. as **xiv-xxi.** (No change in text.)

[xxiii. Mill Brook - Montaque Township, entire length (2);]

Renumber xxiv.–xxxvi. as **xxiii–xxxv.** (No change in text.)

[xxxvii. Tar Hill Brook - Lake Lenape, entire length (1);]

Renumber xxxviii.–xl. as **xxxvii.–xxxix.** (No change in text.)

[xli. Yellow Frame Brook – Yellow Frame, entire length (1);]

20.–21. Union County, Warren County; (No change.)

[(f)] (g) (No change in text.)

[(g)] (h) No person shall take, kill, or have in possession in one day more than six in the aggregate of brook trout, brown trout, rainbow trout or hybrids thereof during the period extending from 8:00 A.M. April [9, 1983] **7, 1984** until midnight May 31, [1983,] **1984**, or more than four of these species during the periods of January 1, [1984] **1984** to midnight March [20, 1983] **18, 1984** and June 1, [1983] **1984** through midnight March [18, 1984] **17, 1985** except as designated for Special Regulation Trout Fishing Areas and Round Valley Reservoir.

[(h)] (i) (No change in text.)

[(i)] Lake trout (*Salvelinus namaycush*) if caught, may be retained during the period from 8:00 A.M., April 9, 1983 to midnight September 30, 1983 and from 12:01 A.M. January 1, 1984 to midnight March 18, 1984.]

#### 7:25-6.3 Fly-fishing waters

(a) From and after 5:00 A.M. on Monday April [18, 1983] **16, 1984** to and including November 30, [1983] **1984** the following stretches are open to fly-fishing only, the closed to all fishing from 5:00 A.M. to 5:00 P.M. on the days listed for stocking:

1. Big Flat Brook, Sussex County - from the concrete bridge on Route 206 downstream to the [Roy Bridge on Mountain Road a distance of approximately four miles, except that portion known as the Blewett Tract, regulated in (b)1 below.] **Polegate, the upstream terminus of the Big Flat Brook Natural Trout Fishing Area clearly defined by markers.**

2. (No change.)

[(b)] Beginning January 1, 1983 to midnight March 20, 1983 and from 8:00 A.M. on April 9, 1983 to midnight, March 18, 1984, the following stretch is open to fly-fishing only, but is closed to all fishing from 5:00 A.M. to 5:00 P.M. on days listed for stocking:

1. Big Flat Brook, Sussex County – that portion known as the Blewett Tract, which extends from the Three Bridges Road to a point immediately upstream of the junction of the Big Flatbrook and the Little Flatbrook, a distance of approximately 0.5 miles, this stretch being clearly defined by markers.]

[(c)] (b) (No change in text.)

[(d)] (c) The following regulations shall apply to the above designated fly-fishing waters:

1. (No change.)

2. Not more than six trout may be killed daily during the April [9] **7** through May 31 portion of the season; at other times the limit is four.

i. (No change.)

3.–5. (No change.)

#### 7:25-6.4 Natural trout fishing areas

(a) The following unstocked stretches of waters are hereby designated as Natural Trout Fishing Areas:

[1. Mulhockaway Creek, Hunterdon County – the stretch of water extending from the Norton Road Bridge downstream to Spruce Run Reservoir, a distance of approximately 0.3 miles, and the State owned portions of tributaries thereto.]

[2.] 1. (No change in text.)

**2. Big Flat Brook, Sussex County – the stretch of water, clearly defined by markers, extending from the Polegate Area downstream to the Roy bridge, a distance of approximately 2.2 miles.**

(b) The following regulations apply to the above-designated Natural Trout Fishing Area[s]:

1. [Mulhockaway Creek] **The Big Flat Brook** is closed to fishing from midnight March [20, 1983] **18, 1984** to 8:00 A.M. April [9, 1983.] **7, 1984** and from 5:00 A.M. to 5:00 P.M. on those days

**that the Big Flat Brook is listed for stocking. Van Campens Brook is open to fishing year-round.**

2. No bait or lures of any kind may be used except artificial lures and flies[.] **at both Van Campens Brook and the Big Flat Brook; the Big Flat Brook limited to single hook artificial lures and flies.**

3. (No change.)

4. No person shall kill or have in possession while fishing any trout less than 12 inches in total length on the [Mulhockaway Creek] **Big Flat Brook Natural Trout Fishing Area** and less than 10 inches in total length on the Van Campens Brook Natural Trout Fishing Area.

5. (No change.)

#### 7:25-6.5 Round Valley Reservoir

(a)–(c) (No change.)

(d) During the period from 12:01 A.M. January 1, [1983] **1984** to midnight September 30, [1983,] **1984**, one lake trout of legal size may be retained.

(e)–(f) (No change.)

#### 7:25-6.6 Baitfish

(a) (No change.)

(b) In waters listed in this Code to be stocked with trout during [1983,] **1984**, it is prohibited to net, trap or attempt to net or trap baitfish from March [20] **18** to June 15[th] except where the taking is otherwise provided for. For the remainder of the year, up to 35 baitfish per person per day may be taken with a seine not over 10 feet in length and four feet in depth or a minnow trap not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter.

(c) (No change.)

#### 7:25-6.7–6.8

(No change.)

#### 7:25-6.9 Warmwater fish

(a) Except as noted for waters stocked with trout, closed seasons are hereby eliminated in open (unfrozen) waters on all freshwater fish, and [also] on striped bass (*Morone saxatilis*) in non-tidal waters[.] **and upstream of any impounded or inland lake or pond. The season for the taking of striped bass from all other fresh waters in March 1 to December 31.** (See Delaware River between New Jersey and Pennsylvania, and [see] ice fishing sections for separate regulations.)

(b)–(c) (No change.)

(d) The minimum size of largemouth bass (*Micropterus salmoides*) and smallmouth bass (*Micropterus dolomieu*) shall be nine inches in all waters except for Mountain Lake (Warren County), Parvin Lake (Salem County), Lake Musconetcong (Sussex County), **Mercer Lake (Mercer County)**, and Lake Carasaljo including the South Branch of the Metedeconk River downstream of the twin foot bridges opposite Lake Park Boulevard on South Lake Drive and Lake Manetta to the bridge over Watering Place Brook on Sunset Avenue (Ocean County) where the minimum size shall be 12 inches. Daily bag and possession limit for largemouth bass and smallmouth bass shall be not more than five in the aggregate. (See separate regulations for Greenwood Lake, and the Delaware River between New Jersey and Pennsylvania, and Round Valley Reservoir.)

(e)–(i) (No change.)

[(j)] No person shall take, attempt to take, kill or have in possession American shad (*Alosa sapidissima*) in the Raritan River drainage (including the Millstone River) upstream of the confluence of the Raritan River and the Millstone River.]

[(k)] (j) (No change in text.)

**(k) The minimum length on striped bass (*Morone saxatilis*) shall be 18 inches and the daily bag and possession limit shall be two in lakes. For all other fresh waters, tidal and non-tidal, the minimum length shall be 15 inches and the daily bag and**

**possession limit shall be five (see exception for the Delaware River).**

7:25-6.10  
(No change.)

7:25-6.11 Bow and arrow fishing  
(a) It shall be legal to take any species of fish except brook trout (*Salvelinus fontinalis*), lake trout (*Salvelinus namaycush*), brown trout (*Salmo trutta*), rainbow trout (*Salmo gairdneri*), landlocked Atlantic salmon (*Salmo salar*), largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), chain pickerel (*Esox niger*), northern pike (*Esox lucius*), muskellunge (*Esox masquinongy*) or any hybrid thereof, or walleye (*Stizostedion vitreum vitreum*) [, or American shad (*Alosa sapidissima*) in the Raritan River drainage (including the Millstone River) upstream of the confluence of the Raritan River and the Millstone River,] at any time by use of longbow and arrow with line attached, provided a person has a proper fishing license. (See separate regulations for Greenwood Lake, for the Delaware River between New Jersey and Pennsylvania, and for the waters listed for trout stocking during the current season.)

7:25-6.12-6.13  
(No change.)

7:25-6.14 Greenwood Lake  
(a) In cooperation with the New York State Department of Environmental Conservation, Division of Fish and Wildlife [the New Jersey Division of Fish, Game and Wildlife announces], the following regulations for Greenwood Lake, which lies partly in Passaic County, New Jersey, and partly in Orange County, New York[. These regulations], are made a part of the New Jersey State Fish and Game Code and will be enforced on the whole lake by the conservation authorities of both states.  
1.-5. (No change.)

7:25-6.15 Delaware River between New Jersey and Pennsylvania  
(a) In cooperation with the Pennsylvania Fish Commission, [the New Jersey Division of Fish, Game and Wildlife announces] the following regulations for the Delaware River between New Jersey and Pennsylvania[. These regulations] are made a part of the New Jersey State Fish and Game Code and will be enforced by the conservation authorities of each state.

1.	Season	Size Limit	Bag Limit
Trout-Chain pickerel	(No change.)	(No change.)	(No change.)
Muskellunge[, Northern Pike] & any hybrid thereof	No closed season	30" minimum	2
<b>Northern pike</b>	<b>No closed season</b>	<b>24" minimum</b>	<b>2</b>
Striped bass	March 1- Dec. 31	[14"] <b>15"</b> minimum	No limit
Baitfish-All other freshwater species	(No change.)	(No change.)	(No change.)

2.-7. (No change.)

7:25-6.16  
(No change.)

7:25-6.17 Definitions  
(a) Unless the context clearly implies a differing usage, the following definitions shall apply in this Code.  
"Baitfish" [means the term "baitfish"] shall include the following species:  
1.-13. (No change.)

"Possession" means all fish, alive or dead, under the control of the fisherman.

"Snagging" means [Snagging shall mean] the hooking of a fish[, in] other than inside the mouth, through the action of the fisherman.

(a)

**DIVISION OF FISH, GAME AND WILDLIFE**

**Shellfisheries Penalties for Shellfish Violations**

**Proposed Repeal: N.J.A.C. 7:25-9.2  
Proposed New Rule: N.J.A.C. 7:25-9.2**

Authorized By: Robert E. Hughey, Commissioner,  
Department of Environmental Protection.  
Authority: N.J.S.A. 13:1B-3 and 23:2B-14.  
DEP Docket No: 037-83-06.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow, Chief  
Bureau of Shellfisheries  
Division of Fish, Game and Wildlife  
CN 400  
Trenton, NJ

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 1983-370.

The agency proposal follows:

**Summary**

The proposal repeals the current text of N.J.A.C. 7:25-9.2 and replaces it with a new rule. The proposed new rule clarifies that a minimum penalty of \$25.00 or \$2.00 per clam over the three percent tolerance, whichever is greater, will be imposed on first offenders. A minimum penalty of \$50.00 or \$5.00 per clam over the three percent tolerance, whichever is greater, will be imposed on subsequent offenses. The proposed new rule is intended to seek at least minimum penalties for those harvesting undersized clams and thereby maximize the penalties collected.

**Social Impact**

Clarification of the intent of the rule will result in the assessment of uniform penalties to violators who harvest clams under the legal size.

**Economic Impact**

The economic impact of the penalties imposed will be felt only by violators of the rule. The hope is that stiffer fines will be a stronger deterrent to the illegal harvest of small clams.

**Environmental Impact**

The harvest of sub-legal sized clams is contrary to all prudent management plans for the preservation and enhancement of the hard clam resource. It is most important to discourage the practice of harvesting undersized clams.

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

#### 7:25-9.2 Penalties

[Any person violating the provisions of N.J.A.C. 7:25-9.1(a) and N.J.A.C. 7:25-9.1(b) shall be liable to a penalty of \$2.00 per clam over three percent tolerance, minimum \$25.00, for the first offense, and \$5.00 per clam over three percent tolerance, minimum \$50.00, for each subsequent offense.]

**Any person violating the provisions of N.J.A.C. 7:25-9.1(a) and N.J.A.C. 7:25-9.1(b) shall be liable to a penalty of at least \$25.00, or \$2.00 per clam over the three percent tolerance, whichever is greater, for the first offense. For each subsequent offense, the penalty shall be at least \$50.00, or \$5.00 per clam over the three percent tolerance, whichever is greater.**

## HEALTH

### (a)

#### DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

#### Renal Disease Services Standards and General Criteria for the Planning and Certification of Need for Regional End-Stage Renal Disease Services

#### Proposed Amendment: N.J.A.C. 8:33F

Authorized By: J. Richard Goldstein, M.D.,  
Commissioner, Department of Health (with approval  
of Health Care Administration Board).  
Authority: N.J.S.A. 26:2H-5 and 26:2H-8.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John A. Calabria, Coordinator  
Department of Health  
Health Planning Services  
Room 403  
CN 360  
Trenton, NJ 08625

The Department of Health 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 1983-388.

The agency proposal follows:

#### Summary

Current Department of Health rules are periodically updated based upon the changing requirements for quality hospital and related health care services throughout the State. In reviewing current rules for planning and certification of need of regional end-stage renal disease services, the Commissioner obtained the recommendations of the Statewide Health Coordinating Council and interested members of the public at two public hearings held on March 10, 1983 and June 6, 1983.

Current Department of Health policy, standards, and criteria, as reflected in existing rules, are proposed for retention with the following changes:

1. Adjustment of the minimum proposed utilization standard, referenced in N.J.A.C. 8:33F-1.2(a)(2)(i), from an average of 6.5 or more dialyses per station, per week to an average of 12.5 or more dialyses per station per week during the first six months after approval.

2. Deletion of the current text of N.J.A.C. 8:33F-1.2(a)(2)(v) and its replacement with language that, when the dialysis station need methodology indicates a station need, it shall:

i. Provide preference to presently approved hospital End-Stage Renal Disease (ESRD) dialysis centers or ESRD dialysis facilities over non-approved applicants whenever the non-approved applicant is within 20 straight miles from a presently approved service.

ii. Provides preference to add stations to those applicants who are approved to provide home and/or self dialysis with a patient load of 25 percent or more who are on home or self-dialysis over those applicants approved to provide such dialysis and do not have a home/or self-dialysis patient load of 25 percent.

3. Addition of language referenced in N.J.A.C. 8:33F-1.2(a)(2)(vi), which provides that any hospital ESRD dialysis center which experiences less than 75 percent utilization for all of its approved chronic dialysis stations for an entire 24 month period will automatically lose a sufficient number of stations to bring its utilization to a least 75 percent.

4. Deletion of the current text of N.J.A.C. 8:33F-1.2(a)(3)(v) and its replacement with language that, when the dialysis station need methodology indicates a station need, provides preference to presently approved hospital ESRD dialysis centers or ESRD dialysis facilities over non-approved applicants whenever the latter are within a radius of 20 straight miles from a presently approved service.

5. Adds language to N.J.A.C. 8:33F-1.2(a)(7) which permits non-ESRD approved facilities to offer back-up dialysis to ESRD patients during hospital inpatient stays under certain circumstances.

6. Adds language to N.J.A.C. 8:33F-1.4 which describes standards for consideration of Certificate of Need applications from non-ESRD approved facilities to provide acute hemodialysis services.

7. Adds language to N.J.A.C. 8:33F-1.6 (Planning Standards) which describes a methodology for determination of projected need for chronic renal dialysis stations.

8. Adds section N.J.A.C. 8:33F-1.7(a)(12) which requires all facilities providing renal services to report utilization data on a quarterly basis to the Health Planning Services Unit in the Department of Health.

#### Social Impact

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

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

The proposed rules provide guidance to decision-makers in the Certificate of Need process and may allow greater access to both

chronic back-up dialysis and acute hemodialysis to residents of New Jersey who require these services.

#### Economic Impact

Federal expenditures for the payment of end stage renal services for the approximately 50,000 Federally qualified patients nationally currently exceed \$1 billion per year. Some estimates suggest that by 1985 Federal expenditures could exceed \$3 billion annually to provide services to approximately 90,000 renal patients.

Savings can be achieved by encouraging the availability of home dialysis and self-dialysis for patients who can be appropriately served through these modalities. Self-dialysis in the patient's home can achieve as much as a 50 percent savings on the costs of providing care in this, rather than an outpatient setting after the first year. Both the State Program and Federal Renal Network encourage the development of home and self-dialysis modalities by assisting with the acquisition of home machines and by covering the costs of supplies and medications. These rules reflect a strengthening of the commitment to the development of those alternatives.

The potential expansion of the availability of chronic back-up dialysis and acute hemodialysis is limited under the proposed rules and should not lead to any significant cost increases. In fact, the emphasis in the rules on home and self-care dialysis, minimum utilization standards, and interhospital outreach programs may lead to a stabilization of renal program costs.

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

8:33F-1.1 Adoption of Federal regulations by reference  
(No change.)

8:33F-1.2 Utilization standards

(a) The following minimum utilization rates shall apply for the initiation of new ESRD services.

1. (No change.)

2. Hospital ESRD dialysis center:

i. Each applicant for a certificate of need for a hospital ESRD dialysis service must provide written evidence of a minimum proposed utilization rate of six or more dialysis stations with performance of an average of [6.5]**12.5** or more dialyses per station per week **during the first six months after approval.**

ii.-iv. (No change.)

[v. Any certificate of need application for a new hospital ESRD dialysis service which is within 60 minutes traveling time by automobile from an existing service will be recommended for denial unless it can be demonstrated that it is physically impossible for surrounding approved facilities to expand their services either by increasing to at least three patient shifts per day for six days weekly or by adding dialysis stations. No new stations on an inpatient basis will be recommended for approval unless existing stations are truly saturated. However, consideration will be given if it can be demonstrated that the average one way driving time by automobile to the nearest dialysis facility with available capacity is one hour or greater for at least fifty percent of the patients who would use the proposed service.]

**v. When the dialysis station need methodology described in N.J.A.C. 8:33F-1.6(a) indicates a need in a health service area:**

**(1) Preference will be given to presently approved hospital ESRD dialysis centers or ESRD dialysis facilities over non-approved applicants whenever the non-approved applicant is within a radius of 20 straight miles from the presently approved service.**

**(2) Among all approved services (whether a hospital ESRD dialysis center or an ESRD dialysis facility), those approved to provide home dialysis and/or self dialysis with a patient load of 25 percent or more who are on home dialysis or self dialysis will be given preference for additional stations over other applicants who are approved to provide home dialysis and/or self dialysis**

**and do not have a home and/or self dialysis patient load of 25 percent.**

**vi. If any hospital ESRD dialysis center experiences less than 75 percent utilization for all its approved chronic stations (hemodialysis and peritoneal dialysis) for an entire 24 month period, it will automatically lose a sufficient number of stations to bring its utilization to at least 75 percent. Pediatric stations will not be included in the calculation of the utilization rate. Pediatric stations are those stations approved by the Department of Health to be used at least 75 percent of the time for those patients 16 years old or younger. Utilization is determined by the formula shown in Appendix C.**

3. ESRD dialysis facility:

i. Each applicant for a certificate of need for an ESRD dialysis service must provide written evidence of a minimum proposed utilization rate of six or more dialysis stations with performance on an average of 12.5 or more dialyses per station per week **during the first six months after approval.**

ii.-iv. (No change.)

[v. Any certificate of need application for a new ESRD dialysis service which is within 60 minutes traveling time by automobile from an existing service will be recommended for denial unless it can be demonstrated that it is physically impossible for surrounding approved facilities to expand their services either by increasing to at least three patients shifts per day for six days weekly or by adding dialysis stations. No new stations on an outpatient basis will be recommended for approval unless existing stations are truly saturated.]

**v. When the dialysis station need methodology described in N.J.A.C. 8:33F-1.6(a) indicates a need in a health service area:**

**(1) Preference will be given to presently approved hospital ESRD dialysis centers or ESRD dialysis facilities over non-approved applicants whenever the non-approved applicant is within a radius of 20 straight miles from the presently approved service.**

**vi. If an ESRD dialysis facility experiences less than 75 percent utilization for all of its approved chronic stations (hemodialysis and peritoneal dialysis) for an entire 24 month period, it will automatically lose a sufficient number of stations to bring its utilization to at least 75 percent. Pediatric stations will not be included in the calculation of the utilization rate. Utilization is determined by the formula shown in Appendix C.**

4. Self-dialyses facilities/services:

i. Self-dialysis [is defined herein as a dialysis performed with little or no professional assistance, by an ESRD patient who has completed an appropriate course of training. In the case of self-dialysis delivered in an ESRD approved facility, the patient performs dialysis in a facility removed from the home with the assistance of a trained person or health professional.] **shall mean a dialysis treatment in which the trained self-care client is responsible for a minimum of three of the following four steps involved in the dialysis treatment:**

**(1) Build/set up machine;**

**(2) Cannulation;**

**(3) Monitoring;**

**(A) Vital signs;**

**(B) Machine pressures and flows;**

**(4) Breakdown machine - not to include cleaning.**

ii.-iii. (No change.)

5.-6. (No change.)

7. "Back-up" dialysis for ESRD chronic patients:

i. Facilities which provide only acute hemodialysis services are not intended to serve ESRD patients with irreversible renal failure. These patients should receive hemodialysis services only through approved ESRD facilities. Similarly, "back-up" dialysis provided for ESRD patients during inpatient stays are considered a component of an approved ESRD dialysis center which provides both acute and chronic hemodialysis. **However, "back-up" dialysis provided for ESRD patients during inpatient stays may**

be provided by non-ESRD approved facilities under the following circumstances:

(1) The non-ESRD approved facility proposing to provide back-up dialysis must document at least 11,250 inpatient medical/surgical and/or intensive/coronary care admissions annually. In the case of multi-hospital systems, the 11,250 inpatient admissions must occur at one hospital in the system and may not be the sum of admissions at all hospitals comprising the system.

(2) To provide chronic "back-up" dialysis services, the applicant hospital with 11,250 inpatient medical/surgical and/or intensive/coronary care admissions must present written certification of the following to the Department of Health:

(A) That it has or will have, before beginning the service, an agreement with a certificate of need approved Inter-Hospital Hemodialysis Outreach Program with a hospital ESRD dialysis center or an ESRD dialysis facility for a qualified team to deliver the service. The team must consist of a board certified or eligible nephrologist on staff, a nursing staff qualified and with six months experience in providing renal dialysis services, have ready access to dialysis equipment, and satisfy the licensing standards for inpatient hospital dialysis; or

(B) That it is able to provide the service with its own resources which must include a board certified or eligible nephrologist on staff and a nursing staff qualified and with six months experience in providing renal dialysis services. In this event the applicant must have a formal, written agreement with an approved hospital ESRD dialysis center to provide mutually agreed upon educational and training services, as well as to provide for interhospital transfer arrangements when necessary, and satisfy the licensing standards for inpatient hospital dialysis.

(3) Following the inpatient stay, the non-ESRD approved center must transfer the ESRD patient to an approved ESRD center or facility for outpatient chronic maintenance dialysis.

8. (No change.)

(b) (No change.)

8:33F-1.3 Personnel standards

(No change.)

8:33F-1.4 Acute hemodialysis standards

(a) (No change.)

(b) Applications for Certificates of Need from non-ESRD approved facilities proposing to offer only acute hemodialysis services will be considered only under the following conditions:

[1. The applicant must provide substantive data that the proposed acute hemodialysis services is needed. In so doing, the applicant must provide written documentation of a minimum of 24 acute cases during the previous 12 months within the applicant institution. The 24 cases shall be limited to kidney disease patients and shall exclude those due to drug overdose and poisoning.]

1. The non-ESRD approved facility proposing to provide acute hemodialysis during an inpatient stay must document at least 11,250 inpatient medical/surgical and/or intensive/coronary care admissions annually. In the case of multi-hospital systems, the 11,250 inpatient admissions must occur at one hospital in the system and may not be the sum of admissions at all hospitals comprising the system.

[2. The applicant must demonstrate that in the absence of the proposed service, the population to be served will be denied reasonable access based upon medical necessity to an approved hospital ESRD dialysis center providing inpatient dialysis. Reasonable access shall be interpreted to mean not more than 90 minutes traveling time by automobile under normal conditions from the point of origin of the patients. The length of time it takes to confirm that a patient needs acute dialysis and to arrange the logistics of such treatment is such that a patient can easily be transferred to a hospital ESRD dialysis center during the time this is occurring and without jeopardy to the patient.]

2. To provide acute hemodialysis services, the applicant hospital with 11,250 inpatient medical/surgical and/or intensive/coronary care admissions must present written certification of the following to the Department of Health:

i. That it has, or will have, before beginning the service, an agreement with a certificate of need approved Inter-Hospital Hemodialysis Outreach Program with a hospital ESRD dialysis center or an ESRD dialysis facility for a qualified team to deliver the service. The team must consist of a board certified or eligible nephrologist on staff, a nursing staff qualified and with six months experience in providing renal dialysis services, have ready access to dialysis equipment, and satisfy the licensing standards for acute inpatient hospital dialysis. Nursing staff must be available 24 hours per day to provide hemodialysis as needed; or

ii. That is able to provide the service with its own resources which must include a board certified or eligible nephrologist on staff and a nursing staff qualified and with six months experience in providing renal dialysis services. Nursing staff must be available 24 hours per day to provide hemodialysis as needed. In this event the application must have a formal, written agreement with an approved hospital ESRD dialysis center to provide mutually agreed upon educational and training services, as well as to provide for interhospital transfer arrangements when necessary. The licensing standards for acute inpatient hospital dialysis must also be satisfied.

[3. The applicant must have on staff the following:

i. A physician who is board eligible or certified in nephrology or pediatric nephrology, and has had at least 12 months of experience or training in the care of patients in ESRD facilities, to provide care during the course of each dialysis treatment.

ii. A minimum of two registered nurses who are trained in hemodialysis and have had at least six months experience in performing hemodialysis, one of whom shall be available 24 hours per day to provide hemodialysis care as needed.]

3. The non-ESRD approved facility with less than 11,250 inpatient medical/surgical and/or intensive/coronary care admissions and proposing to provide acute hemodialysis services must provide substantive data that the proposed acute hemodialysis service is needed. In so doing, the applicant must provide written documentation of a minimum of 24 acute cases during the previous 12 months within the applicant institution. The 24 cases shall be limited to kidney disease patients and shall exclude those due to drug overdose and poisoning. A hospital participating in an Inter-Hospital Hemodialysis Outreach Program shall be exempt from the minimum 24 case requirement; and

[4. Any approved facility must perform a minimum of 24 acute cases annually to insure quality of care.]

4. The applicant with less than 11,250 annual inpatient admissions also must demonstrate that in the absence of the proposed service, the population to be served will be denied reasonable access based upon medical necessity to an approved hospital ESRD dialysis center providing inpatient dialysis. Reasonable access shall be interpreted to mean not more than 20 straight miles travel from the point of origin of the patients. The length of time it takes to confirm that a patient needs acute dialysis and to arrange the logistics of such treatment is such that a patient can easily be transferred to a hospital ESRD dialysis center during the time this is occurring and without jeopardy to the patient. A hospital participating in an Inter-Hospital Hemodialysis Outreach Program for acute hemodialysis shall be exempt from the aforementioned 20 straight miles travel requirement.

5. The applicant with less than 11,250 inpatient medical/surgical and/or intensive/coronary care admissions annually must provide written documentation of the same agreements and/or staffing patterns as in (b)2i or ii above.

8:33F-1.5 Existing facilities standards  
(No change.)

8:33F-1.6 Planning standards

[(a.) The New Jersey Department of Health shall develop a statewide end-stage renal disease plan, which emphasizes the prevention of kidney disease. The plan shall be developed on the basis of standards and criteria contained herein, ESRD Network No. 32 goals, and appropriate Federal regulations, and shall include input from the state's health system agencies, the New Jersey Renal Disease Network, and providers.]

**(a) The Department of Health shall utilize the methodology for determination of projected need for chronic renal dialysis services, herein attached as Appendix B. For planning and certificate of need review purposes, the Department will differentiate between chronic renal dialysis stations used for hemodialysis and peritoneal dialysis. Within these two categories, there will be no further differentiation, although the Department realizes that sub-categories will be at the discretion of the governing body of the facility. However, an approved hospital ESRD dialysis center is expected to have at least two machines available for acute hemodialysis.**

8:33F-1.7 General criteria

(a) As part of the application for provision of Regional End-Stage Renal Disease Services, each applicant must meet each of the following minimum general criteria:

1.-10. (No change.)

**11. Only Department of Health approved hospital ESRD dialysis centers and ESRD dialysis facilities will be permitted to provide outpatient chronic renal (hemodialysis and peritoneal dialysis) dialysis for the maintenance of certified ESRD patients.**

**12. Department of Health approved hospital ESRD dialysis centers and ESRD dialysis facilities, as well as those non-ESRD approved facilities performing chronic back-up dialysis, and/or acute dialysis either alone or as part of an Inter-Hospital Hemodialysis Outreach Program, are required to report utilization data on a quarterly basis directly to the Department of Health's Health Planning Services Unit.**

Delete Appendix A identified in N.J.A.C. 8:33F-1.1 through 8:33F-1.7 as 1981 Goals: ESRD Network No. 32 and substitute with the following:

#### APPENDIX A

1983 Goals: ESRD Network No.32†

### I. QUALITY ASSURANCE

**GOAL A (High Priority):** Encourage the use of home dialysis and transplantation by the maximum practical number of ESRD patients who are medically, socially, and psychologically suitable candidates for such treatments.

**OBJECTIVE 1:** Monitor and evaluate trends in the use of home dialysis and transplantation by facility and make recommendations when indicated.

**Network Activity a:** Determine the proportion of all dialysis patients who are dialyzed in the home, at pre-selected intervals of time.

**Network Activity b:** Determine the proportion of all dialysis patients who are transplanted, at pre-selected intervals of time.

**OBJECTIVE 2:** Assure access to all treatment modalities. Assure that patients are informed of and participate in the selection of their treatment modalities.

**Network Activity a:** Assure the periodic reevaluation of patient needs as they relate to the appropriate treatment setting and modality.

**GOAL B (High Priority):** Assure the quality and appropriateness of patient care.

**OBJECTIVE 3:** Conduct ongoing assessment of patient care delivery.

**Network Activity a:** Establish criteria and standards for quality patient care services. Measure the adequacy of service delivery in the Network area and institute appropriate reforms.

**Network Activity b:** Conduct special analyses/develop profiles of care as needed to assure quality and medically appropriate services.

**GOAL C (Medium Priority):** Encourage the maximum level of patient participation in the ESRD system.

**OBJECTIVE 4:** Maintain an effective patient grievance system.

†this document may be obtained upon written request to:

New Jersey Renal Network Council, Inc.  
330 Milltown Road  
East Brunswick, New Jersey 08816

**OBJECTIVE 5:** Assure patient participation in Network activities.

### II. PROGRAM MANAGEMENT

**GOAL A (High Priority):** Participate in a Network-based patient registry that permits continual and consistent assessment of the national ESRD patient population for improving program and policy decision making.

**OBJECTIVE 6:** Establish and maintain the common minimum data set required by HCFA for each ESRD patient receiving care in a certified facility.

**Network Activity:** Establish and document the existence of a mechanism, automated or manual, to follow patients through facility and modality changes. Reconcile the data at least semi-annually, coinciding with the period covered by the facility survey, HCFA-2744.

**OBJECTIVE 7:** Establish and maintain an information system that contains, or will allow the Network to calculate, the following (using standard definitions and formulae issued by HCFA):

- a. patient outcome by treatment modality
- b. mortality rates (calculated by Network, facility, and modality)
- c. incidence
- d. prevalence
- e. demographic data (age, sex, race)

**Network Activity:** Calculate the above items at least annually for the preceeding calendar year.

**Joint HCFA-Network Activity a:** Issue common national definitions for patient treatment events by December 1982 for use by each Network and certified ESRD facility.

**Joint HCFA-Network Activity b:** Distribute comparative Network data on a regular basis.

**OBJECTIVE 8:** Ensure facility compliance with Medical Information System reporting requirements.

**Joint HCFA-Network Activity:** Explore ways to improve the MIS forms and instructions.

**Network Activity a:** Establish and document procedures for the review of all MIS forms for completeness, accuracy, and timeliness.

**Network Activity b:** Document contact with facilities to obtain missing forms or correct discrepancies.

**Network Activity c:** Report problems with individual facility reporting compliance, not rectified at the Network level, to HCFA in writing for appropriate action (with copy of the notification sent to the facility) within 90 days following the close of the semi-annual facility survey period.

**HCFA Activity a:** Contact the facilities or take other actions as necessary to assure compliance with reporting requirements.

**HCFA Activity b:** Inform Networks semi-annually of all MIS

forms accepted by HCFA.

Network Activity d: Compare the appropriate fields from the HCFA-2744 (ESRD Facility Survey) against the number of HCFA-2728s (Chronic Renal Disease Medical Evidence Report), HCFA-2746s (ESRD Death Notification), and HCFA-2745-U3s (ESRD Transplant Information) to determine the level of compliance for every six month period covered by the HCFA-2744.

OBJECTIVE 9: Ensure the validity of the MIS data submitted to HCFA.

Network Activity a: Perform the prescribed MIS edit checks.

Network Activity b: Rectify inconsistencies between the Network patient data base and MIS reporting forms.

GOAL B: Disseminate results of program analysis.

OBJECTIVE 10: Provide recommendations and information with respect to Network performance and the need for additional or alternative services, especially self-dialysis training, transplantation, and organ procurement facilities.

Network Activity a (Medium Priority): Provide HCFA with this information in quarterly reports and in an annual report before July 1, 1983.

Network Activity b (Low Priority): Provide similar information to interested parties, when requested.

III. OTHER ACTIVITIES (Low Priority)

Joint HCFA-Network Activity a: Explore modification in Network data base to allow Networks to monitor ESRD patient rehabilitation. Define data elements necessary for ongoing monitoring of ESRD patient rehabilitation.

Joint HCFA-Network Activity b: Design and carry out a national cooperative project.

NOTES:  
MEASURES OF PERFORMANCE

Objective 1: (Home Dialysis): Calculate the number of patients treated at home as a percentage of total "dialysis patients receiving care" at the end of the following survey periods:

- July 1, 1982 - December 31, 1982
- January 1, 1983 - June 30, 1983
- July 1, 1983 - December 31, 1983

Document and explain trends in each successive reporting period in the total home patients (Fields 21 + 22 + 23) divided by the total number of dialysis patients receiving care at the end of survey period (Field 24).

(Transplantation): Calculate the number of ESRD patients receiving transplants as a percentage of total "patients receiving care" at the end of the following survey periods:

- July 1, 1982 - December 31, 1982
- January 1, 1983 - June 30, 1983
- July 1, 1983 - December 31, 1983

Demonstrate an increase in each successive reporting period in the total "losses during survey period receiving transplant" (Fields 10A + 10B) divided by: "patients receiving care at beginning of survey period" (Field 03) PLUS "patients started for first time ever" (Fields 04A + 04B) PLUS "restarted" (Fields 05A + 05B) PLUS "returned after transplantation" (Fields 07A + 07B). Do the same for patients 0-55 years old for the survey periods ending June 30, 1983 and December 31, 1983.

Objective 2 : (Access): Network has a mechanism to assure that a meaningful patient program planning process exists.

Objective 3: (Patient Care Assessment): Demonstrates progress toward improving care through the approved studies.

Objective 4: (Grievance System): Demonstrate that the patient grievance mechanism is being used (i.e.: number, sources, how handled) or explain why it is not being used.

Objective 5: (Patient Participation): Demonstrate a mechanism to assure patient participation in Network activities.

Objective 6: (Minimum Data Set): The information system of the Network contains, at a minimum, the following data elements (If changes to this list are made, we will notify you in the near future):

1. Patient's Name
2. State/County of Residence
3. Zip Code of Residence
4. HIC number
5. Date of Birth (MM/YY)
6. Race (B, W, O, U)
7. Sex (M, F, U)
8. Primary Diagnosis (Code?)
9. Initial Date of Dialysis (MM/YY)
10. Primary Provider (number)
11. Transplant Provider (number)
12. Status (date, event)
13. Events: Tx, Dx, Restart, Recovered Function, Discontinued Treatment, etc.
14. Transfer (place, date)
15. Date of Death (MM/YY)
16. Cause of Death

Objective 8: (Reporting Compliance): 95 percent of each of the required forms are submitted to HCFA within the time frame specified by HCFA.

Objective 9: (Data Validity): Less than 2 percent of all the fields on each type of form submitted to HCFA contain errors.

Objective 10: (Reporting): Acceptable quarterly/Annual reports are submitted. In addition to documenting activities and efforts to achieve goals and objectives, these reports should document that Networks are not using resources to carry out project review activities not specifically requested, in writing, by a HCFA Regional Office.

APPENDIX B  
Methodology for Determination of Projected  
Need for Chronic Renal Dialysis Services

To arrive at the total projected number of patients for 1985, the Department's Health Data Services utilized patient data for the 26 ESRD approved renal dialysis facilities which were recorded as the place of treatment by the New Jersey Renal Network Council for six-month time periods from December 31, 1979 through December 31, 1982. It was felt that this time span sufficiently reflected the level growth of the chronic dialysis patient population that has been experienced in recent years, as compared to earlier periods. Four methods were used to project the possible future level of chronic dialysis patients. All projections were developed from a computer program that basically fits four separate curves or models to the actual data by the "least squares" method. The number of patients projected by the Constant Growth Model was chosen for the need methodology calculations. This methodology is based on the stable growth in the number of chronic dialysis patients experienced during the past several years and assumes (as did actually occur) a fixed amount of changes per time period. The resulting curve is simply that for a straight line. It is emphasized that both the actual and projected patient figures reflect the "net

growth" of patients on chronic renal dialysis, which takes into account actual patient mortality and patients receiving kidney transplants who were removed from chronic dialysis.

For purposes of comparability, the actual number of chronic renal dialysis patients on home dialysis in December 1982, as reported by the New Jersey Renal Network Council, was converted to percentages of total patients by HSA. These percentages were then applied to the total projected number of chronic dialysis patients by HSA for December 1985 and the resulting products were subtracted from the total patients, providing the number of projected patients requiring facility-based chronic renal dialysis. The application of the current levels of home dialysis to the projected population was considered both fair and appropriate, as home dialysis is generally encouraged for cost savings and patient care considerations. However, in the case of HSA 3 (Hudson County) an exception was made and the current .01 percent home dialysis level (representing only one patient) was increased to 10 percent for application to the projected population, as this was considered a minimal level for future achievement which all HSAs should not fall below.

The resulting numbers of projected patients requiring facility-based chronic renal dialysis were then converted to the number of dialyses required by this population annually through multiplying the patient figures by 156 dialyses required for each patient or 3 dialyses per week, 52 weeks per year. This tends to skew the dialyses required total somewhat upwards as some patients only require two dialyses per week. The number of dialysis stations required to perform the number of dialysis treatments required was obtained by dividing the latter figure by 936, or the number of hemodialysis one station can perform annually operating at three dialysis shifts per day six days per week, 52 weeks per year (one patient hemodialysis shift is generally five hours long). No attempt was made to differentiate between hemodialysis and peritoneal dialysis patients at this time, as the latter number is actually quite low.

The total number of currently existing chronic dialysis stations, as counted in the Department's November 1982 on-site survey, was broken down by hemodialysis and peritoneal dialysis stations and then converted to annual dialysis capacity or optimal number of treatment capable. (The decision was made to include all chronic dialysis stations in all service categories, including back-up chronic inpatient, home and self-care training, and isolation, as these stations represent a significant number which are used to accommodate the total chronic dialysis patient population under different circumstances and are capable of being used interchangeably. In addition, the total number of stations surveyed was utilized in the need methodology at this time, including those stations under review due to possible discrepancies with numbers of C/N approved stations, as they are apparently in current use and no decision has been made yet as to their final disposition). These dialysis capacity figures were obtained by multiplying the number of hemodialysis stations by 936 dialyses annually (based upon optimum performance of three hemodialysis shifts per day, six days per week, 52 weeks per year) and multiplying the number of peritoneal dialysis stations by 312 dialyses annually (based upon performance of one peritoneal dialysis shifts per day—such shifts can range between eight to 10 hours long, six days per week, 52 weeks per year). The combined optimal hemodialysis and peritoneal dialysis capacity totals were reduced by 15 percent, as 85 percent utilization is generally considered a desirable maximum performance level to allow for flexibility. The combined annual dialysis capacity totals at 85 percent utilization were converted to numbers of patients capable of being dialyzed by now dividing the reduced capacity by 156 dialyses required by each patient.

The number of chronic dialysis stations required to meet the projected patient need for 1985 was obtained by subtracting the current 1982 annual total dialysis capacity or number of treatments capable at 85 percent utilization from the projected 1985 dialysis treatments required. The resulting projected additional (or excess)

dialysis capacity or treatments required then was divided by 795.6 dialysis performed by one station annually at 85 percent utilization ( $936 \times .85 = 795.6$ ).

APPENDIX C

Utilization is determined by the following formula:

$$\frac{\text{Total Number of Chronic Renal (hemodialysis + peritoneal dialysis) Dialyses in 24 months} + \text{transplants}^\dagger}{(1872 \times \text{number of hemodialysis stations}) + (624 \times \text{number of peritoneal stations})} \times 100$$

Note: Based on optimum performance of three hemodialysis shifts per day, six days per week, 104 weeks in a two year period, each hemodialysis station capacity for that period =  $3 \times 6 \times 104 = 1872$ .

Based on the performance of one peritoneal dialysis shifts per day, six days per week, 104 weeks in a two year period, each peritoneal dialysis station capacity for that period =  $1 \times 6 \times 104 = 624$ .

<sup>†</sup>Hospitals having referred their patients for transplant will receive credit for these patients in their calculation of utilization.

(a)

**HEALTH PLANNING AND RESOURCES DEVELOPMENT**

**Certificate of Need: Reviews of Long-Term Care Facilities and Services Long-Term Care Bed Need Methodology**

**Proposed New Rule: N.J.A.C. 8:33H-3.10**

Authorized By: J. Richard Goldstein, M.D.,  
 Commissioner, Department of Health (with approval of Health Care Administration Board).  
 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 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John A. Calabria  
 Department of Health  
 Health Planning Services  
 Room 403  
 CN 360  
 Trenton, NJ 08625

The Department of Health 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 1983-387.

The agency proposal follows:

**Summary**

A new section, N.J.A.C. 8:33H-3.10, Long-Term Care Bed Need Methodology, is being added to N.J.A.C. 8:33H, the Policy Manual for the Planning and Certificate of Need Review of Long-Term Care Facilities and Services within the State of New Jersey. This new section describes a methodology for determining long-term care bed need targets for each county, each health service area, and the State. The methodology targets 4.0 beds per 100 persons age 65-74 and 4.5 beds per 100 persons age 75 and over.

**Social Impact**

As the population age 65 and over grows both in terms of absolute numbers and as a percentage of the total population, planning for appropriate health service delivery for this age cohort becomes most important. Appropriate planning for service delivery to the elderly is important not only because this age group is growing so rapidly, but also because the resources necessary to pay for these services are remaining static or even dwindling.

To date, no definitive or generally accepted ratio or methodology for measuring long-term care bed need has been developed in New Jersey or elsewhere in the nation. This has led to the use of proxy measures of need such as Medicaid long-term care waiting lists and individual long-term care facility waiting lists. However, both the Bed Supply Committee of the State Nursing Home Task Force and the Statewide Health Coordinating Council determined that there is a pressing need for an easily understandable method for developing bed need planning targets. These targets are necessary to guide all participants in the health planning and Certificate of Need review processes and to assure an appropriate supply of beds based on the numbers of elderly in the population.

Most sources indicate that approximately five percent of the nation's elderly are in nursing homes. The national median ratio of beds per capita is between 45 and 50 beds per 1,000 elderly. However, because New Jersey is committed to developing a more balanced long-term care system, incorporating expanded home and community-based care, a ratio of beds per capita slightly lower than the national average is being recommended. The dual proposed ratio of 4.0 beds per 100 persons age 65-74 and 4.5 beds per 100 persons age 75 and over has the benefit of reflecting the differing needs of the old and should thus be sensitive to shifts in the age structure within the elderly population. In addition, planning target ratios slightly below the national average should encourage greater growth in the State's non-institutional long-term care service system.

It must be emphasized that the Department does not view the suggested ratios of beds to elderly population to be immutable. The Department must constantly work with other State departments and the Health Systems Agencies (HSAs) to determine when revisions in the ratios should be made.

Further, the Department recognizes that the bed need figures derived as a result of the proposed methodology are targets and not necessarily ceilings above which a county's bed supply may never rise. Under the current State Medical Facilities Plan, HSAs have and will continue to have the right to recommend bed needs above or below the targets if they can demonstrate that the targets do not accurately reflect the status of the health system or the needs of the population. It is also anticipated that Certificate of Need (CN) decision-makers, when studying the bed need targets and CN requests, will take into account the availability of beds across county and HSA lines, the size and economics of proposed bed additions, and existing occupancy rates.

**Economic Impact**

The proposed new rule describes a methodology for targeting long-term care bed need. It does not impose any new economic burdens on existing or future operators or any agency of State Government.

**Full text** of the proposed new rule follows.

**8:33H-3.10 Long-term care bed need methodology**

(a) Guidelines are as follows:

1. Guideline X-01, bed need methodology:

i. The methodology used to estimate long-term care bed need by county, health service area, and the State as a whole shall be: 4.0 beds per 100 persons age 65-74 and 4.5 beds per 100 persons age 75 and over.

ii. The population estimates to be used in the calculation of bed need shall be those developed by the Office of Demographic and Economic Analysis, New Jersey Department of Labor. However, after consultation with the Statewide Health Coordinating Council (SHCC), and the Health Systems Agencies (HSA's), the Department of Health may develop its own population estimates whenever it is agreed that the Department of Labor's estimates have become outdated.

iii. The Department of Health shall consult at least once yearly with the SHCC and the HSAs to determine whether any revisions to the methodology described in (a) above are necessary.

2. Guideline X-02, exceptions to bed need methodology:

i. The Statewide Health Coordinating Council and the Health Systems Agencies shall have the right to recommend bed needs above or below those derived from using the methodology described in Guideline X-01. Such requests for exceptions must demonstrate that the bed needs derived from the methodology do not accurately reflect the status of the health system or the needs of the population in a county or health service area.

**HUMAN SERVICES**

(a)

**DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES****Lifeline Credit Program  
Tenants Lifeline Assistance Program****Proposed New Rule: N.J.A.C. 10:69B**

Authorized By: George J. Albanese, Commissioner,  
Department of Human Services.

Authority: N.J.S.A. 48:2-29.15 et seq., N.J.S.A. 48:2-29.31 et seq.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 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). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-361.

The agency proposal follows:

**Summary**

The new proposed rule establishes policies and procedures relative to administering the Lifeline Credit Program which was

established by P.L. 1979, Chapter 197, and the Tenants Lifeline Assistance Program (TLAP) established by P.L. 1981, Chapter 210, as it amends and supplements the original legislation.

The intent of both Lifeline and TLAP is to assist certain persons with paying their utility bills which have increased significantly due to rising energy costs. Some of the qualifications are that person(s) must be permanent residents of New Jersey, be either 65 years of age or over or between the ages of 18 and 65 and receiving Social Security Title II disability benefits and have an annual income of less than \$12,000 if single and \$15,000 per year if married (see N.J.A.C. 10:69B-4.2 below). Examples of possible sources of income are noted in the proposal (N.J.A.C. 10:69B-4.2(c)1).

The proposal describes the application process, eligibility standards, recovery process, and method of crediting payment for the Lifeline Credit Program or making payment to a tenant who qualifies for TLAP.

The Bureau of Lifeline Programs within the Division of Medical Assistance and Health Services is responsible for administration.

#### Social Impact

Both programs provide financial relief (to qualified beneficiaries) from the higher utility costs incurred during the heating season.

The impact on electric and gas utilities is economic, not social.

#### Economic Impact

Both the Lifeline Credit Program and TLAP are entirely State funded. A total of \$47,500,000 has been spent during fiscal year 1983 (up to June 1, 1983).

The credit and/or payment for qualified beneficiaries in 1982-83 was \$175.00 per household; this figure is proposed to be increased to \$200.00 in 1983-84.

Full text of the proposed new rule follows:

### CHAPTER 69B LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL

#### SUBCHAPTER 1. LIFELINE CREDIT PROGRAM/ TENANTS LIFELINE ASSISTANCE PROGRAM

##### 10:69B-1.1 Purpose and intent

(a) The intent of the Lifeline Credit Program is to provide a minimum supply of gas and electricity for heating, lighting, cooling, cooking, and other essential household usages, which have been determined to be necessities of life, to those residential utility customers whose level of income and age or physical disability make it difficult to meet the extraordinary and unprecedented energy costs which have been experienced in recent years.

(b) The intent of the Tenants Lifeline Assistance Program is to afford assistance to residents who, by virtue of their level of income and age or physical disability, would be eligible for the Lifeline Credit Program; but because of their living accommodations (their utility costs are included as part of the rental), they do not receive an individual utility bill, and are therefore, ineligible for the Lifeline Credit Program, but who are nonetheless deserving of financial relief from burdensome energy costs.

##### 10:69B-1.2 Legal authority

(a) The New Jersey Lifeline Credit Program was established by P.L. 1979, Chapter 197, as amended and supplemented, N.J.S.A. 48:2-29.15 et seq.

(b) The New Jersey Tenants Lifeline Assistance Program was established by P.L. 1981, Chapter 210, as it amends and supplements P.L. 1979, Chapter 197, N.J.S.A. 48:2-29.31 et seq.

##### 10:69B-1.3 Definitions

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

"Annual income" means all income from whatever source derived, actually received or anticipated.

"Anticipated income" means the amount of income the applicant can reasonably be expected to receive during the calendar year.

"Applicant" means an individual who applies for Lifeline either personally or through an authorized agent.

"Authorized agent" means a person who initiates the Lifeline application for a person who is incompetent or incapable of filing the Lifeline application on his/her behalf.

"Beneficiary" means an individual who has been found eligible for Lifeline benefits.

"Calendar year" means a year beginning January 1 and ending on December 31. It is the base period utilized to determine annual income and Lifeline eligibility.

"Electric utility" means every New Jersey public utility which provides residential electric service, as defined in this section, and is regulated by and subject to the jurisdiction of the Board of Public Utilities. Additionally, any municipality or other governmental entity providing residential electric service, as defined in this section, within the State of New Jersey, shall be deemed an electric utility for the limited purposes of this program.

"Gas utility" means every New Jersey public utility which provides residential gas service, as defined in this section, and is regulated by and subject to the jurisdiction of the Board of Public Utilities. Additionally, any municipality or other governmental entity providing residential gas service, as defined in this section, within the State of New Jersey, shall be deemed a gas utility for the limited purposes of this program.

"Heating season" means the months from October of one year to March of the following year, when utility use increases to meet the consumer demand for heat.

"Household" means all individuals who occupy one or more rooms which constitute separate and distinct living quarters.

"Lifeline" means the Lifeline Credit Program and/or the Tenants Lifeline Assistance Program.

"Lifeline Credit" means a benefit in the form of a credit in an amount established by law made to the utility account of an individual who has been determined to be eligible for the Lifeline Credit Program.

"Previous year" means the calendar year preceding the year in which the person is applying or reapplying for Lifeline. For example, 1982 is the "previous year" when referring to an application which is dated between January 1, 1983 through December 31, 1983.

1. If a person who is required to submit a Federal, State and/or City Income Tax return applies for Lifeline at the beginning of a calendar year but has not yet filed an income tax return for the previous year, the year preceding the previous year is considered to be the last or "previous year" when completing the Lifeline application.

"Resident" means one legally domiciled within the State of New Jersey for a period of 30 days immediately preceding the date of application for inclusion in the Program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile.

"Residential electric service" means electricity supplied by an electric utility, for domestic purposes, through an individual meter to a dwelling unit defined as residential by the individual tariff of the servicing utility.

"Residential gas service" means gas supplied by a gas utility, for domestic purposes, through an individual meter to a dwelling unit defined as residential by the individual tariff of the servicing utility.

"Residential utility customer" means that individual whose name appears on the servicing utility's records and is responsible for payment of the cost of the utilities.

"Tenant" means an individual who is renting or leasing real property as his/her principal residence, which includes but is not limited to apartments, mobile home park sites, residential shareholders in non-profit residential cooperatives or mutual housing corporations, owners of condominiums, or persons who are boarding.

"Tenants Assistance payment" means a benefit in the form of a check in an amount established by law which is issued to an individual who has been determined to be eligible for the Tenants Lifeline Assistance Program.

"Termination of service" means the notification by the residential utility customer to the servicing utility that the residential utility service is to be discontinued.

"Transferable credit" occurs when a customer moves from one principal residence to another principal residence within the service territory of the same electric and/or gas utility.

"Unused Lifeline Credit" means any portion of the Lifeline Credit not applied against an eligible Lifeline beneficiary's utility bill upon the termination of residential electric and/or gas service.

#### 10:69B-1.4 Lifeline Credit/Tenants Lifeline Assistance payment

(a) The Lifeline Credit shall consist of a single amount established by law, which will be applied, on a yearly basis, to the electric and/or gas utility bills of an eligible residential utility customer. Only one credit per year is allowed per household, regardless of the number of eligible residential utility customers living in that household.

1. If the eligible individual is the residential utility customer of only one utility, the total Lifeline Credit shall be applied to the individual's utility account.

2. If the eligible individual is a residential electric utility customer and a residential gas utility customer, one-half of the total Lifeline Credit shall be applied to each one of the eligible individual's utility accounts.

3. When an eligible residential utility customer terminates service, the unused balance of the Lifeline Credit shall be dispersed accordingly.

i. Within 45 days of termination of service, the electric and/or gas utility shall apply the unused balance to the residential utility customer's account before any other credits or deposits are applied when determining the account balance due to or from the customer; or

ii. When a residential utility customer changes his/her principal residence from a residential unit in the service territory of an electric and/or gas utility to an eligible residential unit within the service territory of another electric and/or gas utility and maintains utility service in his/her own name, the unused balance shall be transferred as a credit to the new account of the residential utility customer.

iii. In the event of the death of an eligible residential utility customer, the unused balance shall be transferred to a new account for the same residence if the new residential utility customer is a surviving member of the decedent's household and is eligible, in his/her own right, for Lifeline Credit benefits.

iv. The electric and/or gas utility shall return within 60 days of termination of service, any unused balance, that cannot be transferred as stated in N.J.A.C. 10:69B-1.4(a)3i, ii, iii, to the Treasurer, State of New Jersey, who will redeposit the non-transferrable credits in the Casino Revenue Fund.

(b) The Tenants Lifeline Assistance payment shall consist of a single amount established by law, which on a yearly basis will be issued in the form of a check. Checks will be sent to eligible tenants who indirectly pay for utilities as part of their rental. Only one eligible tenant per household will be allowed to receive such assistance.

1. When an eligible Tenants Lifeline Assistance beneficiary moves prior to the issuance of payment, the beneficiary must notify the Bureau of Lifeline Programs. The beneficiary must request a change of address and submit proof of New Jersey residence and

the Tenants Lifeline Assistance Program check will be forwarded to the beneficiary.

2. When an eligible Tenants Lifeline Assistance Program beneficiary moves out of the State of New Jersey, dies or otherwise is determined ineligible prior to issuance of payment, the check will not be issued.

3. When an eligible TLAP beneficiary has received TLAP payments and subsequently becomes ineligible, payments will be discontinued as soon as the Bureau of Lifeline Programs is aware of the beneficiary's ineligibility.

(c) A Special Utility Supplement has been established to assist Supplemental Security Income (SSI) beneficiaries who are not eligible for Lifeline Credit or Tenants Lifeline Assistance. This yearly supplement amount, established by law, in lieu of Lifeline Credit or Tenants Lifeline Assistance, will be added to each monthly SSI check in an amount equal to 1/12 of the yearly supplement.

1. When an SSI beneficiary is no longer eligible for the SSI Program, any remaining balance of the Special Utility Supplement shall be dispersed accordingly.

i. If the terminated SSI beneficiary is eligible for Lifeline Credit or Tenants Lifeline Assistance the remaining balance of the Special Utility Supplement shall be issued to the individual in the form of a check.

ii. If the terminated SSI beneficiary is not eligible for Lifeline Credit or Tenants Lifeline Assistance, the remaining balance of the Special Utility Supplement shall be returned to the Treasurer, State of New Jersey, and redeposited in the Casino Revenue Fund.

## SUBCHAPTER 2. ADMINISTRATIVE ORGANIZATION

### 10:69B-2.1 Department of Human Services

The Department of Human Services is the administrative unit of the State government designated to administer the Lifeline Programs. As provided in the "Lifeline Credit Program" and "Tenants Lifeline Assistance Program" acts, this Department is authorized to promulgate policies, rules, regulations and procedures as may be deemed necessary to implement the provisions of these acts.

### 10:69B-2.2 Division of Medical Assistance and Health Services

The Division of Medical Assistance and Health Services is the administrative unit within the Department of Human Services responsible for the administration of the Lifeline Programs.

### 10:69B-2.3 Bureau of Lifeline Programs

The Bureau of Lifeline Programs is the unit within the Division of Medical Assistance and Health Services which has the direct responsibility for processing applications and determining eligibility for either program, reimbursing utility companies for credits issued, recovering benefits improperly issued and for authorizing the payment of Lifeline benefits.

### 10:69B-2.4 Agency controls

(a) The Division Director shall establish operating policies to expedite the processing of applications and to assure the maximum possible compliance with the standards set forth in this manual.

(b) The Bureau of Quality Control within the Division of Medical Assistance and Health Services has the responsibility for reviewing a sample of beneficiaries' case records to assure that eligibility determinations are consistent with State law and regulations. A quality control review of sample cases selected on a random basis shall include:

1. An analysis of the beneficiary's case record, including the application, maintained by the Bureau of Lifeline Programs;
2. A personal interview with the beneficiary or the beneficiary's representative(s) to review eligibility information and documentation; and
3. Verification of eligibility factors through collateral contacts.

(c) The Bureau of Medical Care Surveillance of the Office of Program Integrity Administration within the Division of Medical Assistance and Health Services, is responsible for monitoring beneficiaries participating in the Lifeline Programs.

#### 10:69B-2.5 Responsibilities of the utility companies

(a) Each electric and gas utility shall inform each eligible residential utility customer of the Lifeline Credit Program when so directed by the Commissioner of the Department of Human Services.

(b) Each electric and gas utility shall apply only one credit per utility account of an eligible residential utility customer.

(c) Each electric and gas utility shall recover any credits incorrectly made and return any such recoveries to the Treasurer, State of New Jersey, in accordance with the procedure set forth in N.J.A.C. 10:69B-5.1(f) 1 of these regulations.

(d) Each electric and gas utility shall return to the Treasurer, State of New Jersey, any unused credit/balances.

(e) Each electric and gas utility shall maintain records of all credits made to residential utility customers.

(f) Each electric and gas utility shall transfer the Lifeline Credit balance due a residential utility customer to a new utility account if the residential utility customer moves his/her principal place of residence within that utility's service territory.

### SUBCHAPTER 3. APPLICATION PROCESS

#### 10:69B-3.1 General provisions

The application process includes all activity relating to a request for a Lifeline eligibility determination. It begins with the receipt by the Division of Medical Assistance and Health Services of an eligibility application and continues in effect until there is an official disposition of the eligibility request by the Division of Medical Assistance and Health Services.

#### 10:69B-3.2 Authorized agent

(a) In those instances where the applicant is incompetent or incapable of filing a Lifeline eligibility application on his/her own behalf, the Division shall recognize any of the following persons listed in order of priority, as an authorized agent for the purpose of initiating such application:

1. A close relative by blood or marriage; such as, parent, spouse, son, daughter, brother or sister;
2. A representative payee designated by the Social Security Administration;
3. A staff member of a public or private social service agency, of which the person is a client, who has been designated by the client to so act;
4. A friend.

#### 10:69B-3.3 Responsibilities in the application process

(a) Pursuant to statutory authority the Department of Human Services through the Division of Medical Assistance and Health Services, Bureau of Lifeline Programs, establishes procedures on the application process consistent with law and supervises the operation with the policy and procedures so established.

(b) The Bureau of Lifeline Programs has responsibility in the application process to:

1. Explain the purposes and eligibility requirements of the program and indicate the applicant's rights and responsibilities under its provisions;
2. Process applications;
3. Certify to the Treasurer, State of New Jersey, the names of eligible tenants;
4. Notify the utility company(ies) of eligible applicants and the amount of credit to be applied to their accounts;
5. Microfilm eligibility applications and supporting documents and retain microfilm for audit purposes.

(c) The applicant has the responsibility to:

1. Complete the Lifeline eligibility application form truthfully, legibly and accurately.

i. All application questions must be fully answered.

ii. All necessary documentation of eligibility must be submitted to the Lifeline Program.

iii. Read the certification and authorization and sign (or mark) the application.

iv. Obtain the signature (or mark) of the spouse (if married) and the signature of the preparer (if applicable) on the application.

2. Assist the Division of Medical Assistance and Health Services in obtaining documentation that supports his/her statements, when required.

3. Agree to a review by the Division's Bureau of Quality Control staff. Lifeline eligibility may be terminated and benefits recovered if the beneficiary refuses to cooperate with a quality control review.

(d) The beneficiary has the responsibility to notify the Bureau of Lifeline Programs whenever one of the following occurs:

1. He/she moves out of the State of New Jersey.
2. His/her or their annual income increases to an amount which exceeds the eligibility limit.
3. His/her marital status changes.
4. He/she moves anywhere within the State of New Jersey.
5. He/she is determined to be ineligible for continued Social Security Disability benefits.

(e) The beneficiary has the responsibility to repay the State of New Jersey, upon request, for the cost of benefits incorrectly paid on his/her behalf.

### SUBCHAPTER 4. ELIGIBILITY

#### 10:69B-4.1 Eligibility requirements

(a) To be eligible for the Lifeline Credit Program an individual must be a resident and the residential utility customer or the spouse of a residential utility customer and on July 1st of each year or during the succeeding six months satisfy one of the following criteria:

1. Be a Pharmaceutical Assistance to the Aged and Disabled beneficiary or determined to be eligible for PAAD benefits; or
2. Meet the residency, income, and age or disability requirements of the PAAD Program but apply for Lifeline Credit only. (See N.J.A.C. 10:69B-4.8(b).)

(b) When an individual is not a residential utility customer but is a tenant, as defined in N.J.A.C. 10:69-1.3, who has the cost of utilities included in his/her monthly rental and on July 1st or during the succeeding six months, the individual meets the eligibility requirements as outlined in N.J.A.C. 10:69B-4.1(a)1-2, the individual is eligible to receive benefits from the Tenants Lifeline Assistance Program.

#### 10:69B-4.2 Income standards

(a) Any single, permanent resident of New Jersey who is 65 years of age or over or who is under 65 and over 18 years of age and is receiving Social Security Title II disability benefits must have an annual income of less than \$12,000 to be eligible for Lifeline.

(b) Any married permanent resident of New Jersey who is 65 years of age or over or who is under 65 and over 18 years of age and receiving Social Security Title II disability benefits must have a combined (applicant and spouse) annual income of less than \$15,000 to be eligible for Lifeline.

1. An applicant and spouse shall be considered separated when each maintains a separate residence and the applicant does not have access to or receive support from the spouse's income.

2. An applicant and spouse shall be considered separated when the spouse has been institutionalized in a long-term care facility, either skilled or intermediate, or in a State or county psychiatric hospital at least 30 consecutive days prior to application.

(c) All income, from whatever source derived, is considered when determining eligibility for Lifeline.

1. Examples of possible sources of income, (gross amounts unless otherwise noted), are as follows:

- i. Salaries;
- ii. Wages;
- iii. Bonuses;
- iv. Commissions;
- v. Fees;
- vi. Dividends;
- vii. Interest;
- viii. Capital gains;
- ix. Royalties;
- x. Bequests;
- xi. Support payments;
- xii. Unemployment benefits;
- xiii. Pensions (including Social Security);
- xiv. Annuities;
- xv. Retirement benefits;
- xiv. Business income (net).

2. Sources of income which are excluded in determining eligibility for Lifeline are as follows:

i. Benefits received under the New Jersey State Homestead Rebates;

ii. Proceeds from spouse's life insurance.

(d) Upon request by the Division of Medical Assistance and Health Services, the applicant must be able to document the amounts reported on the eligibility application, and will be required to submit photocopies of his/her Federal, State and/or city income tax return and other acceptable evidence.

(e) Lifeline Credit/Tenants Lifeline Assistance eligibility is conferred based upon annual income for the current calendar year, which is estimated at the time of application. Previous year income information is used as a gauge and supplements estimates of current income to determine current eligibility. However, if previous year income exceeds the standard, but current year income is expected to fall within legal limits, an initial applicant may estimate current year income for the purpose of establishing Lifeline eligibility.

(f) Since Lifeline eligibility is based upon actual annual income, if the actual annual income for the current calendar year exceeds the Lifeline income standard, the person will become ineligible for the entire calendar year.

(g) The Bureau of Lifeline Programs shall take necessary action to recover the full amount of payments made on behalf of beneficiaries during an ineligible period, when appropriate.

(h) Lifeline beneficiaries are required to notify the Bureau of Lifeline Programs immediately if their current year income exceeds the established income standard.

#### 10:69B-4.3 Residency requirement

(a) The term resident shall be interpreted to mean a person having his customary place of abode in New Jersey. (See N.J.A.C. 10:69B-1.3, Definitions.)

(b) The applicant must be able to substantiate residence upon request by the Division of Medical Assistance and Health Services, and is required to submit copies of two documents showing evidence of current residence at the time of application. The following are examples of proof of residence:

1. Motor Vehicle records (e.g. valid driver's license);
2. Copy of applicant's Social Security check;
3. Landlord's records and rent receipts;
4. Public utility records and receipts (e.g. electric bill);
5. Personal property assessment records;
6. Records of professional people or businesses (e.g. doctors, department stores, etc.);
7. Post office records;
8. Records of social agencies, public or private;
9. Employment records.

(c) Determination as to continued New Jersey residence of a person absent from this State shall be based upon contact with the applicant by a representative of the Division of Medical Assistance and Health Services.

(d) In determining the continued New Jersey residence of an

absentee, the issue is whether the individual intends to return to New Jersey or remain indefinitely in the other jurisdiction. If a Lifeline beneficiary leaves New Jersey with the intent to establish a principal residence elsewhere, the beneficiary becomes ineligible for benefits and must immediately notify the Bureau of Lifeline Programs of the change of address.

#### 10:69B-4.4 Age

(a) The Lifeline applicant who is 65 years of age or older must be able to document his/her age upon request of the Division of Medical Assistance and Health Services. The applicant must submit a copy of one of the following acceptable proofs of age:

1. Birth certificate;
2. Baptismal certificate;
3. Bris certificate;
4. Social Security form number 2458 (can be obtained from the local Social Security office); or
5. Railroad Retirement letter.

(b) If the applicant cannot supply a copy of one of the proofs of age listed in (a) 1-5 above, the applicant must submit copies of any two of the following acceptable proofs of age:

1. Insurance policy;
2. Driver's license;
3. School record;
4. State or Federal census record;
5. Bible or other family record;
6. Church record of Baptism (age five or after);
7. Confirmation certificate;
8. Marriage record;
9. Employment record;
10. Union record;
11. Military record;
12. Voting record;
13. Delayed birth certificate;
14. Applicant's child's birth certificate;
15. Physician's or midwife's record of applicant's birth;
16. Immigration record;
17. Naturalization record;
18. Passport.

#### 10:69B-4.5 Citizenship

The Lifeline applicant is not required to be a citizen of the United States in order to be eligible for the Lifeline Credit Program/Tenants Lifeline Assistance Program.

#### 10:69B-4.6 Disability

(a) The Lifeline applicant who is under age 65 and over age 18 and receiving Social Security Title II Disability benefits must be able to document his/her Social Security disability determination upon request of the Division of Medical Assistance and Health Services. The applicant must submit a copy of one of the following documents:

1. Applicant's green Social Security Disability check; or
2. Social Security Award Certification (SSA-L30) issued by the Social Security Administration within the last six months of application; or
3. Report of Confidential Social Security Beneficiary Information (SSA-2458).

#### 10:69B-4.7 Utility information

(a) A residential utility customer shall submit documentation of his/her utility account(s) to the Division of Medical Assistance and Health Services before a Lifeline Credit will be applied to his/her account.

1. A residential utility customer shall submit a copy of his/her most recent electric and/or gas bill or statement. The utility statement must be made out in the applicant's or spouse's name.

(b) When an applicant is a tenant and the utility costs are included in the monthly rental, the applicant shall submit the name and address of his/her landlord.

**10:69B-4.8 Lifeline eligibility applications**

(a) The Bureau of Lifeline Programs shall mail a Lifeline Application (LL-1) to all PAAD, Medical Assistance to the Aged, and Medicaid Only beneficiaries, except for those residing in long-term care facilities, that are eligible at anytime between July 1 and December 31, of the current year.

(b) When an individual meets the residency, income, age or disability requirements of the PAAD program and is not an SSI beneficiary and wishes to apply for Lifeline only, the individual shall complete the Lifeline Eligibility Application form LL-3. The LL-3 must be submitted to the Bureau of Lifeline Programs on or before January 31st of the year following the year of the current eligibility period. For example, January 31, 1983, would be the deadline for submission for the eligibility period of July 1, 1982 through December 31, 1982. The submission date shall be determined by the postmark on the Lifeline Eligibility Application envelope.

(c) When the Bureau of Lifeline Programs receives the completed application forms, either LL-1 or LL-3, the Bureau will determine whether the beneficiary is eligible for Lifeline Credit or Tenants Lifeline Assistance and authorize credit/payment accordingly.

**10:69B-4.9 Social Security Account Number**

(a) Each applicant for Lifeline must include his/her Social Security Account Number (SSAN) on the application form. The SSAN, a unique and verifiable number, is utilized to differentiate between persons with the same name. Married persons must also indicate the SSAN of their spouse.

(b) In the event that the applicant does not have a SSAN, a unique identifying number will be assigned by the Bureau of Lifeline Programs. This number will be used to uniquely identify the Lifeline beneficiary.

**10:69B-4.10 Certification**

The applicant for Lifeline benefits must certify that all answers to the questions and items on the application forms, LL-1 and LL-3, are true and accurate to the best of his/her knowledge. This certification must be dated, signed (or marked) by the applicant and spouse (if married), and the preparer of the form (if other than the applicant), before the application can be processed.

**10:69B-4.11 Authorization**

(a) By signing/marking the certification and authorization statement on the application form, the applicant authorizes:

1. The Division of Medical Assistance and Health Services to verify any information on the form by contacting the Social Security Administration, the Internal Revenue Service, the New Jersey Division of Taxation, employers and others as the need arises; and
2. Visitation and review by representatives of the Division's Bureau of Quality Control.

**10:69B-4.12 Eligibility period**

A Lifeline credit shall be applied to the account(s) of a residential utility customer and remain on the account until it is used or the account is terminated. (See N.J.A.C. 10:69B-1.4.)

**SUBCHAPTER 5. RECOVERIES****10:69B-5.1 Benefits incorrectly paid**

(a) The Department of Human Services shall take all necessary action to recover the Tenants Lifeline Assistance payments incorrectly or illegally made or the Lifeline credit incorrectly or illegally applied, on behalf of an electric and/or gas utility customer, from the residential utility customer and any party or parties whose action or inaction resulted in the incorrect payment or from their respective estates, as the case may be. The action shall include, but is not limited to:

1. Requesting the Attorney General to commence civil actions; and/or

2. Reducing subsequent Lifeline benefits to which the beneficiary may be entitled; and/or

3. Reducing New Jersey State income tax refunds to which the beneficiary may be entitled; and/or

4. Reducing New Jersey Homestead Rebates to which the beneficiary may be entitled.

(b) The term "incorrect credit" includes, but is not limited to, credit given to an electric and/or gas residential utility customer who is no longer eligible, or has been incorrectly determined to be eligible to receive credit.

(c) The term "illegal credit" includes, but is not limited to, credits made as a result of any false statement or representation by the applicant, or by the deliberate concealment of a material fact by the applicant.

(d) The term "incorrect payment" includes but is not limited to, payments made to a beneficiary who is no longer eligible, or who has been incorrectly determined to be eligible to receive payment.

(e) The term "illegal payment" includes but is not limited to, payments made as a result of any false statement or representation by the applicant, or by the deliberate concealment of a material fact by the applicant.

(f) For the purposes of carrying out the provisions of this section, no public utility, as defined herein, shall be held liable for any Lifeline Credit either improperly or illegally obtained by a Lifeline beneficiary, once that Lifeline beneficiary has been identified by the appropriate State instrumentality and made known to the utility as an eligible Lifeline beneficiary.

1. When a public utility becomes aware that a Lifeline Credit has been improperly credited to the account of an ineligible customer or that an eligible residential utility customer has been credited in an amount in excess of the statutory limit, the utility shall immediately advise the Bureau of Lifeline Programs. The Bureau will investigate the incident and advise the public utility of the appropriate action to take.

(g) All applicants and beneficiaries shall have the right to a hearing, through the Office of Administrative Law, to contest denials, eligibility determinations or recoveries.

**LAW AND PUBLIC SAFETY****(a)****MOTOR VEHICLE FRANCHISE COMMITTEE****Procedural Rules****Proposed New Rule: N.J.A.C. 13:21-19**

Authorized By: Clifford W. Snedeker, Chairman, Motor Vehicle Franchise Committee.

Authority: P.L. 1982, c.156, C.56:10-16 et seq., specifically Committee 56:10-25.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Chairman  
Motor Vehicle Franchise Committee  
25 So. Montgomery Street  
Trenton, NJ 08666

The Motor Vehicle Franchise Committee 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 1983-385.

The agency proposal follows:

**Summary**

The proposed new rules deal with the recently passed Motor Vehicle Franchise Committee Act, P.L. 1982, c. 156, C. 56:10-16 et seq. The rules establish: (1) a procedure by which franchisees who are not notified by franchisors may file a protest with the Committee; (2) procedures for the filing of notices of intent, protest letters and responsive pleadings with the Committee and parties; (3) procedures for the filing of papers with the Office of Administrative Law; and (4) provision for the denial, suspension or revocation of a dealer license for failure to comply with a determination of the Committee.

**Social Impact**

The proposed new rules implement the Act which was designed to protect motor vehicle franchisees and the public from potentially injurious decisions by motor vehicle franchisors concerning the location of franchises.

**Economic Impact**

There is no economic impact on the State. The party to the hearing who does not prevail shall pay for the prevailing party's costs as well as the costs of the administrative hearing.

Full text of the proposed new rule follows.

**SUBCHAPTER 19. [(Reserved)] MOTOR VEHICLE FRANCHISE COMMITTEE**

13:21-19.1 Notice of intent; copies served on Chairman  
 A motor vehicle shall serve on the Chairman of the Motor Vehicle Franchise Committee an original and three copies of the notice of intent simultaneously served on existing franchisees pursuant to N.J.S.A. 56:10-19. Service shall be made in person, by certified mail return receipt requested or by regular mail.

13:21-19.2 Failure of franchisor to provide actual notice; protest letter; time for filing  
 (a) When a motor vehicle franchisor has failed to provide advance written notice to a motor vehicle franchisee entitled to receive advance written notice pursuant to N.J.S.A. 56:10-19 or did not provide a motor vehicle franchisee with any appeal procedure to which the parties consented, a protesting motor vehicle franchisee may file a protest letter with the Chairman of the Motor Vehicle Franchise Committee.

1. If advance written notice of intent was not served on the protesting franchisee(s), the protest letter shall be filed within 30 days of the date the franchisee(s) first learned of the motor vehicle franchisor's intention to grant, relocate, reopen or reactivate a franchise or establish, relocate, reopen or reactivate a business, or within 10 days of the occurrence of that action, whichever is earlier.  
 2. If advance written notice of intent was not received by the protesting franchisee(s), the franchisee(s) shall include with its protest letter a sworn affidavit detailing when and how the franchisee(s) became aware of the franchisor's intent to perform an action regulated by the Act. An original and three copies of the protest letter and affidavit shall be filed with the Chairman.

13:21-19.3 Protest; copy filed with franchisor and relocating franchisee  
 A copy of the protest filed by a protesting franchisee(s) pursuant to N.J.S.A. 56:10-19, along with a copy of any other documents filed with the Chairman, shall simultaneously be served upon the

franchisor and the franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business.

13:21-19.4 Franchisor's and relocating franchisee's responsive pleadings

(a) A franchisor and a franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business shall file an original and three copies of responsive pleadings with the Chairman within 20 days of receipt of the protest letter.

1. A copy of the responsive pleadings shall simultaneously be served on the protesting franchisee or franchisees.

2. The responsive pleadings shall include the name, address and telephone number of the franchisor's and franchisee's New Jersey counsel.

13:21-19.5 Relocating franchisee; party to Committee's proceedings

A franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business shall be a party to any proceeding conducted by the Committee".

13:21-19.6 Papers filed with Director; papers and envelopes specially marked

All papers required to be filed with the Chairman pursuant to this subchapter shall be filed with the Director of the Division of Motor Vehicles and the papers and envelopes shall be marked "Attention: Motor Vehicle Franchise Committee."

13:21-19.7 Papers, briefs, documents etc. filed with the Office of Administrative Law

Originals and three copies of all papers, briefs, documents and exhibits shall be filed with the Office of Administrative Law in all contested matters which have been transmitted to that office for hearing pursuant to N.J.S.A. 56:10-19.

13:21-19.8 Denial, suspension or revocation of dealer license  
 A motor vehicle dealer license may be denied, suspended, or revoked pursuant to N.J.A.C. 13:21-15 because of failure to comply with a final determination of the Motor Vehicle Franchise committee concerning the granting, relocating, reopening or reactivating of a business.

(a)

**DIVISION OF MOTOR VEHICLES**

**Motor Vehicle Registration  
 Temporary Transit Permits; Vehicle  
 Identification Number Verification**

**Proposed New Rule: N.J.A.C. 13:21-21**

Authorized By: Clifford W. Snedeker, Director, Division of Motor Vehicles.  
 Authority: N.J.S.A. 39:10-4.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 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). The adoption

becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-383.

The agency proposal follows:

#### Summary

The proposed new rule provides for the issuance of temporary transit permits to purchasers of used motor vehicles. The temporary transit permits will authorize purchasers of used motor vehicles to transport their motor vehicles to State Inspection Stations for vehicle identification number verification and motor vehicle equipment inspection. Purchasers of used motor vehicles may thereafter apply for certificates of ownership and registrations.

#### Social Impact

The proposed new rules will effectuate the general purpose of the "Motor Vehicle Certificate of Ownership Law" by regulating and controlling titles to used motor vehicles in this State so as to prevent the sale, purchase, disposal, possession, use or operation of stolen motor vehicles, or motor vehicles with fraudulent titles in this State.

#### Economic Impact

The proposed new rules will have an economic impact on the Division of Motor Vehicles which will implement and administer the permit and vehicle identification number verification programs. The administrative costs will be partially offset by the \$2.00 permit fee which is established in the new rules. The proposed new rules will have a beneficial impact on the State and its citizens in that the incidences of loss resulting from the sale of stolen motor vehicles in this State should be reduced.

Full text of the proposed new rule follows.

### SUBCHAPTER 21. VEHICLE IDENTIFICATION NUMBER VERIFICATION

13:21-21.1 Verification of vehicle identification number; equipment inspection; endorsement of temporary transit permit; surrender of temporary transit permit

(a) The purchaser of a used motor vehicle, as defined in N.J.S.A. 39:10-2, shall, prior to the expiration of the temporary transit permit issued pursuant to N.J.A.C. 13:21-21.2 present the motor vehicle and evidence of ownership in the form of an out-of-state title or an assigned New Jersey certificate of ownership at a State inspection station for verification of the vehicle's identification number and inspection of safety equipment.

(b) The temporary transit permit issued to the purchaser pursuant to N.J.A.C. 13:21-21.2 (Temporary transit permit, etc.) shall be appropriately endorsed at the State inspection station to reflect the purchaser's compliance with the provisions of (a) above.

(c) The purchaser shall surrender the endorsed temporary transit permit to the division when he applies for a certificate of ownership and registration for the motor vehicle.

13:21-21.2 Temporary transit permit; application; fee; endorsement on title

(a) A temporary transit permit shall be issued to a purchaser of a used motor vehicle so that it can be driven to a State inspection station for verification of the vehicle's identification number and inspection of safety equipment.

1. A temporary transit permit shall be valid for five calendar days from the date of issuance.

2. The validity of a temporary transit permit shall not be extended beyond five calendar days.

(b) Application for a temporary transit permit shall be made on a form provided by the division.

1. An applicant for a temporary transit permit shall produce evidence of ownership in the form of an out-of-state title issued in his name, or an out-of-state title or New Jersey certificate of

ownership which has been assigned to him by the prior owner of the motor vehicle.

2. An applicant shall also produce evidence that motor vehicle liability insurance coverage as required by N.J.S.A. 39:6B-1 et seq. is in effect for the motor vehicle.

(c) An applicant for a temporary transit permit shall pay a fee of \$2.00 for the issuance of the permit.

(d) The title document submitted as evidence of ownership shall be endorsed to reflect that a temporary transit permit has been issued for the motor vehicle.

13:21-21.3 Display of the temporary transit permit

A temporary transit permit shall be displayed in the rear window of the motor vehicle so that it can be readily seen to the rear of the vehicle.

(a)

## BOARD OF OPTOMETRISTS

### Optometric Practice Minimum Examination; Record of Conditions

#### Proposed Repeal: N.J.A.C. 13:38-2.1 Proposed New Rule: N.J.A.C. 13:38-2.1

Authorized By: State Board of Optometrists, Leonard Strulowitz, President.

Authority: N.J.S.A. 45:12-4 and 45:12-11v.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Leonard Strulowitz, President  
New Jersey State Board of Optometrists  
1100 Raymond Boulevard  
Room 501  
Newark, NJ 07102

The New Jersey State Board of Optometrists 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 1983-382.

The agency proposal follows:

#### Summary

The proposal seeks to update the current minimum examination regulation so it will remain relevant to the equipment and procedures now available, as well as those which will become available, for use by practicing optometrists. The proposal previously appeared at 13 N.J.R. 370 (1981), but expired because adoption and filing were not completed within the one-year requirement imposed by N.J.A.C. 1:30-4.1(c).

The new text of N.J.A.C. 13:38-2.1 still requires optometrists to perform specific tests on each patient which the Board regards as vitally important in order to provide a thorough optometric examination. The modifications which are proposed by the new rule are only intended to modernize the old rule and bring the former Board standards for patient examinations into more specific and complete terms in order to reflect today's optometrists experience and practice. The regulation is necessary to assure proper vision

care to the public by holding optometrists accountable for the performance of these procedures and the recording of the results.

#### Social Impact

The Board does not foresee a substantial impact on the public since these requirements have been in effect in similar form for the past few years. The textual amendments to the rule merely clarifies the language and brings the various testing procedures more up to date with today's knowledge. Consequently, any impact on the public would be felt by those receiving vision care by optometrists who will benefit by undergoing more thorough and advanced testing during eye examinations.

There should not be any impact felt by optometrists themselves since they have been required to perform and record the procedures under these current N.J.A.C. 13:38-2.1. The proposed new text only incorporates and requires those crucial aspects of patient testing which are already followed by professionals practicing quality optometry.

#### Economic Impact

There is no discernible economic impact as a result of the proposed new rule. The equipment necessary to perform the various aspects of the examination is already required under current regulations and thus does not impose any additional expenditures by optometrists in order to assure compliance with the proposed rule.

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

13:38-2.1 Minimum examination; record of conditions

[(a) As authorized under N.J.S.A. 45:12-11v, an optometrist shall make a complete minimum examination and shall keep a record of the following conditions of every patient examined:

1. Complete history;
2. Naked visual acuity;
3. Detailed report of the external findings;
4. Ophthalmoscopic examination (media, fundus, blood vessels, etc.);
5. Corneal curvature measurements (dioptral);
6. Static retinoscopy;
7. Amplitude of convergence and accommodation;
8. Phoria and duction findings: horizontal and vertical, distance and near;
9. Subjective findings;
10. Fusion;
11. Stereopsis;
12. Color vision;
13. Visual fields (confrontation);
14. Visual fields, central (after age 40);
15. Prescription given and visual acuity obtained;
16. Corneal or scleral tonometry to be performed on every patient after 40 years of age unless contraindicated.]

**(a) As authorized under N.J.S.A. 45:12-11v., the following procedures shall be performed on each and every patient examined and the findings shall be duly recorded:**

1. Complete history;
2. Complete visual acuity findings;
3. Complete examination of the external eye and adnexae;
4. Complete examination of the internal parts of the eye;
5. Corneal measurements (keratometry) must be taken at the time of the original examination;
6. Objective refractive findings;
7. Subjective refractive findings;
8. Extra-ocular measurement (EOM);
9. Fusion, stereopsis, and color vision testing at the time of the original examination;
10. Visual fields; measurement of central and peripheral vision on all patients where indicated and possible;

**11. Tonometry on all patients where possible unless contraindicated.**

**12. Corneal examinations shall be performed by the doctor in the course of fitting contact lenses using a slit-lamp (biomicroscope), or such equipment with equivalent technological capabilities.**

## INSURANCE

(a)

### BOARD OF PUBLIC UTILITIES

#### Bills and Payments for Services Budget Billing Plans

#### Proposed New Rule: N.J.A.C. 14:3-7.11A

Authorized By: Board of Public Utilities, Barbara A. Curran, President.

Authority: N.J.S.A. 48:2-12 and 48:2-13.  
BPU Docket No. 827-609.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eugene J. Byrne, Esq.  
Regulatory Officer  
Board of Public Utilities  
1100 Raymond Boulevard  
Newark, NJ 07102

The Board of Public Utilities 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 1983-364.

The agency proposal follows:

#### Summary

At its public meeting of May 19, 1983 the Board of Public Utilities approved the withdrawal of the pending version of proposed new rule N.J.A.C. 14:3-7.11A which appeared in the September 20, 1982 Register at 14 N.J.R. 1048(a), as PRN 1982-368. In its place, the Board approved a revised version of the proposed new rule concerning budget billing plans.

The proposed new rule provides for a uniform plan applicable to residential customers of gas and electric utilities for budget billing payments to be implemented by all gas and electric utilities in the State of New Jersey under the jurisdiction of the Board of Public Utilities. Currently, each such utility has its own practices concerning budget and payment billing. The rule is intended to permit the Board of Public Utilities to regulate budget billing-payment practices in a uniform manner.

#### Social Impact

The proposed new rule will affect the thousands of residential customers who are currently utilizing the various budget billing and payment plans offered by the gas and electric utilities in the State of New Jersey. The public will benefit from a single uniform plan and from the overview which the Board of Public Utilities would exercise concerning same.

### Economic Impact

The proposed new rule will not have any economic impact on the Board of Public Utilities.

Residential customers of electric and gas utilities will derive an economic benefit as a result of established uniform requirements for monthly projected usage, reviews of budget plans, and the right to negotiate a deferred payment agreement. If a customer elects to go off the budget plan, he may not be required to pay a down payment of more than 25 percent of the total outstanding bill due at the time a deferred payment agreement is made or executed.

Full text of the proposed new rule follows.

14:3-7.11A Requirements for budget billing and payment plans of gas and electric utilities for residential accounts

(a) Each gas and electric utility shall have available at request a budget billing and payment plan for residential accounts having the characteristics set forth below.

1. The plan shall be voluntary.

2. The projected monthly budget amount shall be determined by the following factors:

i. Usage on the account for the past season;

ii. Actual weather conditions encountered during the past season as compared to normal year;

iii. Base rate increases and levelized energy or levelized raw material adjustment charges actually granted by the Board of Public Utilities and in effect at the time plan is established; and

iv. Projected changes in the levelized energy or levelized raw material adjustment charges.

3. The utility company shall have the authority to determine the time frame of the plan, 10, 11 or 12 months. Any change in time frame will require prior approval by the Board of Public Utilities.

4. If a customer is a new customer with little or no prior use, the monthly budget amount shall be determined by a reasonable estimate of likely usage.

5. A comparison shall be made between the actual cost of service rendered, as determined by actual meter readings, and the monthly budget amount as follows:

i. The comparison shall be made at least once in the budget plan year;

ii. The comparison shall take into account consumption and any rate increases or decreases that have been granted by the Board of Public Utilities, including increases or decreases in the levelized energy or levelized raw material adjustment charges;

iii. If and when a comparison reveals an increase or decrease of 25 percent or more in the monthly budget amount, the monthly budget amount shall be adjusted upwards or downwards, as the case may be, for the balance of the budget plan year to minimize the adjustment required at the end of the budget plan year between the monthly budget amount and the actual cost of service rendered during the budget plan year; there shall be no more than one such adjustment during the budget plan year;

iv. A final bill for a budget plan year shall be issued at the end of the budget plan year and shall contain that month's monthly budget amount plus an adjustment of any difference between said amount and the actual cost of the service rendered during the budget plan year; and

v. A utility shall notify plan customers in writing of a revised monthly budget amount at least 10 working days before the due date of the initial bill of the next budget plan year.

6. The plan shall be offered by a bill insert or bill message to eligible customers at least twice in each 12 month period.

7. The plan bill shall contain the information required by N.J.A.C. 14:3-7.9 (Form of bill for metered service), N.J.A.C. 14:3-7.10 (Form of bill for unmetered service) and N.J.A.C. 14:3-7.11 (Method of billing). In addition, the plan bill shall show the monthly budget amount, budget balance and, when feasible, the budget billing to date and the actual cost of service rendered billing to date.

8. A customer may go off a plan anytime he desires, in which event the customer shall pay the amount owed for service rendered or agree to a stipulated payment agreement according to N.J.A.C. 14:3-7.13(c).

(b) A plan currently constituted and in place on the effective date of these regulations shall remain in effect until expiration of the plan. Upon renewal of a plan the regulations promulgated herein shall apply.

(c) Each gas and electric utility shall file with the Board a copy of its budget billing and payment plan.

## TRANSPORTATION

### (a)

## TRANSPORTATION OPERATIONS

### Speed Limits For State Highways Route 36

#### Proposed Repeal: N.J.A.C. 16:28-1.75 Proposed New Rule: N.J.A.C. 16:28-1.75

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-98.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 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  
CN 600  
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 1983-362.

The agency proposal follows:

#### Summary

The proposal will establish maximum speed limits along Route 36 in Eatontown Borough, West Long Branch Borough, Long Branch City, Monmouth Beach Borough, Sea Bright Borough, Highlands Borough, Middletown Township, Atlantic Highlands Borough, Keansburg Borough, Hazlet Township, Union Beach Borough and Keyport Borough in Monmouth County for the safe and efficient flow of traffic along the highway system.

Based upon requests from the local officials, engineering studies were conducted by the Traffic Engineering Bureau of the Department. The engineering studies found that the establishment of speed limits, as requested by the local officials, were warranted.

The Department therefore, proposes to repeal the current text of N.J.A.C. 16:28-1.75 and propose a new rule in its place in compliance with local officials' requests. Appropriate signs will be erected advising the motoring public.

#### Social Impact

The proposal will establish speed limits along the route at

mileposts and in areas designated for the safe and efficient flow of traffic and the enhancement of the safety of the populace in Monmouth County.

**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]).

**16:28-1.75 Route 36**

(a) The rate of speed designated for the certain part of State highway Route number 36 described in this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. 50 miles per hour from Route 35 to Valley Drive, Atlantic Highlands; thence
2. 45 miles per hour to the Borough of Atlantic Highlands Township of Middletown corporate line; thence
3. 50 miles per hour to a point 200 feet east of Nevasink Avenue, Highlands; thence
4. 45 miles per hour to Rumson Road (Corner Rd. number 520), Sea Bright; thence
5. 30 miles per hour to a point 100 feet south of Center Street; thence
6. 45 miles per hour to the Borough of Monmouth Beach-City of Long Branch corporate line;
7. The legal speed limits through school zones shall be subject to the provisons of N.J.S.A. 39:4-98(A).]

**16:28-1.75 Route 36**

(a) The rate of speed designated for the certain parts of State highway Route 36 described in this section shall be established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic in Monmouth County:
  - i. Zone 1:
    - (1) Eatontown Borough: 55 miles per hour between Hope Road and the northernmost Eatontown Borough-southernmost West Long Branch Borough line. (milepost 0.00 to 2.40)
    - (2) West Long Branch Boroguh: 55 miles per hour between the northernmost Eatontown Borough-southernmost West Long Branch Borough line and County Route 537. (milepost 2.40 to 3.28)
  - ii. Zone 2:
    - (1) West Long Branch Borough: 45 miles per hour between County Route 537 and Ocean Port Avenue. (milepost 3.28 to 3.74)
  - iii. Zone 3:
    - (1) West Long Branch Boroguh: 35 miles per hour between Ocean Port Avenue and the northernmost West Long Branch Borough-southernmost Long Branch City line. (milepost 3.74 to 3.90)
    - (2) Long Branch City: 35 miles per hour within the corporate limits except with a 25 miles per hour school zone for the Gregory Elementary School zone, during recess or while children are going to or leaving, during opening and closing hours. (milepost 3.90 to 6.50)
  - iv. Zone 4:
    - (1) Monmouth Beach Borough: 45 miles per hour between New Ocean Avenue and the northernmost Monmouth Beach Borough-southernmost Sea Bright Borough line. (milepost 6.50 to 8.12)
    - (2) Sea Bright Borough: 45 miles per hour between the northernmost Monmouth Beach Borough-southernmost Sea Bright Borough line and Imbrie Place. (milepost 8.12 to 8.40)
  - v. Zone 5:
    - (1) Sea Bright Borough: 40 miles per hour between Imbrie Place and Osborn Street. (milepost 8.40 to 9.03)
  - vi. Zone 6:

(1) Sea Bright Borough: 30 miles per hour between Osborn Street and 500 feet north of Rumson Road (County Route 520). (milepost 9.03 to 9.59)

vii. Zone 7:
 

- (1) Sea Bright Borough: 45 miles per hour between 500 feet north of Rumson Road (County Route 520) and the northernmost Sea Bright Borough-southernmost Highlands Borough line. (milepost 9.59 to 11.78)
- (2) Highlands Borough and Middletown Township: 45 miles per hour between the northernmost Sea Bright Borough-southernmost Highlands Borough line and 200 feet north of Navesink Avenue, except with a 30 miles per hour school zone for the Highlands School zone, during recess or while children are going to or leaving, during opening or closing hours. (milepost 11.78 to 13.29)

viii. Zone 8:
 

- (1) Middletown Township: 50 miles per hour between 200 feet north of Navesink Avenue and the Middletown Township-southernmost Atlantic Highlands Borough line. (milepost 13.29 to 14.60)

ix. Zone 9:
 

- (1) Atlantic Highlands Borough: 45 miles per hour within the corporate limits. (milepost 14.60 to 15.48)

x. Zone 10:
 

- (1) Middletown Township: 50 miles per hour between the northernmost Atlantic Highlands Borough-Middletown Township corporate line (Many Mind Creek) and the northernmost Middletown Township line. (milepost 15.48 to 20.50)
- (2) Hazlet Township-Keansburg Borough-Union Beach Borough-Key Port Borough: 50 miles per hour within the corporate limits. (milepost 20.50 to 24.53)

(a)

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Route 28**

**Proposed Amendment: N.J.A.C. 16:28A-1.19**

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-197.5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 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  
CN 600  
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 1983-363.

The agency proposal follows:

**Summary**

The proposal will establish a restricted parking space along Route

28 at 254 Westfield Avenue in the City of Elizabeth, Union County for the use of persons who have been issued special Vehicle Identification Cards by the Division of Motor Vehicles. Based upon a request from local officials, engineering studies were conducted by the Department's Bureau of Traffic Engineering. The engineering studies found the establishment of the handicapped parking space warranted.

The Department, therefore, proposes to amend N.J.A.C. 16:28A-1.19 in compliance with the request of the officials. Appropriate signs will be erected to advise the motoring public.

**Social Impact**

The proposal will establish restricted parking space for handicapped persons along Route 28 and in the area designated for the enhancement of safety and the facility of entering and exiting the establishment.

**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-1.19 Route 28

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

**(d) The certain parts of State highway Route 28 described in this section shall be designated and established as Restricted Parking Space, for the use of persons who have been issued special Vehicle Identification Cards by the Division of Motor Vehicles. No other person shall be permitted to park in these areas.**

**i. Restricted parking in the City of Elizabeth, Union County:**

**(1) Handicapped parking at 254 Westfield Avenue, at a point 376 feet east of the easterly curb line of Magie Avenue (where, if an imaginary line were drawn along this curb line and it was connected to the south curb line of Westfield Avenue), along the south curb line of Westfield Avenue and continuing easterly for a distance of 25 feet.**

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 1983-395.

The agency proposal follows:

**Summary**

The proposed amendment reflects the policy that the provisions of Chapter 198, Laws of 1983, which permit certain eligible members of the Teachers' Pension and Annuity Fund to purchase pension credit for certain prior military service, will be administered in the same manner as are the provisions of Chapter 451, Laws of 1981, which provided similar benefits to members of the Public Employees' Retirement System.

**Social Impact**

The proposed amendment may affect present and future veteran members of the Teachers' Pension and Annuity Fund who may desire to purchase service credit for certain prior military service.

**Economic Impact**

The eligible members desiring to purchase credit for their military service will be required to pay the entire cost of such purchases. To the extent that such purchases will increase the retirement benefits for such individuals, the taxpaying public may ultimately share in such costs also.

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

17:1-4.11 Purchase terms; computation; employee pay-all

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

**(d) Pursuant to the provisions of Chapter 451, Laws of 1981, and Chapter 198, Laws of 1983, the following shall apply:**

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

**(b)**

**DIVISIONS OF PENSIONS**

**Police and Firemen's Retirement System  
Membership  
Creditable Salary**

**Proposed Amendment: N.J.A.C. 17:4-4.1**

Authorized By: Board of Trustees of the Police and Firemen's Retirement System, Anthony Ferrazza, Secretary.

Authority: N.J.S.A. 43:16A-13(7).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Ferrazza, Secretary  
Police and Firemen's Retirement System  
Division of Pensions  
20 West Front Street  
CN 295  
Trenton, NJ 08625

The Police and Firemen's Retirement System 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 1983-391.

**TREASURY-GENERAL**

**(a)**

**DIVISION OF PENSIONS**

**Claims and Credit  
Purchases; Computation; Employee Pay-All**

**Proposed Amendment: N.J.A.C. 17:1-4.11**

Authorized By: Division of Pensions, William J. Joseph, Director.

Authority: N.J.S.A. 52:18A-96.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director  
Division of Pensions  
20 West Front Street  
CN 295  
Trenton, NJ 08625

The Division of Pensions thereafter may adopt this proposal without

The agency proposal follows:

**Summary**

The proposed amendment attempts to standardize the definition of creditable salary within the Police and Firemen's Retirement System with comparable definitions of the same terms in the other State-administered retirement systems. This proposal does not substantively alter the current definition of creditable salary but rather clarifies the same.

**Social Impact**

The proposed amendment may affect current and future members of the Police and Firemen's Retirement System as well as their designated beneficiaries.

**Economic Impact**

Since this proposal does not substantively alter any of the system's benefits or costs but is merely a clarification of existing procedures and terms, there is no adverse economic impact related to this proposal.

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

17:4-4.1 Creditable salary

[(a) "Earnable compensation" or the phrase "compensation upon which contributions by the member to the Annuity Savings Fund were based" shall not include retroactive salary adjustments if the increases are not of a normal, overall, published program of increases.

(b) Bonus or overtime payments are not to be considered for purpose of the act.

(c) Longevity, terminal leave or vacation payments will not be considered if paid in a lump sum or other than as a regular salary disbursement.]

**(a) Only a member's base salary shall be subject to pension contributions and creditable for retirement and death benefits in the system.**

**(b) The board shall reserve the right to question any salary to determine its credibility where it is evident from the record that a salary reported for benefits includes extra compensation.**

**(c) Such extra compensation shall not be considered creditable for benefits and all contributions made thereon shall be returned.**

**(d) Some of the forms of compensation that have been defined as extra compensation include overtime; bonuses; longevity lump sum payments; individual retroactive salary adjustments or individual adjustments to place a member at the maximum of his or her salary range in the final year of service; increments granted for retirement credit or in recognition of the member's forthcoming retirement or in recognition of the member's years of service in the community.**

**(e)[(d)] All claims involving an increase in compensation of more than 15 percent over that of the previous year, as reported to the retirement system, shall be investigated. Those cases where a violation of the statute is suspect shall be referred to the board.**

**OTHER AGENCIES**

(a)

**CASINO CONTROL COMMISSION**

**Gaming Equipment  
Gaming Chips; Value and Non-Value; Physical  
Characteristics  
Primary and Secondary Sets of Gaming  
Chips**

**Proposed Amendments: N.J.A.C. 19:46-1.1  
and 1.3**

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.  
Authority: N.J.S.A. 5:12-63(c), 5:12-69(a) and 5:12-70(i).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello  
Deputy Director - Operations  
Casino Control Commission  
Division of Financial Evaluation and Control  
Princeton Pike Office Park  
Building No. 5  
CN 208  
Trenton, NJ 08625

The Casino Control Commission 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 1983-392.

The agency proposal follows:

**Summary**

The proposed amendment to N.J.A.C. 19:46-1.1 would define the physical characteristics of \$1,000 and \$5,000 chips and would allow the Commission to approve, with certain requirements, \$1,000 and \$5,000 chips at variance with the defined characteristics. The amendment would also prohibit the use of \$.25, \$10.00 and \$50.00 chips. Weekly impressments of non-value chips would be required and characteristics of non-value chips are redefined. Also, any person licensed by the Commission would be prohibited from issuing to any casino outside Atlantic City, value chips with the same edge markings as those chips approved for use in Atlantic City casinos.

The proposed amendment to N.J.A.C. 19:46-1.3 would require casinos to maintain a reserve non-value chip and would eliminate the necessity of a secondary set of \$1,000 and \$5,000 chips.

**Social Impact**

The social impact will be minimal and will result from the public use of high denomination chips which may be slightly larger than the chips presently utilized.

**Economic Impact**

There may be a slight economic impact due to the fact that casinos would perform impressments on a weekly, as opposed to a daily, basis.

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

19:46-1.1 Gaming chips; value and non-value; physical characteristics

(a) Each gaming chip issued by a casino shall be round in shape, be 1-9/16 inches in diameter and have clearly and permanently impressed, engraved or imprinted thereon the name of the casino issuing it and the specific value of the chip except that a casino may issue gaming chips without a value impressed, engraved or imprinted thereon for the purpose of gaming at roulette. Gaming chips with a value contained thereon shall be known as "value chips" and gaming chips without a value contained thereon shall be known as "non-value chips".

(b) Value chips may be issued by a casino licensee in denominations of [\$ .25] \$.50, \$1.00, \$2.50, \$5.00, [\$10.00,] \$20.00, \$25.00, [\$50.00,] \$100.00, [and] \$500.00 [ .], **\$1,000**, and **\$5,000**. It, however, shall be within the discretion of the casino licensee to determine which of these denominations will be utilized in [his] its casino and what amount of each denomination will be necessary for the conduct of gaming operations in the casino.

(c) Each denomination of value chip shall have a different primary color from every other denomination of value chip. [As of January 1, 1979,] [t]The primary color to be utilized by each casino licensee for each denomination of value chip shall be:

[1. \$0.25 - "Gray" which shall mean that color classified an N 5/ on the Munsell System of Color Coding which shall be reproduced to within the following tolerances:

	Upper Limit		Lower Limit
Value	V - N 5.5/	to	V-N4.5/
Chroma	5R 5/0.5	to	5B 5/0.5
	5Y 5/0.5	to	5P 5/0.5
	5G 5/0.5]		

[2.]1. \$0.50 - ["Blue"] "**Mustard Yellow**" which shall mean that color classified as [2.5PB 4/10] **5Y 7/6** on the Munsell System of Color Coding which shall be reproduced to within the following tolerances:

	Upper Limits		Lower Limits
Hue	H+ [5BP 4/10] <b>7.5Y 7/6</b>		H- [10B 4/10] <b>2.5Y 7/6</b>
Value	V + [2.5PB 4.5/10] <b>5Y 8/6</b>		V-[2.5PB 3.5/10] <b>5Y 6/6</b>
Chroma	C + [None] <b>5Y 7/8</b>		C-2.5PB 4/9] <b>5Y 7/4</b>

[3.]2. (No change in text.)

[4.]3. \$2.50 - "Pink" which shall mean that color classified as 2.5R 6/10 on the Munsell System of Color Coding which shall be reproduced to within the following tolerances:

	Upper Limits		Lower Limits
Hue	H + 3.75R 6/10		H- 1.25R 6/10
Value	V + 2.5R 6.75/10		V- 2.5R 5.75/10
Chroma	C + 2.5R 6/12		C- 2.5R 6/8

[5.]4.\$5.00 - "Red" which shall mean that color classified as 2.5R 4/12 on the Munsell System of Color Coding which shall be reproduced to within the following tolerances:

	Upper Limits		Lower Limits
Hue	H + 3.75R 4/12		H- 1.25R 4/12
Value	V + 2.5R 4.5/12		V- 2.5R 3.5/12
Chroma	C + 2.5R 4/14		C- 2.5R 4/10

[6. \$10.00 - "Brown" which shall mean that color classified as 2.5YR 3.5/6 on the Munsell System of Color Coding which shall be reproduced to within the following tolerances:

	Upper Limits		Lower Limits
Hue	H + 5YR 3.5/6		H- 10R 3.5/6
Value	V + 2.5YR 4/6		V- 2.5YR 3/6
Chroma	C + 2.5YR 3.5/7		C 2.5YR 3.5/4.5]

[7.]5. (No change in text.)

[8.]6. (No change in text.)

[9. \$50.00 - "Orange" which shall mean that color classified as 2.5YR 6/14 on the Munsell System of Color Coding which shall be reproduced to within the following tolerances:

	Upper Limits		Lower Limits
Hue	H + 3.75YR 6/14		H- 1.25 YR 6/14

Value	V + 2.5YR 6.5/14	V- 2.5YR 5.5/14
Chroma	C + 2.5YR 6/16	C- 2.5YR 6/12]

[10.]7. (No change in text.)

[11.]8. (No change in text.)

9. **\$1,000 - "Fire Orange"** which shall mean that color classified as **8.9R 5.9/18.5** on the Munsell System of Color Coding which shall be reproduced to within the following tolerances:

	Upper Limits		Lower Limits
Hue	H + .15YR 5.9/18.5		H- 7.64R 5.9/18.5
Value	V + 8.9R 6.4/18.5		V- 8.9R 5.4/18.5
Chroma	C + 8.9R 5.9/20.5		C- 8.9R 5.9/16.5

10. **\$5,000 - "Gray"** which shall mean that color classified as **N 5/** on the Munsell System of Color Coding which shall be reproduced to within the following tolerances:

	Upper Limits		Lower Limits
Value	V + N 5.5/	to	V- N 4.5/
Chroma	<b>5R 5/0.5</b>		<b>5B 5/0.5</b>
	<b>5Y 5/0.5</b>		<b>5P 5/0.5</b>
	<b>5G 5/0.5</b>		

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

(d) [As of January 1, 1980,] [e]Each denomination of value chip utilized in a casino shall, unless otherwise authorized by the Commission:

1. - 2. (No change.)

3. Have its circumference so designed so as to be able to determine on closed circuit black and white television the specific denomination of such chip when placed in a stack of chips of other denominations; and

(e) [All value chips utilized by a casino licensee prior to January 1, 1980, that do not conform to the specifications contained in subsections (c) and (d) of this section shall be retired as of that date or by such other date as the Commission may direct.] **Notwithstanding the above, the Commission shall have the discretion to approve a value chip in the denomination of \$1,000 or \$5,000 at variance with the requirements of this section provided that any variation is specifically identified as such by the casino licensee and approved as an acceptable alternative by the Commission and provided further that said variation does not affect the control, security or integrity of said chips or the operation of the games.**

(f) Each non-value chip utilized in a casino shall be issued solely for the purpose of gaming at roulette. The non-value chips at each roulette table shall:

1. [h]Have the name of the casino issuing them molded into the center of such chip [and];

2. [shall] [c]Contain a [numeral,] design, insert or symbol differentiating those chips from the non-value chips being used at every other roulette table in the casino;[. Non-value chips issued at a roulette table shall only be used for gaming at that table and shall not be used for gaming at any other table in the casino nor shall any casino licensee or his employees allow any casino patron to remove non-value chips from the table from which they were issued.]

3. Have "**Roulette**" impressed in the rim; and

4. Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such chips.

(g) Each casino licensee shall utilize contrasting secondary colors or designs for the edge spots on non-value chips.

(h) Non-value chips issued at a roulette table shall only used for gaming at that table and shall not be used for gaming at any other table in the casino nor shall any casino licensee or its employees allow any casino patron to remove non-value chips from the table from which they were issued.

[(g)](i) No person at a roulette table shall be issued or permitted to game with non-value chips that are identical in color and design to value chips or to non-value chips being used by another person at the same table. When a patron purchases non-value chips, [the

specific value to be assigned to each such] a chip of the same color shall be [indicated by the placement of a marker button containing the value of the chips] placed in a slot or receptacle attached to the outer rim of the roulette wheel.[compartment above the specific stack of chips to which it relates.] At that time, a marker button denoting the value of a stack of 20 chips of that color shall also be placed in the slot or receptacle.

[(h)](j) (No change in text.)

[(i)](k) (No change in text.)

[(j)] Whenever any of a given color on non-value chips are missing from a roulette table, the remaining chips of that color shall be taken immediately out of use and retired until such time as the casino licensee obtains the approval of the Chairman or his designee to return such chips to active play. Any non-value chips missing from a roulette table shall be expeditiously reported to the Commission and Division.]

(l) An impressment of each roulette table on the gaming floor shall be completed once a week, at a minimum, on specific days and at times designated by the casino licensee on a schedule which shall be filed with the Commission and Division. The casino licensee shall record the results of such impressment in the Chip Inventory Ledger and shall utilize a "Non-Value Roulette Chip Impressment" form to perform such impressments as follows:

1. At the end of swing shift:

i. A casino department supervisor shall complete the "Non-Value Roulette Chip Impressment" form to record missing and excess chips and shall deliver the forms and excess chips to the main bank or fill bank; and

ii. A Cage Cashier shall prepare the chips needed to impress the tables.

2. Prior to opening the roulette tables for gaming:

i. A casino department supervisor shall deliver the chips needed to impress each table to each pit.

(m) The completed "Non-Value Roulette Chip Impressment" form shall be maintained by the Accounting Department and shall contain, at a minimum, the following:

1. Date and time of preparation;

2. Design schematic of the chip and the applicable table number;

3. Signature of the supervisor completing the "Non-Value Roulette Chip Impressment" form;

4. Signature of the Cage Cashier preparing the impressment; and

5. Signature of the supervisor who receives the chips from the Cage Cashier for delivery to each pit.

(n) Each casino licensee shall submit to the Commission and Division a monthly summary of the non-value chip inventory for each table/design by color which shall include, at a minimum, the following:

1. The balance on hand at the beginning of the month;

2. The number of non-value chips distributed to the gaming tables during the month;

3. The number of non-value chips returned to inventory during the month; and

4. The balance on hand at the end of the month.

[(k)](o) (No change in text.)

(p) No casino licensee or other person licensed by the Commission shall manufacture for, sell to, distribute to or use in any casino outside of Atlantic City, any value or non-value gaming chips having the same edge design as those approved for use in Atlantic City casinos.

19:46-1.3 Primary, [and] secondary and reserve sets of gaming chips

(a) Unless otherwise authorized by the Commission, each casino licensee shall have a primary set of gaming chips [and], a separate secondary set of [gaming] value chips [both of] and a reserve non-value chip which shall conform to the color and design specification contained in N.J.A.C. 19:46-1.1. [except that]

(b) [t]The secondary set of value chips shall [only be required for denominations over \$5.00 and shall] have different secondary colors than the primary set, and shall be required for denominations over \$5.00 except that a secondary set is not required for the \$1,000 or \$5,000 chips. The casino licensee may, however, submit for approval, in accordance with N.J.A.C. 19:46-1.1, design schematics and samples for a secondary set of \$1,000 and \$5,000 chips.

(c) Each casino licensee shall have a reserve non-value chip for each color utilized in the casino with a design insert or symbol different from those non-value chips comprising the primary set.

[(b)](d) The casino licensee shall [place into] remove the primary set of gaming chips from active play [the secondary set of gaming chips] whenever it is believed the casino is taking on counterfeit chips or whenever any other impropriety or defect in the utilization of the primary set of chips makes [use] removal of the [secondary] primary set necessary or whenever the commission or its designee so directs. An approved secondary set of value chips and a reserve non-value chip shall be placed into active play whenever the primary set is removed.

[(c)](e) Whenever the [secondary] primary set of chips is [placed into] removed from active play, the casino licensee shall notify immediately a representative of the commission and division of this fact and the reasons for [the utilization of the secondary set of chips] such occurrence.

(a)

## CASINO CONTROL COMMISSION

### Rules of the Games

### Craps: Permissible Wagers; Payout Odds

### Proposed Amendments: N.J.A.C. 19:47-1.2 and 1.4

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-63(c), 69(a), 70(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello  
Deputy Director—Operations  
Casino Control Commission  
Division of Financial  
Evaluation and Control  
3131 Princeton Pike Office Park  
Building No.5  
CN 208  
Trenton, NJ 08625

The Casino Control Commission 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 1983-394.

The agency proposal follows:

#### Summary

The proposed amendment will formalize and clarify the existing procedures for the acceptance and payment of a "Horn High Bet" at the game of craps.

**Social Impact**

There will be no additional social impact since the amendments simply formalize procedures which are presently in effect.

**Economic Impact**

There will be no economic impact since all casinos presently offer the "Horn High Bet" wager and have included such wager as part of their 99 Submissions.

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

19:47-1.2 Permissible wagers

(a) The following shall constitute the definitions of permissible wagers at the game of craps:

1.-18. (No change.)

**19. "Horn High Bet" shall mean a wager that may be made at any time which shall win if any one of the totals 2, 3, 11 or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown. A Horn High Bet shall be placed in units of five with four units wagered as a Horn Bet and an additional unit wagered on one of the totals 2, 3, 11 or 12. A casino licensee that does not have a designated area on its layouts for the acceptance of a Horn High Bet shall break down the wager into two separate wagers on the "Horn" and one of the totals 2, 3, 11 or 12.**

(b) (No change.)

19:47-1.4 Payout odds

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

(c) A Horn Bet **and Horn High Bet** shall be paid as if [it] **they** were four separate wagers on 2, 3, 11 and 12.

(d) (No change.)

(a)

**CASINO CONTROL COMMISSION****Rules of the Games****Blackjack: Drawing of Additional Cards by Players and Dealers****Proposed Amendment: N.J.A.C. 19:47-2.12**

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-63(c), 69(a), 70(f).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello  
Deputy Director - Operations  
Casino Control Commission  
Division of Financial Evaluation & Control  
3131 Princeton Pike Office Park  
Building No. 5, CN 208  
Trenton, NJ 08625

The Casino Control Commission 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 1983-393.

The agency proposal follows:

**Summary**

The proposed regulation would specifically prohibit a player having a "soft total" of 21 from drawing additional cards. A "soft total" of 21 is a hand in which an ace is counted as 11.

**Social Impact**

Casino personnel will be required to inform a patron that he or she may not draw cards with a "soft total" of 21. Therefore, patrons will be protected from mistakenly requesting cards when already possessing a "21".

**Economic Impact**

The proposed regulation may promote more winning hands for players having "soft totals" of 21 by specifically prohibiting patrons from drawing cards which may result in a lower point total.

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

19:47-2.12 Drawing of additional cards by players and dealers

(a) A player may elect to draw additional cards whenever his point count total is less than 21 except that:

1. A player having Blackjack or a hard **or soft** total of 21 may not draw additional cards;

2.-3. (No change.)

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

# RULE ADOPTIONS

## ADMINISTRATIVE LAW

(a)

### OFFICE OF ADMINISTRATIVE LAW

#### Uniform Administrative Procedure Rules of Practice Jurisdiction of the Office of Administrative Law

##### Notice of Correction: 1:2-3.1

An error appears in the March 21, 1983 issue of the New Jersey Register at 15 N.J.R. 436(a) concerning Applicability; scope. N.J.A.C. 1:2-3.1 should have appeared as follows:

1:2-3.1 Applicability; scope

These rules for the conduct of hearings on the papers shall apply on an experimental basis to contested cases from the Division of Motor Vehicles dealing with disciplinary actions, other than license revocations, \*[due to]\* **for**\* accumulating excessive points \*[and to driving while suspended or revoked]\*.

(b)

### OFFICE OF ADMINISTRATIVE LAW

#### Uniform Administrative Procedure Rules of Practice Jurisdiction of the Office of Administrative Law

##### Adopted New Rule: N.J.A.C. 1:20

Proposed: August 16, 1982, at 14 N.J.R. 862 (a).

Adopted: July 12, 1983 by Howard H. Kestin, Director, Office of Administrative Law.

Filed: July 14, 1983 as R.1983 d.305, **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. 52:14F-5e, f and g.

Effective Date: August 1, 1983.

Expiration Date pursuant to Executive Order No. 66 (1978): August 1, 1988.

##### Summary of Public Comments and Agency Responses:

These rules are being adopted after consultation with the PERC Appeals Board. The rules are in implementation of N.J.S.A. 34:13A-5.6. Essentially, N.J.S.A. 34:14A-5.6 provides a procedure whereby non-union public employees who are required to pay a fee in lieu of dues to unions which represent them, may

demand the return of those portions of the fees which are used by the unions either for members-only benefits or for partisan political and other similar purposes.

##### Alternate Discussion of Federal Litigation

United States District Court Judge Dickinson R. Debevoise, in three separate opinions, granted preliminary injunctive relief to public employee plaintiffs seeking to prohibit collection from them of representation fees in lieu of dues. In these opinions, which afford relief at present only to the named plaintiffs, Judge Debevoise has stated, in his opinions of September 28, 1982, March 16, 1983, and June 15, 1983, that portions of N.J.S.A. 34:13A-5.5 and 5.6 are unconstitutional. He found that the use of non-members' fees for any type of lobbying activities violates non-members' First Amendment rights. Additionally, he determined that the statutory demand and return system was inadequate to protect the rights of non-members. These rulings however, at this time, are not final determinations of the United States District Court. Judge Debevoise's preliminary injunction orders have been appealed by defendants in the suits. Moreover, the relief ordered thus far is applicable only to the individual name plaintiffs in the lawsuits and does not directly affect other public employees currently paying representation fees who have sought, or may seek, relief from the Appeal Board.

These rules are being adopted to provide an appeal procedure for those public employees not covered by Judge Debevoise's relief and for those provisions of the statute which seem not to have been ruled unconstitutional. Under the terms of his ruling, this appeal procedure may be appropriate for public employee fee appeals alleging grounds other than impermissible lobbying and similar political activities.

Furthermore, further hearings before Judge Debevoise and the appeal of his rulings raises the possibility of a substantial lapse of time prior to any final ruling on the statute. These rules therefore are being adopted on an interim basis only, subject to any further rulings, orders or clarifications by Judge Debevoise or any statutory changes by the Legislature.

A public hearing on the proposed rules was held on September 10, 1982, and written comments were received thereafter. The public hearing was jointly convened by the Office of Administrative Law (OAL) and the Public Employment Relations Commission Appeal Board, and was conducted by the OAL.

Comments were received from representatives of the New Jersey State AFL-CIO, the Communications Workers of America (CWA), the American Association of University Professors (AAUP), the American Federation of State, County and Municipal Employees (AFSCME), and the National Right to Work Legal Defense Foundation, Inc. A letter was also received from four state employees.

In general, the comments from the unions were supportive of the proposed rules, with several specific suggestions for amendment. In general, the comments of the Right to Work representatives and the letter from the four state employees were critical of the proposed rules.

At the public hearing, the Right to Work representative had two major criticisms of the proposed hearing rules:

(1) the P.E.R.C. Appeal Board has not been properly constituted, in that all three of its members have not been appointed, and therefore cannot transmit or decide any appeals. This point was also made in the letter from the four state employees; and

(2) these appeals are not properly contested cases and should not be conducted by the OAL.

In response to the first point, the OAL feels that it is in no position

to authoritatively determine whether the Appeal Board is duly constituted in its present membership. The OAL receives cases from and conducts hearings for duly established state agencies, and the Appeal Board is duly established by statute, N.J.S.A. 34:13A-5.6. Therefore, even if the Appeal Board is currently not duly constituted, it is appropriate to establish hearing rules for these cases, which might be utilized when the Appeal Board is properly constituted and/or duly functioning.

In response to the second point, the OAL feels that it is not significant whether or not these appeals constitute "contested cases," under N.J.S.A. 52:14B-2. If the appeals are contested cases then the Appeal Board must either personally hear the cases or transmit them to the OAL pursuant to N.J.S.A. 52:14B-10. If the appeals are not contested cases, then the Appeal Board has several options, one of which would be to request the OAL to hear the cases, pursuant to N.J.S.A. 52:14F-5o. In either case, the Appeal Board and the OAL have cooperated in attempting to develop a procedure which complies with the statutory requirements of N.J.S.A. 34:13A-5.6.

In its written comments, the Right to Work representatives had three major criticisms of the proposed hearing rules:

(1) the proposed rules were not adequately publicized;  
 (2) the relationship between the Appeal Board and the Public Employment Relations Commission is too close, and may result in conflicts of interests where overlapping cases come before the two agencies; and

(3) the proposed rules should not be adopted in light of Judge Debevoise's rulings on N.J.S.A. 34:13A-5.5 and 5.6.

In response to the first point, the OAL finds that the proposed rules were properly publicized pursuant to N.J.S.A. 52:14B-4(a)(1), which requires that proposals be published in the New Jersey Register, mailed to persons requesting copies, filed with the Legislature and publicized in another manner that the agency deems most appropriate. These proposed rules were duly published in the Register, filed with the Legislature, and noticed in the New Jersey Law Journal, (August 26, 1982). There were no requests for copies of the proposal. In addition, a public hearing for the rules was conducted, and the period for written comments was extended an extra 23 days at the request of a Right to Work representative.

In response to the second point, the OAL feels that it is not in a position to authoritatively determine the propriety of the institutional relation between the Appeal Board and the Commission. In the context of these appeals, the OAL is merely conducting these hearings for a duly established state agency. On a case by case basis, alleged conflicts of interest might become an issue, and consideration of such issues is provided for under the OAL procedures.

As to the third point, the OAL feels that Judge Debevoise's orders thus far do not preclude the need for some hearing rules, at least on an interim basis.

Aside from the question of whether the Appeal Board is duly constituted, the letter from the four state employees raised constitutionality questions. These questions may be settled in the litigation which is presently pending or they may be raised in future cases brought pursuant to these rules. They cannot, however, be effectively dealt with in a rule making proceeding under OAL's general power to adopt rules governing the conduct of contested cases N.J.S.A. 52:14F-5e, 5f and 5g.

The specific recommendations of the unions and the OAL's responses are as follows:

A. The AAUP, CWA and AFSCME criticized the requirement of proposed N.J.A.C. 1:20-7.3 that public employers post in the workplace a copy of any employee's petition of appeal. The unions objected that such a requirement would result in one-sided publicity of a petitioner's case. The AFL-CIO suggested that the union's response also be posted. The CWA and AFSCME suggested that the posting requirement be eliminated. The CWA and AFSCME argued that the neutral notice of filing which is required to be posted under proposed N.J.A.C. 1:20-8.1 should satisfy the purpose

behind the proposals.

In response, the OAL feels that the posting requirement in N.J.A.C. 1:20-7.3 should be eliminated. The purpose behind proposed N.J.A.C. 1:20-7.3 and N.J.A.C. 1:20-8.1 was to facilitate the consolidation of similar appeals from the same workplace, so that the appeals can be done most efficiently and inexpensively. On balance, this purpose can be accomplished by the posting required by N.J.A.C. 1:20-8.1, without the potential for accrimony involved with the posting contemplated by N.J.A.C. 1:20-7.3. The 30 day posting period of N.J.A.C. 1:20-7.3, however, was added to N.J.A.C. 1:20-8.1.

B. The CWA, AFSCME, and AAUP suggested that a time limit be established for filing an appeal. CWA and AFSCME suggested a time limit of 30 days after the employee has exhausted the union's demand and return system.

In response, the OAL feels that there is no sufficient basis for establishing such a time limit. While the law generally favors the establishment of statutes of limitations and the avoidance of stale litigation, such limitations must generally be established by statute, and there is none in N.J.S.A. 34:13A-5.5 or 5.6.

C. The CWA suggested that N.J.A.C. 1:20-4.2 be clarified to require that the Appeal Board forthwith serve a copy of a petition upon a respondent union so that the union will have close to the 20 days to respond.

In response, the OAL is eliminating "Appeal Board" and substituting "petitioner" in the first sentence of N.J.A.C. 1:20-4.2. The section is now more consistent with N.J.A.C. 1:20-7.2 (Service of Petition) and allows a union a full 20 days to respond.

D. The CWA objected to the two opportunities provided in N.J.A.C. 1:20-16.1 and 16.2 whereby a party may object to a hearing decision and, in effect, request the Appeal Board to reopen a hearing. The union felt that one opportunity was sufficient and two opportunities unnecessarily prolonged the process.

In response, the OAL feels that the two procedures function in different contexts and serve different purposes. The "exception" procedure in N.J.A.C. 1:20-16.1 essentially pertains to errors allegedly made at the hearing. The "motion to reopen" procedure in N.J.A.C. 1:20-16.2 essentially pertains to extraordinary circumstances occurring outside of or after the hearing.

E. The CWA and AFSCME suggested that the hearing under these rules should be an "appeal," comparable to an appeal to the Appellate Division of the Superior Court, and not a "de novo proceeding," comparable to a trial. The unions argued that a hearing should be de novo only if the Appeal Board finds that a union's demand and return system does not provide a full or fair process. In all other cases, the hearing should be merely a review of the record made by the union's demand and return system.

In response, the OAL feels that a hearing consisting of a review of the record might be an appropriate procedure if there existed sufficient and uniform rules, guidelines and/or certification of union demand and return systems. An appeal procedure based on a record made elsewhere contains a tacit presumption that the record was made elsewhere under proper conditions and procedures. Currently, each union creates its own demand and return system. The various systems seem to vary considerably, and there is no authoritative control of the systems by the State. As a result, it seems most fair and efficient to conduct these appeals as essentially "de novo on the record," wherein the demand and return record may be used and may be supplemented to whatever extent necessary.

**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]\***).

Changes upon adoption:

1:20-4.2 Time for filing answer

No later than 20 days from the date of service of the petition upon the respondent by the **\*[Appeal Board]\*** **\*petitioner\***, the

respondent shall file with the Appeal Board and serve upon the petitioner an answer to the petition. For good cause, the Appeal Board may extend the time for answer. Failure to file and serve an answer on time may result in a default judgment against the respondent.

1:20-7.3 Petition to public employer \*[,posting]\*

Upon receipt of a petition, the Appeal Board shall forthwith provide a copy of the petition to the public employer. \*[The public employer shall post copies of the petition at locations where notices to employees in the petitioner's collective negotiations unit are normally posted. The copies of the petition shall remain posted for a period of 30 days.]\*

1:20-8.1 Notice of filing; employer posting

(a) (No change from proposal.)

(b) The public employer should post such notice at locations where notices to employees in the petitioner's collective negotiations unit are normally posted. **\*The notice shall remain posted for a period of 30 days.\***

## AGRICULTURE

(a)

### DIVISION OF REGULATORY SERVICES

#### Grades and Standards Charges for Inspection or Grading and Certification Services; Written Agreement

##### Adopted Amendment: N.J.A.C. 2:71-2.28

Proposed: April 4, 1983 at 15 N.J.R. 462(a).  
Adopted: July 15, 1983 by Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Filed: July 18, 1983 as R.1983 d.312, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 4:10-3 and 4:10-13.

Effective Date: August 1, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
November 21, 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]\***).

2:71-2.28 Charges for inspection or grading and certification services; written agreements

(a) Charges for inspection or grading and certification services of five or more consecutive days duration, performed pursuant to a written agreement between the New Jersey Department of Agriculture and the requestor of the services, shall be made according to the following schedule:

1. Basic schedule for all products:
  - i.-iii. (No change from proposal.)
  - iv. A charge of \$13.50 per hour, or portion thereof, for the actual hours worked, **not to exceed \*8\* \*eight\* hours per day**, by each

inspector on legal State holidays occurring Monday through Friday.  
**\*Hours worked in excess of eight will be charged at the rate of \$11.25 per hour, or portion thereof.\***  
v. (No change from proposal.)  
2.-3. (No change from proposal.)

(b)

### DIVISION OF REGULATORY SERVICES

#### Eggs Official Seal

##### Readoption with Amendment: N.J.A.C. 2:73-2

Proposed: April 18, 1983 at 15 N.J.R. 584(a).  
Adopted: July 15, 1983 by Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.  
Filed: July 18, 1983 as R.1983 d.313, **without change.**

Authority: N.J.S.A. 4:10-18, 4:10-19 and 4:10-20.  
Effective Date (Readoption): July 18, 1983.  
Effective Date (Amendment): August 1, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
July 18, 1988.

Summary of Public Comments and Agency Responses:  
**No comments received.**

## CIVIL SERVICE

(c)

### CIVIL SERVICE COMMISSION

#### Examinations and Applications Notice of Examinations

##### Adopted New Rule: N.J.A.C. 4:1-8.3 Adopted Repeal: N.J.A.C. 4:1-8.3

Proposed: May 16, 1983, at 15 N.J.R. 726(a).  
Adopted: July 12, 1983 by the Civil Service Commission,  
Eugene J. McCaffrey, Sr., President.  
Filed: July 15, 1983 as R.1983 d.307, **without change.**

Authority: N.J.S.A. 11:1-7a, 11:5-1a, 11:9-7 and 11:23-8.

Effective Date: August 1, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
October 4, 1983.

Summary of Public Comments and Agency Responses:  
**No comments received.**

(a)

## CIVIL SERVICE COMMISSION

Performance Evaluation and Employee  
Training  
Tuition Aid Program

Adopted New Rule: N.J.A.C. 4:1-20.9

Adopted Repeal: N.J.A.C. 4:2-20.9

Proposed: March 7, 1983 at 15 N.J.R. 274(a).

Adopted: July 12, 1983 by the Civil Service Commission,  
Eugene J. McCaffrey, Sr., President.Filed: July 15, 1983 as R.1983 d.306, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 11:1-7a, 11:5-1a and 11:6-2e.

Effective Date: August 1, 1983.

Expiration Date pursuant to Executive Order No. 66 (1978):  
February 1, 1985.

## Summary of Public Comments and Agency Responses:

Comments were received from the Departments of Transportation, Environmental Protection and the Treasury. All of the comments emphasized that proposed subsection (h), which requires, quarterly reports, is overregulatory and may create an unnecessary burden. The Civil Service Commission considered the comments and revised subsection (h) to require reports on a semi-annual basis instead of quarterly.

One comment addressed the clarity of the last sentence of subsection (b) concerning predetermined needs. The Commission has revised the language to read "appropriate course of study."

N.J.A.C. 4:1-20.9(c) limiting tuition aid to "full-time, permanent employees" rather than "all full-time employees in the classified and unclassified service who have completed one year of satisfactory service . . .", generated some concern. It was suggested the appointing authority be allowed to determine employee eligibility whether the employee serves in the classified or unclassified service. After thorough review, the Commission is revising subsection (c) to allow the appointing authority the discretion to determine which of their full-time employees should receive tuition aid, thereby best fulfilling managerial needs.

Proposed subsection (e) provided the Department of Civil Service with the authority to grant exceptions on a case-by-case basis. It was suggested that the appointing authority should make this determination. The Commission has decided that this type of decision is most appropriately made by the appointing authority and has revised the rule accordingly; however, the exceptions are to be included in the semi-annual report sent to the Department of Civil Service.

**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]\***).

4:1-20.9 Tuition aid program (State)

(a) This section applies only to State service.

(b) The tuition aid program provides tuition assistance or reimbursement to employees who attend accredited educational institutions primarily on their own time subject to the limitations of this rule and the availability of funds. The intent of the program is to fulfill the needs of the agency sponsoring the aid and State

government as a whole. Each agency shall determine its needs and disburse available funds to employees engaged in **\*[a]\* \*an\* \* [course]\* appropriate **\*course of study\* \* [to meeting the predetermined needs]\***.**

(c) An appointing authority shall prepare a tuition aid program at the beginning of each fiscal year. In preparation of a tuition aid program, affirmative action responsibilities shall be considered. The program shall include criteria for:

1. Employee eligibility: **\*[which is]\* Limited to full-time, permanent employees **\*in the classified and unclassified services\*.** Exceptions may be granted on a case by case basis by the **\*[Department of Civil Service]\* **\*appointing authority\*.** Agencies may establish additional criteria for determining eligibility.****

2. Internal application procedure;

3. Maximum amount of aid available per person not to exceed \$500.00 or the cost of six credits, whichever is greater, per semester or educational program;

4. Acceptable academic grade for reimbursement;

5. Eligible costs; and

6. A procedure to notify employees of approval or disapproval.

(d) Payment or reimbursement will be made only after evidence of satisfactory completion of the course as defined by the appointing authority's program is submitted to the agency's fiscal office with evidence of tuition payment to the educational institution.

(e) At the start of each fiscal year, agencies shall submit blanket Staff Training Requests which meet the above criteria. Any requests outside the criteria shall be submitted on a separate Staff Training Request within the time frame specified on the request form. The Department of Civil Service in conjunction with the Department of Treasury may grant exceptions.

(f) A tuition aid program shall be submitted for approval to the Department of Civil Service one month prior to implementation. The approved tuition aid program must be posted in conspicuous locations in the agency and shall include the name, telephone number and location of the individual responsible for administering the program.

(g) The appointing authority's training officer, or the individual responsible for training, shall develop and implement an equitable tuition aid plan and shall review the program each year to insure that it is consistent with current agency goals. **\*The training officer shall consult with the affirmative action officer on all program matters concerning affirmative action responsibilities and data.\*** Revisions to the program must be submitted for approval to the Department of Civil Service one month prior to implementation.

(h) The appointing authority shall submit a **\*[quarterly]\* **\*semi-annual\* report to the Department of Civil Service **\*by February 1 and August 1 of each year.\*** **\*[within 30 days from the start of each succeeding quarter].\*** The report shall include the following information:****

1. Names and titles of employees receiving aid. **\*The names of employees who are exceptions to the employee eligibility limitations and the reasons for the exceptions shall be noted;\***

2. Amount of aid for each employee per semester or education program;

3. Semester enrolled, course name, credits, grade received; and

4. Affirmative action data.

(i) The appointing authority is subject to audit by the Department of Civil Service to ensure compliance with the provisions of this rule, the agency's tuition aid program, and any other statutes or rules which affect the program. If at any time an agency does not comply with the above provisions, Civil Service reserves the right to suspend **\*[the]\* **\*an\* agency's **\*[autonomy in disbursing]\* tuition aid **\*program\* until the irregularities are resolved.********

## COMMUNITY AFFAIRS

(a)

### DIVISION OF HOUSING AND DEVELOPMENT

#### Uniform Construction Code Products Violating the Code

#### Adopted New Rule: N.J.A.C. 5:23-3.8A

Proposed: April 18, 1983 at 15 N.J.R. 587(a).  
Adopted: July 5, 1983 by John P. Renna, Commissioner,  
Department of Community Affairs.  
Filed: July 8, 1983 as R.1983 d.296, **without change**.

Authority: N.J.S.A. 52:27D-124.

Effective Date: August 1, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
April 1, 1988.

Summary of Public Comments and Agency Responses:  
**No comments received.**

## ENVIRONMENTAL PROTECTION

(b)

### DIVISION OF FISH, GAME AND WILDLIFE

#### Fish and Game Council 1983-1984 Game Code

#### Adopted Amendment: N.J.A.C. 7:25-5

Proposed: May 16, 1983 at 15 N.J.R. 771(a).  
Adopted: June 15, 1983 by Fish and Game Council,  
Anthony E. DiGiovanni, Chairman.  
Filed: July 13, 1983 as R.1983 d.302, **with technical and language changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1B-30 et seq. and 23:1-1 et seq.

Effective Date: August 1, 1983.  
Expiration Date: July 31, 1984, except the woodchuck season which continues through September 28, 1984, as set forth in N.J.A.C. 7:25-5.18.

Summary of Public Comments and Agency Responses:

Two written comments and one verbal comment were received during the public comment period. In addition, two comments were received at the public hearing before the New Jersey Fish and Game Council on June 14, 1983.

One commenter objected to the Code as being entirely

unacceptable and specifically referred to four items, two of which were not related to the Code. The other two comments opposed the hunting of deer at the Great Swamp National Wildlife Refuge in Morris County and the use of the leghold trap.

The Division recognizes those who oppose hunting and trapping due to philosophical differences. In regard to the two issues relative to specific sections of the Code, the deer hunting program at the Great Swamp has proven to be essential and effective in controlling deer numbers and providing for a healthy deer herd at the refuge. The Council believes that it must be continued.

The leghold trap is permitted to continue in use because it is an efficient, selective and versatile device for the capture of furbearing species and, more importantly, because no suitable alternative trap is available.

The second commenter discussed the enforcement of trapping laws, the lack of penalties for injuries due to trapping and the need for enhanced revocation of trapping licenses. The commenter suggested greater enforcement of trapping controls. The Council is unaware that present trapping enforcement efforts are failing to adequately control trapping activities. Though there are occasional abuses and violations, it is not believed that their number warrant that additional resources be designated to enforcement.

One of the two letters received during the comment period urged the retention of bow hunting during the six-day firearm deer season. A councilman in attendance also stated that four county federation of sportsmen's clubs made the same recommendation to him. The regulation allowing bow hunting during the firearm deer season for unsuccessful fall archers is a holdover from many years ago when bow hunting opportunity for New Jersey archers totaled only a few weeks in the fall as compared with the eight weeks of archery deer hunting available to New Jersey bow hunters today during the fall and winter archery deer seasons. Despite these recommendations, the Council does not believe that the deletion of bow hunting from the firearm season will have a significant effect on the bow hunting public since less than one percent of the licensed bow hunters hunted in firearm season last year. The deletion of bow hunting from the firearm season will significantly alleviate problems presently experienced with deer tagging and reporting procedures.

A second letter objected to the use of hunting dogs on wildlife management areas. This commenter also suggested that only those deer of a certain size and weight be legal to hunt.

The use of hunting dogs on wildlife management areas and elsewhere is recognized as a beneficial and integral part of small game hunting. Dogs insure that shot birds are found and retrieved, where, without their assistance, many shot birds would be lost.

A size limitation on deer would be difficult to implement since determination of deer size is often impossible in the field. Additionally, the size of deer vary in different portions of the State, particularly in the Pine Barrens where deer are significantly smaller. Finally, the taking of only the larger (older) animals, would adversely affect the department's deer management program, since older deer tend to be genetically stronger and are an integral part of the deer social groupings.

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]\*).

7:25-5.29 White-tailed deer (*Odocoileus virginianus*) special permit season, [regular firearms] **shotgun** only, either sex

(a)-(i) (No change from proposal.)

(k) Deer Management Zone Map (on file at the Office of Administrative Law).

**1983 \*[MUZZLE LOADER]\* \*SHOTGUN\* DEER SEASON PERMIT QUOTA EITHER SEX**

(No change in text of chart.)

# HEALTH

## (a)

### DIVISION OF HEALTH FACILITIES EVALUATION

#### Drug Treatment Facilities Standards for Licensure

#### Adopted New Rule: N.J.A.C. 8:42B

#### Adopted Repeal: N.J.A.C. 8:42-2

Proposed: March 21, 1983 at 15 N.J.R. 397(a).

Adopted: July 11, 1983 by J. Richard Goldstein, M.D.,  
Commissioner, Department of Health (with approval  
of Health Care Administration Board).

Filed: July 15, 1983 as R.1983 d.309, 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. 26:2H-1 et seq., specifically 26:2H-  
5.

Effective Date: August 1, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
August 1, 1988.

#### Summary of Public Comments and Agency Responses:

The Department received comments and recommendations on the proposed Standards for Licensure of Drug Treatment Facilities from professional Boards - New Jersey Board of Nursing and New Jersey Board of Pharmacy, and from the New Jersey Association for the Prevention and Treatment of Substance Abuse.

In general, the commentors were pleased "with the changes" which have made the manual "more meaningful." Some commentors, however, questioned the specifications of some of the rules and suggested revisions. The New Jersey Association for the Prevention and Treatment of Substance Abuse requested a meeting with the members of the staff of the Department to offer suggestions for the revision of the rules. The Department met with this Association and accepted many of their recommendations.

The new rules will replace the previous Standards for Licensure of Residential and Inpatient Drug Treatment Facilities, N.J.A.C. 8:42-2, due to expire on November 9, 1983. The new rules are more specific than the previous ones. The Department, on the basis of seven years of experience with the previous Manual of Standards for Licensure of Residential and Inpatient Drug Treatment Facilities, is confident that the proposed rules are at least equal to the existing rules. The new rules elaborate upon the previous rules to avoid confusion and misunderstanding in interpretations.

In addition to receiving comments and recommendations for the revisions of some rules, the Department also received questions and requests for clarification and interpretation of particular rules. The Department has compiled these comments chronologically, responded to them individually, and sent a copy of the compiled document to each respondent. This listing of the comments and the Department's responses is on file at the Office of Administrative Law and the Department of Health. The following is a summary of the comments and Departmental responses.

The Department received a comment recommending the deletion of the term "on the job training" and the inclusion of the phrase "Planned Program of Instruction and Practice appropriate" within the definition of "Ancillary nursing personnel," N.J.A.C. 8:42B-1.1. The recommendation was accepted and the rule was rewritten.

A question was received concerning the interpretation of the definition of "Clinical note," N.J.A.C. 8:42B-1.1. The commentor questioned whether the written, signed, and dated notation in the patient's medical record by each member of the health care team also included nurse aides. The Department believes that the rule as stated does not address the persons responsible for charting in the patient's medical record. Charting is dependent upon individual facilities' policies and procedures.

A commentor questioned the interpretation of the definition of "Daily census," N.J.A.C. 8:42B-1.1, as to its inclusion of a "specific time or maximum number." The Department believes that the rule does not require any "specific time" within a 24 hour period. The "maximum number" of patients in a facility would be based upon the number of patients for which the facility is approved and/or licensed as described in N.J.A.C. 8:42B-2.4(c).

A recommendation was made to delete the master's degree requirement for a "Dietitian or dietary consultant" (N.J.A.C. 8:42B-1.1). The rule was not rewritten because it does allow a person with a bachelor's degree to work as a dietitian or dietary consultant.

One commentor recommended the qualifications for "Director of nursing services" (N.J.A.C. 8:42B-1.1) be increased to a "Masters Degree with five years of progressive experience." However, the Department's philosophy of adopting minimum rules precludes the adoption of the recommended education and experience requirements. Moreover, facilities have expressed difficulties in securing personnel who have more than one year of experience. The Department does not believe that there is an indication that patient safety would be jeopardized by not adopting the recommendations.

The Department received a question concerning the definition of "Stop order," N.J.A.C. 8:42B-1.1, as to whether some drugs should be stopped automatically. The Department responded affirmatively to the question and indicated that N.J.A.C. 8:42B-6.2(c) 6 requires the facility to establish policies and procedures regarding this matter to include the "length of time orders may be in effect."

A commentor questioned N.J.A.C. 8:42B-3.4(a) concerning the licensure or authorization of personnel to provide patient care and asked if the rule should include a requirement for an annual license check. The Department maintains that the rule requested is currently included in N.J.A.C. 8:42B-3.6(a)24.

The Department received a question concerning whether all revisions in the policy and procedure manual need approval of the New Jersey State Department of Health as stated in N.J.A.C. 8:42B-3.6(a). The Department responded affirmatively to the question and added that revised policies are reviewed at the time of the annual survey. In the event of major policy changes, facilities usually call the Department prior to revising the policy.

The Department did not comply with a request to delete the requirement for the approval of the patient treatment plan (N.J.A.C. 8:42B-3.6(a)8) by the patient's physician as it would be in violation of the Practice of Medicine and Surgery in General, N.J.S.A. 45:9-1 et seq.

A recommendation was made to require that all facility staff be trained in basic life support procedures, including a first aid course and cardiopulmonary resuscitation course (N.J.A.C. 8:42B-3.6(a)24). Another recommendation was made to allow the facilities to "have available emergency procedures" as an alternative to requiring staff members on each shift to complete a first aid course and a cardiopulmonary resuscitation course (N.J.A.C. 8:42B-3.8(a)2ix). The Department revised N.J.A.C. 8:42B-3.8(a)2ix and agreed that it would not be feasible to mandate the training of all staff in basic life support. Some staff in the facility may be patients who are in the re-entry phase of treatment and, therefore, unable to secure adequate training in basic life support during this phase of treatment. Patient care would not be jeopardized by the revision since the Department must approve the alternate plans for the emergency care of patients. N.J.A.C. 8:42B-3.6(a)24 was not revised for the same reasons.

A suggestion was received to extend the time period beyond 48 hours for the notification of the Department if a new administrator is not designated. The suggestion was accepted and the time period was extended to 72 hours. Since administrative coverage is mandated at all times by these rules, the increased flexibility in reporting to the Department will not have a deleterious effect on patient care and services.

The suggestion to delete the specifications of the responsibilities of the governing authority and to leave these responsibilities to be spelled out in "the programs by laws" was not accepted (N.J.A.C. 8:42B-4.1(a)1-10). The inclusion of these rules is necessary to protect the health and safety of the patients. Moreover, some of the facilities would not have bylaws (N.J.A.C. 8:42B-1.1, "Bylaws"). The Department questioned the appropriateness of some of the mandated items in bylaws. Additionally, most of the content of this section has been in existence during the past seven years (N.J.A.C. 8:42B-2.9) and the Department has not experienced any difficulties or hardships on the part of drug treatment facilities in the implementation of these rules.

The Department contends that the administrator's presence on the premises at all times is a basic necessity in any type of health care facility for the proper administration and management of the facility in order to ensure that the health and safety of patients are protected. Therefore, the suggestion to delete the rule requiring the presence of the administrator or his/her designee was not accepted (N.J.A.C. 8:42B-5.1(a)3).

An editorial recommendation was made to revise the wording of the rule regarding the documentation of time schedules of the administrator. The rule was rewritten as requested, and, since the comment was editorial in nature, the revision did not adversely affect patient care (N.J.A.C. 8:42B-5.1(b)).

A recommendation was made to mandate or to specify the percentage of time which can be spent by the administrator in other than administrative duties, (N.J.A.C. 8:42B-5.1(b)). The Department contends that facilities' needs and resources vary and the Department has been unable to secure data or recommendations that would enable the Department to develop a reasonable, measurable, and objective rule at this time.

The rule requiring the exclusion of the administrator's hours (N.J.A.C. 8:42B-5.1(c)) in the computation of the staffing ratio for nursing or counseling services was not deleted as recommended because the Department contends that one person cannot perform two functions simultaneously.

A recommendation to mandate cardiopulmonary courses for all staff was not accepted (N.J.A.C. 8:42B-5.2(a)5). See Department's response to N.J.A.C. 8:42B-3.6(a)24.

A commentator recommended a "decrease to seven working days" for the completion of the patient's medical record after his/her discharge in N.J.A.C. 8:42B-5.2(a)12. The Department maintains that the rule is reasonable and consistent with the rules and regulations for hospital facilities. The Department allows 15 days as proposed since the medical record may be long, complicated, and voluminous due to the patient's length of stay in drug treatment facilities (up to 18 months in some instances). Therefore, the rule was not rewritten.

A comment was received indicating concern regarding "all procedures being available" to patients, staff, and the public in N.J.A.C. 8:42B-6.2(b). The Department maintains that "all" in this proposed rule refers to patient care policies and procedures. Additionally, N.J.A.C. 8:42B-3.3(a)2 provides for the deletion of some information in certain instances. Therefore, the proposed rule was not rewritten.

An editorial recommendation to mandate the documentation of services in the medical record only "if provided" (N.J.A.C. 8:42B-6.2(c)9ii) was accepted and the rule was revised to reflect the recommendation. The revision does not affect the intent of the rule.

The request to delete N.J.A.C. 8:42B-6.2(c)11 regarding the performance of housekeeping activities by patients only as part of their treatment plan was not complied with. The Department

believes that in the absence of this requirement there are opportunities for patient abuse, for example, the facility may ask patients to perform functions that facility staff should be performing. In order to ensure quality care, any housekeeping activities that a patient performs must be an adjunct to the therapy the patient is receiving as documented in the patient treatment plan which is ultimately approved of and signed by the patient's physician.

N.J.A.C. 8:42B-6.2(c)12 regarding the development of policies and procedures for the maintenance of plants and pets was also sought to be deleted. The rule was, however, not deleted because the proposed rule as written does not mandate the maintenance of plants and pets in the facility. However, if the facility does have plants and pets, the facility has to develop policies and procedures for the maintenance of the same.

The Department concurred with the editorial changes requested in N.J.A.C. 8:42B-6.2(c)16iii and N.J.A.C. 8:42B-6.2(c)16iv and revised the rules to reflect the recommendations since the intent of the rules remains as originally proposed.

The rule regarding the recording of the vital signs in the patient's medical record (N.J.A.C. 8:42B-6.2(c)16v) was not deleted because the Department contends that these are basic requirements necessary for patient care and safety and do not incur appreciable increase in cost.

A suggestion to change the minimum admission age from 16 to 12 (N.J.A.C. 8:42B-6.2(c)17i) was not accepted. The Department contends that many of the facilities do not have the capabilities to minister to the special needs of patients under 16 years of age thus compromising patient care. The rule as written does not prohibit all facilities from accepting patients under 16 years of age. It only requires that such admissions should have the approval of the Department.

The recommendation to delete the requirement for the signing of the notice of denial of admission (N.J.A.C. 8:42B-6.2(c)17v) was not accepted. However, another recommendation that such notice should be signed either by the administrator "or his/her designee" was accepted and the rule was revised accordingly, thus allowing the facility flexibility in the operational aspects of the program without jeopardizing patient care.

The rule regarding the requirement for the designation of a dentist for dental care (N.J.A.C. 8:42B-6.2(c)20ii) was not deleted as requested. The Department contends that dental care is a primary need of patients who have had a drug dependency. As such, it is essential that the facility should have the name and address of a dentist to whom the patient can be referred in emergency situations. The rule was, however, changed following another recommendation to require the "Designation of a physician and a dentist for emergency medical and dental care."

A recommendation was made to change the word "prohibitions" to "limitations" regarding the use of restraints (N.J.A.C. 8:42B-6.2(c)22). The Department wishes to maintain more stringent standards to prohibit the use of restraints in a residential drug treatment facility in order to protect the safety of patients. The Department contends that patients who may require restraints should be placed in an alternative type of health care setting that would be geared toward meeting the needs of such patients with more appropriate and stringent staffing ratios as well as increased availability of resources and professional expertise.

Two recommendations were received regarding N.J.A.C. 8:42B-8.1(c). The first recommendation was to increase the "minimum number of hours to eight" for a registered nurse to be on the premises each day seven days a week for 50 or fewer patients. The Department is unaware of any justification for increasing the hours of nursing services at this time as recommended. The previous rule, which was somewhat arbitrary and subjective in nature, required the availability of nursing services but without mentioning specific nursing hours. The new rule, however, specifies the number of nursing hours for a specific number of patients. The number of nursing hours was determined

with consultation from the administrators of drug treatment facilities and the Division of Narcotic and Drug Abuse Control to reflect the current operational hours for nursing services in the facilities. The second recommendation regarding N.J.A.C. 8:42B-8.1(c) recommended changing seven days to five days a week. The rule was rewritten since facilities have indicated that patients do not need nursing care seven days per week. Patient care would not be jeopardized by adopting the five day a week requirement for nursing care since the rule as written mandates the availability of nursing staff at all times. The decreased requirement would allow facilities to establish staffing patterns consistent with the needs of the patients in the facilities in a cost-effective manner.

One commentor recommended the addition of "nursing philosophy" in N.J.A.C. 8:42B-8.2(a)1 as an additional responsibility for the director of nursing services. The Department agreed with the recommendation and the rule was rewritten as requested.

A recommendation was received requesting the wording in N.J.A.C. 8:42B-8.5(a)5 concerning the reporting and documentation of medication errors and adverse drug reactions be made identical to N.J.A.C. 8:42B-13.3(b)10ii. The Department accepted the recommendation and the rule was rewritten.

A commentor recommended that the staff member who is designated to be responsible for ensuring the continuity of care to patients in N.J.A.C. 8:43B-9.2 "should be from the nursing department." The Department did not concur with the recommendation. The Department contends that the facility should have the flexibility of designating this staff member. Since nursing services are required for a minimum of two hours a day, the recommendation may not be feasible in terms of the time required to fulfill this function. However, the rule does not preclude the facility from designating a nurse. Furthermore, since there are more drug counselors in the facility than nurses, the facility may wish to appoint a drug counselor. Since the Division of Narcotic and Drug Abuse Control has to approve drug counselors, the Department believes that patient safety and welfare are not compromised if staff other than nurses are responsible for ensuring the continuity of care to patients. Additionally, the Department believes that the designation of a person to be responsible for continuity of care would be dependent upon the individual patient's needs and circumstances. In some instances, the patient might not have occasion to have contact with a nurse.

Another comment was received recommending the deletion of N.J.A.C. 8:42B-9.2. The Department retained the rule, believing that continuity of care is a basic requirement for the provision of health care services to patients. Not only does continuity of care help to ensure the provision of quality patient care, but it also ensures cost-efficient services. Fragmented care is not only detrimental to the services and care provided to patients, but also increases the cost of care.

A recommendation was received to delete N.J.A.C. 8:42B-9.3(a). The Department contends that these requirements have been mandated in the previous rules since 1976 and the Department is not aware of any problems in their implementation. The new rule makes these requirements more specific and elaborates upon the philosophy of treatment programs in the previous regulations. Moreover, the new rules are consistent with the requirements of the Division of Narcotic and Drug Abuse Control and are mandated by N.J.S.A. 26:2G-21 et seq.

A recommendation was made to exclude "and family" from N.J.A.C. 8:42B-9.3(a)3i regarding the patient's treatment. The rule was revised to incorporate this recommendation since in some instances the family may be a detrimental force in the treatment of the patients.

The suggestion to delete the requirement for the counselor to patient ratio in drug treatment facilities was not accepted (N.J.A.C. 8:42B-10.2(b)). The Department contends that this is a viable staffing ratio recommended by the Division of Narcotic and Drug Abuse Control in order to provide quality care to patients and to

realistically establish the number of hours for counseling. The number of hours for counseling has not been changed from the previous rules. The rule reflects the manner in which the drug treatment facilities operate now and the services they provide. The Department is unaware of any hardships that would be caused by this rule.

One commentor recommended the inclusion of the phrase "appropriately prepared professional nurses" in N.J.A.C. 8:42B-10.2(c) concerning those persons responsible for providing formalized counseling to patients. The Department contends that the definition of "Drug counselor," N.J.A.C. 8:42B-1.1, indicates that the drug counselor must be approved by the Division of Narcotic and Drug Abuse Control which would evaluate the appropriateness of the nurse's credentials for counseling. Therefore, the rule was not rewritten.

One commentor recommended the addition of a required minimum number of hours of counseling in N.J.A.C. 8:42B-10.2(d) for those facilities which provide detoxification services since a time factor for counseling was included in N.J.A.C. 8:42B-10.2(c). The Department maintains that the frequency of counseling services may vary in the detoxification process as compared to N.J.A.C. 8:42B-10.2(c) due to the more acute condition of the patient and should be determined by a physician based upon the individual patient's needs.

A recommendation was made to delete N.J.A.C. 8:42B-11.2(a)7. This rule regarding the conspicuous posting of a seven-day schedule of patient activities and maintenance of a record of the schedules of these activities for a year was not deleted. The Department maintains that this is a minimum standard of accountability with regard to patient activities. The Department has not experienced difficulties in other health care facilities where the same standard has been in operation.

An editorial change recommending the deletion of the phrase "in the activities program" was accepted (N.J.A.C. 8:42B-11.2(a)10). The rule was revised and the revision does not effect patient care.

A recommendation was received for N.J.A.C. 8:42B-13.3(a) to change the number of meetings for the pharmacy and therapeutics committee to at least "biennially" (twice a year). The Department is unaware of any data that would substantiate the necessity for more frequent meetings. The Department's philosophy of adopting minimum regulations precludes the adoption of the recommendation. The frequency of the committee's meetings would vary because of the nature and functions of different health care facilities. For example, the committee's meetings in a residential drug treatment facility may not be as frequent as in a hospital setting. The Department does not want to mandate an arbitrary requirement for all types of facilities. It will, however, monitor through the survey process the frequency of the pharmacy and therapeutics committee's meetings based on individual facility's needs to maintain patient safety and to ensure the quality of care to patients.

A recommendation was received for N.J.A.C. 8:42B-13.3(b)1v to include the frequency for checking the contents of emergency and/or first aid kits and emergency carts. N.J.A.C. 8:42B-13.3(b)1iii already provides for the determination of the frequency for checking the contents of emergency and/or first aid kits and emergency carts. Therefore, no change was made.

A request was made to include "breakaway locks on emergency equipment" in N.J.A.C. 8:42B-13.3(b)1vi. The Department believes this recommendation would be more stringent than the new rule. Facilities have used alternate methods which have not jeopardized patient treatment and care and have still maintained accountability factors.

A recommendation for N.J.A.C. 8:42B-13.3(b)10ii requested the inclusion of the phrase "including medication errors and adverse reactions" regarding the incidents that are reviewed by the pharmacy and therapeutics committee. The Department accepted the recommendation and the proposed rule was rewritten in order to ensure patient safety.

One commentor requested that N.J.A.C. 8:42B-13.3(b)16 include a requirement that the list of abbreviations and chemical symbols be "approved by the pharmacy and therapeutics committee." The recommendation was not accepted since N.J.A.C. 8:42B-13.3(b) already requires the approval of the pharmacy and therapeutics committee.

A suggestion was made to delete the requirement for a "full-time food service supervisor" (N.J.A.C. 8:42B-14.5). The Department believes that this requirement is consistent with the licensure requirements for similar types of health care facilities. In practice, a full-time food service supervisor is necessary and is currently utilized. Based upon facility size and needs, the Department contends that this requirement is not unreasonable.

A recommendation to delete the requirement for the maintenance of a record of all patients regarding diet, allergies, and meal patterns (N.J.A.C. 8:42B-14.6(a)5) was not accepted. This requirement does not incur great cost and is not a hardship for the facility. Moreover, this requirement is a necessity since diet can be a very important part of patient treatment, and patient care would be compromised if a record were not maintained.

The requirement for the conspicuous posting of the names, addresses, and telephone numbers of the agencies where complaints may be lodged (N.J.A.C. 8:42B-15.1(d)7) was sought to be deleted. A recommendation was made that these names, addresses, and telephone numbers be provided by the administrator only "upon request." The rule was not revised because these are undeniable rights of the patients in all types of health care facilities in the State. The Department has not experienced any problem in the implementation of this rule in other health care facilities. Moreover, the rule would be difficult to monitor and enforce if rewritten as recommended, since there might be fear of reprisal to those who request the names, addresses, and telephone numbers. There would be no measure of accountability for the words "upon request."

A suggestion was made to delete the requirement for the patient to receive unopened mail, N.J.A.C. 8:42B-15.1(a)13, because drugs may enter the facility illicitly via the mail. The rule was rewritten to reflect the suggestion.

Following a recommendation, the rule N.J.A.C. 8:42B-15.1(d)16 regarding "daily visiting hours" was revised. The revision was made based upon discussions with facilities that indicated that patients were not always available on a daily basis, due to the various treatment modalities and activities in which patients may be involved. The revised rule requires the facility to allow visiting time to patients at reasonable hours in accordance with the patient treatment plan.

A commentor questioned whether it was "attainable" for a facility and its contents to be free from dust, dirt, and debris (N.J.A.C. 8:42B-21.3(a)1). The Department removed the reference to "dust" in this rule.

A recommendation was made for the deletion of the requirement for the approval of the Department regarding storage of paints and other inflammable materials (N.J.A.C. 8:42B-21.3(a)21). The rule was rewritten prior to publication in the **New Jersey Register** and reflects the recommendation of the commentor.

Recommendations to change the requirements in N.J.A.C. 8:42B-23.2(i)1ii and to delete N.J.A.C. 8:42B-23.2(i)3, concerning the manual fire alarm system in the facility, were not accepted since the requirements are mandated by the Uniform Construction Code, N.J.A.C. 5:23.

The space requirements per person for the group activity and multipurpose room(s) in N.J.A.C. 8:42B-23.4(d) was sought to be deleted. The rule was, however, not revised because experience indicates that 20 square feet is the minimum per person space requirement for these activities.

A recommendation was received to revise N.J.A.C. 8:42B-23.4(e) to allow "two sittings" for patients in the dining room(s), rather than one, and to allow the dining room(s) to be used as a group activity and multipurpose room(s) when not in use as a dining room. The comments were accepted and the rule was rewritten to

allow facilities more flexibility in using existing space. This is consistent with the practice in other types of health care facilities. Furthermore, all of the patients in a drug treatment facility may not be present at the same time due to vocational and educational activities. The revision does not jeopardize or compromise patient care.

A recommendation to change the storage space requirements (N.J.A.C. 8:42B-23.4(f)) for patients' clothing and other supplies from 15 square feet to 10 square feet per patient was accepted. The rule was revised accordingly. The Department does not foresee the revision effecting the quality of care provided to patients.

The minimum requirement for clear floor space for a sleeping room for one patient was sought to be reduced from 70 square feet to 35 square feet. The rule (N.J.A.C. 8:42B-23.4(h)1) was not revised because 35 square feet of clear floor space per patient is acceptable only for multibedded rooms. This rule is consistent with requirements for other residential health care facilities regulated by the Department.

A recommendation to specify the clear floor space requirements for multi-bedded rooms according to the number of beds rather than patients was accepted (N.J.A.C. 8:42B-23.4(h)2). Another recommendation for the deletion of the provision for a chair for each bed was also accepted. The rule was revised to reflect these recommendations.

A listing of the comments and responses are on file at the Office of Administrative Law and the Department of Health.

**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]\***).

#### 8:42B-1.1 Definitions

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

.....  
 "Ancillary nursing personnel" shall mean unlicensed workers employed to assist licensed nursing personnel. Ancillary nursing personnel are trained on the job in accordance with **\*a planned program of instruction which is part of\*** the facility's staff orientation and staff education plans.

#### 8:42B-3.8 Staffing

(a) The facility shall establish and implement procedures for staff, approved by the Department, including:

1. (No change from proposal.)
2. Staff orientation and staff education for each service, as specified in the staff orientation and staff education plans, which shall be approved by the Division of Narcotic and Drug Abuse Control. Each service shall maintain written records of these activities, including the names of persons attending, methods used, and an evaluation of their effectiveness. Staff orientation and staff education shall include, but not be limited to, the following:
  - i.-viii. (No change from proposal.)
  - ix. Procedures to ensure that at least one staff member on each shift has satisfactorily completed a first aid course and a cardiopulmonary resuscitation course **\*or has available emergency procedures\*** approved by the Department.

#### 8:42B-3.12 Reportable events

(a) The facility shall notify the Department immediately by telephone (609-292-4304), followed within 72 hours by written confirmation, of the following:

1. (No change from proposal.)
2. Termination of employment of the administrator, and the name and qualifications of his/her replacement. If a new administrator cannot be designated within **\*[48]\* \*72\*** hours, the Department shall be so notified in writing and the facility shall make

arrangements for administrative supervision on a consultative basis. A new administrator shall be appointed within 30 days;  
3.-5. (No change from proposal.)

#### 8:42B-5.1 Administrator

- (a) (No change from proposal.)  
(b) In a facility where an administrator has both administrative and other functions, the facility shall maintain written \*[time schedules which specify the hours spent by the individual in each function]\* **\*documentation of the individual's time in another function\***.  
(c) (No change from proposal.)

#### 8:42B-6.2 Policies and procedures

- (a)-(b) (No change from proposal.)  
(c) Patient care policies and procedures shall include, but not be limited to, policies and procedures for the following:  
1.-6. (No change from proposal.)  
7. Patient \*[record-keeping]\* **\*recordkeeping\***;  
8. (No change from proposal.)  
9. Assisting patients to obtain health services such as podiatric and dental services, eye examinations, \*[eye glasses]\* **\*eyeglasses\***, auditory testing, and hearing aids, and ensuring that arrangements are made for transportation;  
i. (No change from proposal.)  
ii. **\*[The services provided]\* \*If these services are provided, they\* shall be documented in the patient's medical record by the practitioner providing them;**  
10.-15. (No change from proposal.)  
16. Admission of patients, so that the facility:  
i.-ii. (No change from proposal.)  
iii. Requires that each patient admitted be **\*placed\* under the supervision of a physician;**  
iv. Ensures that each patient\* [admitted]\* **\*upon admission\*** is certified by a physician to be free of communicable disease, mobile under his/her own power with or without assistive devices, and able to leave the building by him/herself, except in a facility approved by the Department to provide detoxification; and  
v. (No change from proposal.)  
17. Restrictions to the admission and retention of patients, to ensure that:  
i.-iv. (No change from proposal.)  
v. Any applicant who, after applying in writing, is denied admission to the facility for reasons other than lack of space is given the reason for such denial in writing, signed by the administrator **\*or his/her designee\***, within 15 days;  
vi.-vii. (No change from proposal.)  
18.-19. (No change from proposal.)  
20. A written agreement or admission form, signed prior to or at the time of the patient's admission, which shall include the following:  
i. (No change from proposal.)  
ii. Designation of a physician and a dentist for **\*emergency\*** medical and dental care \*[, including emergencies]\*; and  
iii. (No change from proposal.)  
21.-29. (No change from proposal.)

#### 8:42B-8.1 Services

- (a)-(b) (No change from proposal.)  
(c) The facility shall have at least one registered professional nurse available at all times. Available in this instance shall mean capable of being reached and able to be present at the facility within 30 minutes. The facility shall have at least one registered professional nurse on the premises \*[seven]\* **\*five\*** days a week for at least two hours each day for 50 or fewer patients and for at least an additional two hours for each additional 50 or fewer patients, based on the daily census.  
(d)-(f) (No change from proposal.)

#### 8:42B-8.2 Director of nursing services' responsibilities

- (a) The director of nursing services shall be responsible for the direction, provision, and quality of the nursing service. He/she shall be responsible for, but not limited to, the following:  
1. Developing and implementing written objectives, **\*a philosophy of nursing\***, standards of practice, policies, a procedure manual, and an organizational plan for the nursing service;  
2.-11. (No change from proposal.)

#### 8:42B-8.5 Nursing care services related to pharmaceutical services

- (a) Nursing personnel shall be responsible for, but not limited to, ensuring the following:  
1.-4. (No change from proposal.)  
5. Medication errors and adverse drug reactions are orally reported immediately to the director of nursing services, the prescriber, and the administrator, and an entry made in the patient's medical record by the end of the shift \*[;]\* **\*. The pharmacy and therapeutics committee shall review all incidents including medication errors and adverse reactions relating to drugs;\***  
6.-10. (No change from proposal.)

#### 8:42B-9.3 Patient assessment

- (a) The policies and procedures shall ensure that a patient assessment is initiated for each patient upon admission, and documented in the patient's record. The assessment shall include, but not be limited to, the medical, psychological, social, recreational, legal, and vocational needs of the patient, including the following:  
1.-2. (No change from proposal.)  
3. A social assessment of the patient's family circumstances and relationships, including the constellation of the family group, the current living situation, and social, religious, ethnic, cultural, financial, emotional, and health factors; and  
i. Evaluation of the \*[patient and family]\* **\*patient's\*** expectations regarding \*[the patient's]\* **\*his/her\*** treatment, such as the length of time and type of treatment required, and the degree to which \*[they expect]\* **\*he/she expects\*** to be involved.

#### 8:42B-11.2 Administrator's responsibilities

- (a) The administrator or his/her designee shall ensure that:  
1.-9. (No change from proposal.)  
10. A record is maintained of the type and frequency of activities held, and the names of patients participating \*[in the activities program]\*.

#### 8:42B-13.3 Pharmacy and therapeutics committee; policies and procedures

- (a) (No change from proposal.)  
(b) The committee shall be responsible for, but not limited to, development of policies and procedures, approved by the Department, including at least the following:  
1.-9. (No change from proposal.)  
10. Policies and procedures for documenting and reviewing adverse drug reactions, medication errors, and drug defects, including, but not limited to, the following:  
i. (No change from proposal.)  
ii. Medication errors and adverse drug reactions shall be orally reported immediately to the director of nursing services, the prescriber, and the administrator, and an entry made in the patient's medical record **\*by the end of the shift\***. The pharmacy and therapeutics committee shall review all incidents **\*including medication errors and adverse reactions\*** relating to drugs;  
11.-17. (No change from proposal.)

#### 8:42B-15.1 Policies and procedures

- (a)-(c) (No change from proposal.)  
(d) Patient rights, policies and procedures shall ensure that, as a minimum, each patient admitted to the facility:

1.-12. (No change from proposal.)

13. May associate and communicate privately with persons of his/her choice, in accordance with the patient treatment plan, may send and receive personal mail \*[unopened]\*, and, upon request, shall be given assistance in the reading and writing of correspondence;

14.-15. (No change from proposal.)

16. Is allowed \*[daily visiting hours at a reasonable hour]\* \*visiting time at reasonable hours\* in accordance with the patient treatment plan. Privacy shall be ensured for visits with family, friends, clergy, social workers, or for professional or business purposes;

17.-23. (No change from proposal.)

8:42B-21.3 Facility's responsibilities

(a) The facility shall comply with the following:

1. The facility and its contents shall be free from\*[dust,]\* dirt \*[,]\* and debris;

2.-23. (No change from proposal.)

8:42B-23.4 Additional general licensure requirements

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

(e) Dining Room(s): A dining room(s) of 15 square feet per person equipped to seat \*[all]\* \*at least one half of\* the patients of the facility at one sitting shall be provided. \*[Up to 50 percent of the]\* \*The\* dining room(s) may be used as a group activity and multipurpose room(s) \*when not in use as a dining room\*.

(f) Storage Space: \*[Fifteen]\* \*Ten\* square feet of total floor area of lighted storage space shall be provided per person in the facility for the storage of patients' clothing, linens, foods, cleaning, and other supplies.

(g) (No change from proposal.)

(h) Patient Sleeping Rooms:

1. (No change from proposal.)

2. In sleeping rooms occupied by more than one patient, a minimum of 35 square feet of clear floor space per \*[patient]\* \*bed\* shall be required. There shall be three feet of clear space between beds and at the foot of each bed to insure comfort and safety to patients, and there shall be space for storage of personal possessions \*[and additional space to provide a chair for each bed]\* and also for unobstructed passageways.

(i) (No change from proposal.)

(a)

## PUBLIC HEALTH COUNCIL

### Communicable Diseases Immunization of Pupils In Schools

#### Readoption: N.J.A.C. 8:57-4

Proposed: May 16, 1983 at 15 N.J.R. 781(a).

Adopted: July 18, 1983 by Public Health Council, Evelyn Geddes, Chairperson.

Filed: July 18, 1983 as R.1983 d.311, **without change**.

Authority: N.J.S.A. 26:1A-7.

Effective Date: July 18, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
July 18, 1988.

#### Summary of Public Comments and Agency Responses:

One comment was received from the New Jersey Health Officer's Association endorsing the readoption of Chapter 14 of the New Jersey State Sanitary Code.

## HUMAN SERVICES

(b)

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Pharmaceutical Services Manual Appendices B, D, and E

#### Adopted Amendments: N.J.A.C. 10:51-1, Appendices B, D and E

Proposed: May 2, 1983 at 15 N.J.R. 664(a).

Adopted: July 5, 1983 by George J. Albanese,  
Commissioner, Department of Human Services.

Filed: July 6, 1983 as R.1983 d.293, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 30:4D-6B(6), 7 and 7b, 30:4D-22a,  
24.

Effective Date: August 1, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
November 2, 1985.

#### Summary of Public Comments and Agency Responses:

The Division received one comment from Fred B. Cornell, R.Ph., Vice President, USV Laboratories. He requested the NDC (National Drug Code) numbers be changed on the product Nicobid, and this was done.

#### Summary of Changes Between Proposal and Adoption

There were five items that required a change in their NDC number. Three of these were the changes in nicobid mentioned above. The changes were not significant enough to require republication.

**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]\*).

#### Appendix B (Additions)

Nicobid Tempules 125 mg 100 CAP [0000053-2835-01]  
**\*0000075-2835-01\***

Nicobid Tempules 250 mg 100 CAP [0000053-2840-01]  
**\*0000075-2840-01\***

Nicobid Tempules 500 mg 100 CAP [0000053-2841-01]  
**\*0000075-2841-01\***

Pedialyte R.T.U. 960cc EACH [0000074-5769-06]  
**\*0000074-5159-06\***

#### Appendix B (Deletions)

Hydrocortisone Cream 0.5% 30 gm EACH [0000781-7017-16]  
**\*0000781-7017-24\***

## (a)

DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICESLong Term Care Services  
Alternate Care

## Adopted Amendment: N.J.A.C. 10:63-1.5

Proposed: April 4, 1983, at 15 N.J.R. 485(a).  
 Adopted: July 11, 1983, by George J. Albanese,  
 Commissioner, Department of Human Services.  
 Filed: July 13, 1983 as R.1983 d.304, **with substantive  
 and technical changes** not requiring additional public  
 comment and notice (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 30:4D-6a4(a), b(2), (14)(16) and  
 30:4D-7 and 7b.

Effective Date: August 1, 1983.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 March 30, 1984.

## Summary of Public Comments and Agency Responses:

The Division received only one comment from Mr. James E. Cunningham, President, New Jersey Association of Health Care Facilities. Mr. Cunningham requested that the words "less costly" be added after "accessible" to subparagraph (3) and the words "at less cost" be added after the word "available" in subparagraph (4).

In response to this comment, the Division added subparagraph (5) which indicates that the MET may choose to limit or deny the request for alternate care if the cost of such care is equal to, or exceeds, the cost of institutional care over a six month period. Since this additional subparagraph allows for flexibility, it should be advantageous to both the public and the Division.

## Summary of Changes Between Proposal and Adoption:

The Division wishes to modify certain language in the summary statement appearing at 15 N.J.R. 485(a) in the New Jersey Register of April 4, 1983. The statement that accompanied the original proposal indicated the MET (Medical Evaluation Team) is responsible for evaluating a Medicaid recipient's need for **nursing home care**. This should be amended to read that the MET is responsible for evaluating a Medicaid recipient's need for nursing and related health and social services.

The first sentence in paragraph three of the summary should be revised as follows: This proposal will allow the MET to deny a request for long term care services in a LTC facility if alternative care is available, accessible, and appropriate to the needs of the Medicaid recipient.

Changes in the text of the rule, upon adoption, are as follows:

1. Sub-subparagraph (3) is modified by substituting the word "alternate" for "alternative".
2. Sub-subparagraph (4) is modified by inserting the word "facility" after long term care.
3. Sub-subparagraph (5) is added.

None of these changes are substantive enough to require republication. The first two changes are made for clarification. The language in subparagraph (5) is similar to that contained in the Home Health Services Manual, which also allows the Medical Consultant the right to limit or deny requests for home health services if the cost of such services exceeds institutionalized care over a six month period.

In addition, subparagraph (5) is flexible, since the MET has option of limiting or denying the request for alternate care. If such a request were denied, then long term care services would be authorized. The Medicaid patient will receive necessary care and services covered by Title XIX.

**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]\*).

10:63-1.5 Utilization control

(a) (No change.)

(b) Utilization review is a continuous program of review of the need for services to eligible individuals which includes:

1.-2. (No change.)

3. Alternate care; discharge planning considerations:

i. Alternate care planning is the determination, initially and periodically as to whether or not each Medicaid eligible patient requires initial placement or continued placement in an institutional setting and whether or not their nursing, social and other health care needs can be met through alternative institutional or non-institutional services.

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

**(3) If \*[alternative]\* \*alternate\* care is available, accessible, and appropriate to the needs of the patient, the MET should deny the request for long-term care facility services.**

**(4) If an appropriate alternate plan of care becomes available and accessible for a person already approved for long-term facility care who is awaiting placement, the MET should rescind the authorization of the long-term care \*facility\* services.**

**\*(5) When the cost or the projected cost of alternate care is equal to or in excess of the cost of institutional care over a period of six months, the MET may opt to limit or deny the request for alternate care.\***

ii-iv (No change.)

(c)-(h) (No change.)

## LAW AND PUBLIC SAFETY

## (b)

DIVISION OF ALCOHOLIC BEVERAGE  
CONTROLBUREAU OF AMUSEMENT GAMES  
CONTROLIssuance of Licenses; Conduct of Licensees;  
Submission of Reports; Certification of  
GamesAdopted Amendments: N.J.A.C. 13:3-1.2,  
1.11, 1.14, 1.16, 1.17, 2.2, 3.4, 3.5, 3.6,  
3.8, 3.9, 3.10, 3.15, 4.3, 7.1, 7.2 and 7.9

Proposed: May 2, 1983 at 15 N.J.R. 680(a).  
 Adopted: July 1, 1983 by John F. Vassallo, Jr., Director,  
 Division of Alcoholic Beverage Control and  
 Commissioner, Bureau of Amusement Games Control.  
 Filed: July 13, 1983 as R.1983 d.303, **without change**.

Authority: N.J.S.A. 5:8-79, 5:8-79.1, 5:8-85, 5:8-101,  
 5:8-102, 5:8-103, 5:8-105, 5:8-107 and 5:8-125.

Effective Date: August 1, 1983.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 January 17, 1988 for N.J.A.C. 13:3-1, -2, -3 and -4;  
 August 1, 1988 for N.J.A.C. 13:3-7.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

(a)

## BOARD OF MEDICAL EXAMINERS

### Standards and Rules of Board of Medical Examiners

**Adopted Repeal: N.J.A.C. 13:35-1 through 7, and 9 through 10**  
**Adopted New Rules: N.J.A.C. 13:35-1 through 6**

Proposed: April 4, 1983 at 15 N.J.R. 503(a).  
 Adopted: June 28, 1983 by Board of Medical Examiners,  
 Edwin H. Albano, M.D., President.  
 Filed: July 18, 1983 as R.1983 d.314, **without change**  
 but with N.J.A.C. 13:35-2.4(k) **not adopted but still pending.**

Authority: N.J.S.A. 45:9-2.

Effective Date: August 1, 1983.  
 Operative Date: November 3, 1983 for N.J.A.C. 13:35-2.4 only.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 August 1, 1988.

**Summary of Public Comments and Agency Responses:**

The Board published a proposed repeal and new rules of all existing Medical Board Rules on April 4, 1983 at 15 N.J.R. 503 through 518. Notice of the proposal was disseminated to all professional societies of licensees in the State and to newspapers. Significant public comment was received on only a few matters. Those included a proposal for repeal of a current rule respecting standards for approval of schools teaching chiropractic and adoption of a revised version; special additional notice of that proposal was sent to chiropractic professional societies in the State as well as to a national accrediting agency, chiropractic colleges, several attorneys representing chiropractic interests, and the two major M.D. and D.O. professional societies in the State. Notice of a special public hearing on this rule was published in the Register and was given to the interested parties directly. Voluminous oral and written comment has been received. The hearing was conducted by a Board committee, which prepared an extensive analysis of the information and comments it considered; that report is available to the public from the Board. The Board voted to refer one provision of the proposal back to the Committee for further review. However, in order not to hinder the completion of the repeal of all prior Board rules and the concurrent adoption of new rules, the Board adopted all provisions of the proposed chiropractic college rule with the exception of N.J.A.C. 13:25-2.4(k), action on which was deferred. This has the effect of temporarily leaving in effect the wording of the parallel section of the existing rule, N.J.A.C. 13:35-10.10, i.e. not requiring an applicant for licensure to be a graduate of a professional school which is approved by a nationally recognized accrediting agency but leaving approval

solely at the discretion of the Board. It is expected that final consideration of proposed N.J.A.C. 13:25-2.4(k) will take place shortly.

On another matter, the New Jersey Podiatry Society requested a new rule to prohibit discrimination by radiologists against patients referred for x-ray studies by podiatrists. This request was rejected by the Board because a review of Board records shows no receipt of complaint on this issue and the request was therefore deemed unnecessary.

Numerous letters were received in opposition to the proposed change in N.J.A.C. 13:35-4.2, Termination of pregnancy. The letters did not address any medical issues involved in the proposed change. Significantly, the letters uniformly objected to allowing late-pregnancy abortions to be done in a non-hospital setting. These criticisms were found by the Board to be without merit as they were apparently based upon a misunderstanding of the rule change. The Board proposal does not permit late abortions in a non-hospital setting; rather, it continues its current requirement that all procedures done after the 16th post-menstrual week must be performed in a licensed hospital. The only change was to delete the prior requirement that the woman be an "in-patient" at the hospital. This requirement is deemed to be unnecessary today, in light of the availability of better-developed procedures, technology and diagnostic techniques. The change thus makes the discretion of the physician as to the need for prolonged hospitalization dependent only upon medical assessment of the patient's well-being and recovery from the procedure—the same criteria used by physicians in all other post-operative situations.

A significant rule proposal which received no public comment at all was the increase in fees for Board licensees, appearing at 15 N.J.R. 518. Unfortunately, due to a clerical error, part of that section (N.J.A.C. 13:35-6.13) was omitted. It was therefore republished in its entirety on May 16, 1983 at 15 N.J.R. 785 and was adopted June 28, 1983.

Except as stated above, all of the rule proposals were adopted as published. Furthermore, the O.A.L. has already been notified of various printing errors needing clerical correction which will be corrected in the next Code update.

It is anticipated that a future edition of the Register will contain final consideration of a clerical correction to the amphetamine rule, N.J.A.C. 13:35-6.7 which was published on May 16, 1983 at 15 N.J.R. 785; a clerical correction on the laetrile rule, N.J.A.C. 13:35-6.8 (part of which was omitted from 15 N.J.R. 516); and a provision for chiropractic licensure by endorsement, which clarifies the current provision of N.J.S.A. 45:9-45.10 and which was published at 15 N.J.R. 784. Several new proposals will consider delineating standards of chiropractic practice; relaxing examination standards for physical therapists and requiring applicants to prove functional abilities in English; permitting third-year clinical training programs for physicians; establishing licensure standards for applicants from medical schools not accredited by recognized accrediting agencies; providing for supervised post-graduate test and practice privileges for certain professions prior to licensure; and permitting licensure for bioanalytical laboratory directors by endorsement.

(a)

**NEW JERSEY RACING COMMISSION****Thoroughbred Racing  
Harness Racing****Readoption: N.J.A.C. 13:70-3, 14, 15, 19  
and 29, and 13:71-5, 9, 21 and 23  
Adopted Repeal: N.J.A.C. 13:70-19.43**

Proposed: May 2, 1983 at 15 N.J.R. 685(a).

Adopted: June 14, 1983 by New Jersey Racing Commission,  
Harold G. Handel, Executive Director.Filed: July 8, 1983, as R.1983 d.295, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date (Readoption): July 8, 1983.

Effective Date (Repeal): August 1, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
February 7, 1988.**Summary of Public Comments and Agency Responses:  
No comments received.****ENERGY**

(b)

**THE COMMISSIONER****Energy Conservation****Readoption with Amendments: N.J.A.C.  
14A:3-1, -2, -3, -4, -6, -7, -8 and -9**

Proposed: May 16, 1983 at 15 N.J.R. 789(a).

Adopted: July 8, 1983 by Leonard S. Coleman, Jr.,  
Commissioner, Department of Energy.Filed: July 11, 1983 as R.1983 d.298, **without change**.

Authority: N.J.S.A. 52:27F-11q.

Effective Date (Readoption): July 11, 1983.

Effective Date (Amendments): August 1, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
July 11, 1988.**Summary of Public Comments and Agency Responses:**

The New Jersey State Chamber of Commerce and the New Jersey Business and Industry Association commented that the Large Boiler Efficiency Standards and the Lighting Efficiency Standards for Existing Buildings generate costs (in paperwork and performance) that are out of proportion to their energy cost savings. It was recommended that both standards be made voluntary.

The New Jersey Business and Industry Association stated that the United States Department of Energy (USDOE) never saw fit to regulate lighting efficiency standards and that the New Jersey Department of Energy (NJDOE) should follow suit by repealing N.J.A.C. 14A:3-9.

The Department of Energy considers mandatory boiler and

lighting efficiency standards to be a necessary component of New Jersey's energy conservation strategy. Neither commenter cited any cost data in support of its contentions that the standards should be repealed. Both groups single out the posting requirements for the Certificate of Compliance as a major expense and inconvenience. However, the certificates are available from the Department at no cost and are simple to use.

With respect to the boiler efficiency test requirements, the energy conservation benefits are obvious. In fact boiler experts recommend that flue gas tests of the type required by the regulations be performed weekly and maintained in record form. There is virtually no other way to monitor boiler efficiency. Thus, the paperwork is necessary in order to properly evaluate boiler performance and take steps to correct inefficiencies therein.

With respect to lighting efficiency standards, it is true that the USDOE never established lighting performance standards for existing buildings. However, USDOE not only delegated this aspect of energy conservation to the states but also mandated that the states establish lighting standards. To date, the requirement has not been abolished. Thus, the New Jersey Department of Energy is required to enforce such standards until the USDOE determines that they are unnecessary.

For these reasons the Department will readopt the boiler and lighting efficiency standards along with the other regulations contained in the proposed readoption. The Department, will, however, give consideration to holding a conference or hearing on the subject of efficiency standards in order to provide interested parties with a further opportunity to air their views on the matter.

**TRANSPORTATION**

(c)

**TRANSPORTATION OPERATIONS****Restricted Parking and Stopping  
Route 35****Adopted Amendment: N.J.A.C. 16:28A-1.25**

Proposed: May 16, 1983 at 15 N.J.R. 792(a).

Adopted: June 28, 1983 by David W. Gwynn, Chief  
Engineer, Transportation Operations & Local Aid.Filed: July 8, 1983 as R.1983 d.297, **without change**.Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and  
39:4-199.

Effective Date: August 1, 1983.

Expiration Date pursuant to Executive Order No. 66 (1978):  
August 1, 1983.**Summary of Public Comments and Agency Responses:  
No comments received.**

## OTHER AGENCIES

### (a)

#### NEW JERSEY TURNPIKE AUTHORITY

##### Turnpike Authority Rules

##### Readoption with Amendments: N.J.A.C. 19:9

Proposed: June 6, 1983 at 15 N.J.R. 886(a).  
 Adopted: July 13, 1983 by the New Jersey Turnpike Authority, William J. Flanagan, Executive Director.  
 Filed: July 13, 1983 as R.1983 d.301, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:23-1, 27:23-29.

Effective Date (Readoption): July 13, 1983.

Effective Date (Amendments): August 1, 1983.  
 Expiration Date pursuant to Executive Order No. 66(1978): July 13, 1988.

##### Summary of Public Comments and Agency Responses: No comments received.

In the proposal to readopt with amendments the New Jersey Turnpike Authority Rules at 15 N.J.R. 886(a), there were certain inadvertent omissions in the current text of N.J.A.C. 19:9-1.9(a)12 as published. The text should have appeared as follows:

- 19:9-1.9 Limitations on use of turnpike  
 (a) Use of the New Jersey Turnpike and entry thereon by the following is prohibited:  
 1.-11. (No change.)  
 12. Vehicles or combinations of vehicles, including any load thereon, exceeding the following extreme overall dimensions† or weights:  
 i. Height: 13 feet, 6 inches;  
 ii. Width: 8 feet, **6 inches**;  
 iii. Length: [55 feet] **semitrailer in excess of 48 feet in length when in a tractor-semitrailer combination**;  
 iv. Gross weight: 80,000 pounds:  
 (1) Single axle: 22,400 pounds;  
 (2) Tandem axle: 34,000 pounds.

†No private utility, house-type semitrailer or trailer with a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 45 feet and a maximum length for a trailer and its towing vehicle of more than 50 feet shall be operated on the New Jersey Turnpike.

[v. No commercial motor vehicle drawing or having attached thereto any other vehicle shall be operated on the turnpike in excess of a total overall length inclusive of load of 55 feet;]

[vi.] v. Notwithstanding the above limitations, a combination of vehicles designed, built and used to transport other motor vehicles may carry a load which exceeds the [55] **65** feet overall length, **including load overhang**. [, provided, however,] **The** total load overhang shall be limited to five feet and may not exceed three feet at either the front or rear and that the overhang shall be above the height of the average passenger car;

[vii.] vi. Commercial vehicles with tandem trailer combinations, commonly known as "double bottoms," with overall **individual trailer** length not exceeding [55] **28 feet 6 inches** are permitted to travel on the New Jersey Turnpike provided a written permit has been secured from the Director of Operations of the New Jersey Turnpike Authority;

- 13.-26. (No change from proposal.)  
 (b) (No change from proposal.)

19:9-1.18 Noise limits  
 (No change from proposal.)

### (b)

#### PUBLIC EMPLOYMENT RELATIONS COMMISSION

##### Appeal Board

##### Adopted New Rule: N.J.A.C. 19:17

Proposed: August 16, 1982 at 14 N.J.R. 903(a).  
 Adopted: July 15, 1983 by Public Employment Relations Commission, James W. Mastriani, Chairman.  
 Filed: July 18, 1983 as R.1983 d.310, **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. 34:13A-5.9.

Effective Date: August 1, 1983.  
 Expiration Date pursuant to Executive Order No. 66(1978): July 15, 1988.

##### Summary of Public Comments and Agency Responses:

A public hearing concerning the proposal was conducted at 10 A.M. on September 10, 1982 at the Office of Administrative Law, 88 East State Street, Trenton, New Jersey. The hearing was conducted for the purpose of receiving public comment on the PERC proposal and proposed rule N.J.A.C. 1:20-1.1 proposed by the Office of Administrative Law and published at 14 N.J.R. 862. Presiding at the Hearing were Judge Steven Lefelt, Office of Administrative Law, James W. Mastriani, Chairman, Public Employment Relations Commission, Mark M. Neimeiser, Member, Public Employment Relations Commission Appeal Board and Don Horowitz, Esq., Deputy General Counsel, Public Employment Relations Commission. A stenographic transcript of the public hearing is attached as Appendix IIA.

Persons and organizations submitting public comments on the PERC proposal were:

1. Thomas Foy, Esquire, General Counsel, New Jersey State AFL-CIO made a statement during the public hearing on September 10, 1982.
2. Jeffrey Mintz, Esquire, of the firm of Stein and Shapiro, Medford, N.J., New Jersey counsel for the National Right to Work Legal Defense Foundation.
  - a. Made a statement during the public hearing September 10, 1982. (Appendix IIA)
  - b. Submitted written comments dated September 15, 1982, attached as Appendix IIB (2) (b).
  - c. Submitted written comments dated September 22, 1982, attached as Appendix IIB (2) (c).
  - d. Submitted written comments dated October 25, 1982, submitted as Appendix IIB (2) (d).
3. Nelson R. Kieff, Esq., Staff Attorney, National Right to Work

Legal Defense Foundation, Springfield, Virginia, submitted written comments dated September 16, 1982. Appendix IIB (3) (a). A response to Mr. Kieff's comments dated September 20, 1982 from Burton Weltman, Esq., Office of Administrative Law is attached as Appendix IIB (3) (b).

4. Barbara Kraft, Esq., of Kirschner, Weinberg, Dempsey, Walters and Willig, Washington, D.C. submitted written comments dated September 10, 1982 on behalf of the American Federation of State, County, and Municipal Employees, AFL-CIO and on behalf of New Jersey Council No. 1, AFSCME, AFL-CIO (Appendix IIB (4)).

5. Steven P. Weissman, Esq., Associate Counsel, Communications Workers of America, AFL-CIO submitted written comments dated September 14, 1982 (Appendix IIB (5)).

Principal Points of Controversy concerning the PERC proposal and agency response:

A. Mr. Mintz questioned the authority of the Public Employment Relations Commission to adopt rules concerning the Public Employment Relations Commission Appeal Board, also asserting that any adoption of rules for the Appeal Board should await the presence of the full complement (i.e., three) of the Board members.

Agency Response—N.J.S.A. 34:13A-5.9 specifically authorizes the Public Employment Relations Commission to adopt rules to effectuate the purposes of the Act which created the Appeal Board (L. 1979, Ch. 477).

B. Mr. Mintz questioned whether PRN 1982-332 was adequately publicized. Mr. Kieff raised the same issue.

Agency response—The Proposal was published in accordance with the requirements of law. See Appendices I and IIB (3) (b).

C. Mr. Mintz noted that the Public Employment Relations Commission and the Appeal Board are separate agencies and questioned the use by the Appeal Board of the Commission's personnel, with the exception of clerical personnel. Mr. Mintz perceived that conflicts of interest could arise between the performance by the Commission's staff and counsel of its duties on behalf of the Commission and those tasks undertaken for the Appeal Board.

Agency Response—The concern raised with regard to conflicts of interest stemming from possible jurisdictional disputes between the Commission and the Appeal Board is not viewed as a serious potential problem.

Initially it should be noted that the Office of Administrative Law has a procedure for avoiding duplicative administrative hearings when a claim involving the same set of events is filed with two or more administrative agencies. See N.J.A.C. 1:1-14.1. A feature of this procedure is that a determination will be made as to which agency has the predominant interest, from jurisdictional standpoint, in order to prevent jurisdictional struggles between administrative agencies. The procedure is applicable even where one of the agencies, for example, PERC, is permitted to have its own personnel hear contested cases. Since any dispute over jurisdiction will be resolved by an Administrative Law Judge, PERC personnel will not be deciding whether a case is properly within the jurisdiction of either PERC or the Appeal Board. Moreover, such a decision would be made by the members of the Commission and the Board respectively and not agency staff. See *In re Polk License Revocation*, 90 N.J. 550 (1982). A recent decision of the Commission, *In re Board of Education of the Town of Boonton*, P.E.R.C. No. 84—, has set forth the Commission's views with respect to its jurisdictional responsibilities under this Act. It would appear that the jurisdiction of PERC and the Appeal Board are complementary and not competing and thus the potential for jurisdictional disputes are minimal.

The Commission has also made the Attorney General aware of the concerns raised by Mr. Mintz concerning possible conflict of interest from the use of PERC staff by the Appeal Board and has forwarded the public comments on this issue (Appendices IIA and IIB (2) (b)). The Attorney General advised the Chairman of the Commission that the utilization of the Commission's staff by the

Appeal Board would not present a conflict of interest.

D. Mr. Mintz urged that all rulemaking cease until the completion of Federal litigation concerning the validity of the Act.

Agency Response—The Commission has delayed its adoption of these rules for a period of time while Federal litigation has proceeded. Three decisions have been handed down to date which afford preliminary injunctive relief only to the named plaintiffs in the suits filed. Further appeals present the prospect of these suits continuing for a substantial period of time.

In the meantime, public employees who are not involved in the Federal litigation have invoked their statutory right to seek relief through the Appeal Board. The enactment of these rules is necessary to allow these individuals to pursue their statutory rights. Further delay in adoption would necessitate commencing the rule adoption process anew. See N.J.A.C. 1:30-4.2(c)

E. Mr. Weissman and Ms. Kraft both proposed that the word "complaints" in proposed rule N.J.A.C. 19:17-1.1 be eliminated and the phrase "petitions of appeal" be substituted in order to eliminate confusion with the jurisdiction of the Public Employment Relations Commission to hear "complaints" of unfair practices.

Agency Response—The modification proposed above has been made upon adoption.

This Record with attached Appendices shall be maintained by the Public Employment Relations Commission for a minimum of two years following the adoption of the proposal as modified.

Copies of this record are available for public inspection at the Main Office of the Public Employment Relations Commission in Trenton, New Jersey\*, the Commission's Newark Office at 1180 Raymond Boulevard, Room 838, and the Office of Administrative Law, 88 East State Street, Trenton, New Jersey.

\*The Commission anticipates relocating its Trenton, New Jersey office from 429 East State Street to 495 West State Street during the Fall of 1983.

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]\*).

## CHAPTER 17 PUBLIC EMPLOYMENT RELATIONS COMMISSION APPEAL BOARD

### SUBCHAPTER 1. DESCRIPTION OF ORGANIZATION

#### 19:17-1.1 Description of the Appeal Board

The Public Employment Relations Commission Appeal Board (the "Appeal Board") is the board established by N.J.S.A. 34:13A-5.6 to consider \*[complaints]\* **\*petitions of appeal\*** of public employees, who are not members of the employee organization which represents the employees' collective negotiations unit, concerning the amount of the representation fee in lieu of dues paid by the nonmember employees.

#### 19:17-1.2 Staff of the Appeal Board (No change from proposal.)

#### 19:17-1.3 Delegation of authority to staff of the division of public employment relations, officers of the Appeal Board (No change from proposal.)

### SUBCHAPTER 2. PROCEDURES

#### 19:17-2.1 Rules to be read in conjunction with the rules of the Office of Administrative Law

These rules are to be read in conjunction with the Uniform Administrative Procedure Rules of Practice (UAPRP), N.J.A.C. 1:1-1, and **\*any\*** **\*[the]\*** rules of special applicability for hearings

initiated before the Public Employment Relations Commission Appeal Board, \*[N.J.A.C. 1:20.]\* **\*hereafter adopted by the Office of Administrative Law.\***

(a)

## CASINO CONTROL COMMISSION

### Accounting and Internal Controls Progressive Slot Machines

#### Adopted Amendment: N.J.A.C. 19:45-1.39

Proposed: September 20, 1982 at 14 N.J.R. 1053(a).  
Adopted: July 11, 1983 by Casino Control Commission,  
Walter N. Read, Chairman.  
Filed: July 11, 1983 as R.1983 d.300, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 5:12-63(c) and 69(a).

Effective Date: August 1, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
April 7, 1988.

#### Summary of Public Comments and Agency Responses:

One comment was received from the Tropicana Hotel and Casino. Tropicana suggested two wording changes to clarify the objectives of the regulations. The suggestions have been accepted and incorporated as non-substantive for purposes of clarity and comprehension.

**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]\***).

19:45-1.39 Progressive slot machines

(a)–(e) (No change from proposal.)  
(f) No “progressive meter(s)” shall be turned back to a lesser amount unless the amount indicated has been actually paid to a winning patron, **or the progressive jackpot amount won by the patron has been recorded in accordance with an approved system of internal controls** **\*,\* [.]\*** or the change in the meter(s) reading is necessitated by a slot machine or meter(s) malfunction, in which case an explanation must be entered on the **\*Progressive Slot\* [s]\*\*S\*ummary** required in [subsection] (j) **\*[above]\* \*below\*** [of this section] and the Commission inspector must pre-approve the resetting in writing.

(g)–(k) (No change from proposal.)

(b)

## CASINO CONTROL COMMISSION

### Gaming Equipment Receipt of Gaming Chips or Plaques from Manufacturer or Distributor; Inventory, Storage and Destruction of Chips and Plaques

#### Adopted Amendment: N.J.A.C. 19:46-1.6

Proposed: August 2, 1982 at 14 N.J.R. 828(a).  
Adopted: July 11, 1983 by Casino Control Commission,  
Walter N. Read, Chairman.  
Filed: July 11, 1983 as R.1983 d.299, **without change**.  
A part of the proposal, N.J.A.C. 19:46-1.1, was **not adopted**.

Authority: N.J.S.A. 5:12-63(c).

Effective Date: August 1, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
May 4, 1988.

#### Summary of Public Comments and Agency Responses:

Resorts International Hotel, Inc. and Marina Associates recommended that an inventory of outstanding chip and plaque liability by denomination be conducted monthly instead of daily. The suggestion was rejected because the daily inventory of outstanding chip liability by denomination is an effective tool to control the use of counterfeit chips and the new \$1,000 and \$5,000 value chips.

(a)

## CASINO CONTROL COMMISSION

### Gaming Equipment Dice; Receipt, Storage, Inspections and Removal from Use Cards; Receipt, Storage, Inspections and Removal from Use

#### Adopted Amendments: N.J.A.C. 19:46-1.16 and 1.18

Proposed: August 2, 1982 at 14 N.J.R. 829(a).  
Adopted: July 15, 1983 by Casino Control Commission,  
Walter N. Read, Chairman.  
Filed: July 15, 1983 as R.1983 d.308, **without change**.

Authority: N.J.S.A. 5:12-63(c).

Effective Date: August 1, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
May 4, 1988.

#### Summary of Public Comments and Agency Responses:

Concerning N.J.A.C. 19:46-1.16, comments were received

from Bally's Park Place, Inc. and Boardwalk Regency Corp. Bally recommended that a third alternative for the inspection of dice be made a part of 19:46-1.16(d). The procedure would require one casino supervisor to inspect the dice with the process being taped and retained by the CCTV. The Commission rejected this proposal on the basis that it finds one casino supervisor to be inadequate for purposes of the control system.

Boardwalk Regency recommended that Alternative 2 in 19:46-1.16(d) be amended by deleting the requirement that an assistant shift manager, or those persons above him be required to inspect dice. The Commission rejected this recommendation because the amendment does not require an assistant shift manager to perform the inspection, but simply requires his or her presence.

Concerning N.J.A.C. 19:46-1.18, one comment was received from Boardwalk Regency Corp. The industry recommended that since the Commission's regulations do not require the casinos to utilize cards of various colors, it should not be required to account for cards by color in the card inventory system. The recommendation was accepted and is reflected in the amendments that the Commission approved for publication at its public meeting of July 13, 1983.

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# EMERGENCY ADOPTION

## LAW AND PUBLIC SAFETY

(a)

### DIVISION OF MOTOR VEHICLES

#### Vehicle Inspection

#### Inspection Period of Passenger Vehicles and Commercial Vehicles Registered for Not More Than 6,000 lbs.

#### Adopted Emergency Repeal and New Rule, and Concurrent Proposal: N.J.A.C. 13:20-7.4

Emergency Repeal and New Rule Adopted: July 1, 1983 by Clifford W. Snedeker, Director, Division of Motor Vehicles.

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c): July 7, 1983.

Emergency Repeal and New Rule Filed: July 7, 1983 as R. 1983 d.294.

Authority: N.J.S.A. 39:8-2.

Emergency Repeal and New Rule Effective Date: July 7, 1983.

Emergency Repeal and New Rule Expiration Date: September 5, 1983.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before August 31, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director  
Division of Motor Vehicles  
Department of Law and Public Safety  
25 South Montgomery Street  
Trenton, NJ 08666

The repeal and new rule were adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency adoption are being proposed for re-adoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The re-adopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

The concurrent proposal is known as PRN 1983-390

The agency emergency adoption and concurrent proposal follows:

#### Summary

The proposal repeals the Odd-Even Inspection System established by emergency amendment adopted July 23, 1982 and re-adopted October 1, 1982. The proposed repeal and new rule are necessary in light of the order of federal court which declared that "the biennial inspection and maintenance program adopted by the State of New Jersey on or about August 2, 1982 is a de facto revision of the 1979 New Jersey State Implementation Plan (SIP),

which revision was adopted and implemented in violation of the requirements of the Clean Air Act, 42 U.S.C. § 7401 et seq., and is therefore null and void." The court also declared that "the requirements for the annual inspection and maintenance program embodied in the 1979 SIP are declared hereby to be of full force and effect and are to be implemented by the defendants forthwith..." Pursuant to that court order the prior text of N.J.A.C. 13:20-7.4 as it existed before the 1982 emergency amendment is being adopted on an emergency basis and concurrently proposed.

#### Social Impact

The proposed repeal of the current text of N.J.A.C. 13:20-7.4 and adoption of the prior rule has a beneficial social impact in that it places the State in compliance with the 1979 New Jersey State Implementation Plan pursuant to the requirements of 42 U.S.C. § 7401 et seq.

#### Economic Impact

There is no direct economic cost to the citizens of the State by repeal of this regulation and adoption of the prior rule as required by order of the federal court.

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

13:20-7.4 Inspection period of passenger vehicles [and commercial vehicles registered for not more than 6,000 lbs.]

[(a) A certificate of approval shall be issued for passenger vehicles and commercial vehicles registered for not more than 6,000 lbs. when the mechanism, brakes and equipment of said motor vehicles have been inspected and found to be in proper and safe condition.

(b) A certificate of approval shall expire on the last day of the 24 calendar month following the calendar month in which such certificate of approval was issued.

(c) Motor vehicles with registration plate numbers ending with an even digit shall be inspected in even-numbered years. Motor vehicles with registration plate numbers ending with an odd digit shall be inspected in odd-numbered years. Vehicles with registration plates composed solely of letters shall be inspected in odd-numbered years.]

**The expiration of the windshield inspection sticker of each passenger vehicle shall be the last day of the month in which the vehicle registration expires. Each such vehicle shall be presented for inspection after registration has been renewed and prior to the expiration date shown on the windshield inspection sticker.**

## 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 (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	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
1:1-10.1	Pre-hearing conferences by telephone	15 N.J.R. 582(a)	R.1983 d.268	15 N.J.R. 1093(a)
1:1-13.2, 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	Organizational	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)
<b>AGRICULTURE--TITLE 2</b>				
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)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R. 1982 d.234	14 N.J.R. 833(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)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d.237	14 N.J.R. 833(a)
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)
2:23	Voluntary Gypsy-Moth Suppression Program	15 N.J.R. 370(a)	R. 1983 d.267	15 N.J.R. 1093(b)
2:32-2	Sire Stakes Program	15 N.J.R. 69(a)	R. 1983 d.84	15 N.J.R. 439(a)
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)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R. 1982 d.236	14 N.J.R. 833(e)
2:85-1	Repealed: Agricultural Preserve Demonstration Program (Title 2, Transmittal 19 dated June 21, 1982)	15 N.J.R. 371(a)	R. 1983 d.169	15 N.J.R. 889(a)
<b>BANKING--TITLE 3</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)
3:1-14	Revolving Credit Equity Loans	Emergency	R. 1983 d.275	15 N.J.R. 1107(a)
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)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R. 1982 d.244	14 N.J.R. 834(c)
3:6-7.1-7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R. 1982 d.307	14 N.J.R. 988(a)
3:6-13	Automated teller machines	15 N.J.R. 190(a)	R. 1983 d.286	15 N.J.R. 1179(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)
3:11-1.1	Readopted: Approval of banks to exceed 10% limitation on investments	15 N.J.R. 658(b)	R. 1983 d.264	15 N.J.R. 1094(a)
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)
3:17-7.1, 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)
3:23-2.1	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)
3:28-5.1-5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R. 1982 d.306	14 N.J.R. 989(a)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R. 1982 d.302	14 N.J.R. 977(a)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation (Title 3, Transmittal 18 dated June 21, 1982)	14 N.J.R. 493(a)	R. 1982 d.303	14 N.J.R. 977(b)
<b>CIVIL SERVICE--TITLE 4</b>				
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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
5:22-1.4	Residential tax exemptions: additions and improvements	15 N.J.R. 586(a)	R. 1983 d. 258	15 N.J.R. 1094(b)
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)
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(e)
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. 32(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(e)
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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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	Readopted: Local Finance Board rules	15 N.J.R. 463(b)	R. 1983 d.277	15 N.J.R. 1180(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)

**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	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R. 1983 d.40	15 N.J.R. 244(a)
6:11-3.12, 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)
6:11-7	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)
6:20-3.1	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)
6:28-5.10, 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)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(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 and Records Management: transferred to Department of State by Governor's Reorganization Plan			15 N.J.R. 818(a)
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)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
6:72-77	State Museum: transferred to Department of State by Governor's Reorganization Plan	_____	15 N.J.R. 270
6:79-1.9, 1.11	Child nutrition program changes (Title 6, Transmittal 18 dated June 21, 1982)	14 N.J.R. 1248(b)	R.1983 d.71 15 N.J.R. 440(a)
<b>ENVIRONMENTAL PROTECTION—TITLE 7</b>			
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)
7:6-1.37	Water skiing events on private lakes	15 N.J.R. 765(a)	R.1983 d.280 15 N.J.R. 1180(b)
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 Management Program: "Routine implementation" determination	_____	14 N.J.R. 1467(b)
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)
7:7F	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)
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.1982 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	Readopted: NJPDES permit program rules	15 N.J.R. 606(a)	R.1983 d.260 15 N.J.R. 1094(c)
7:14A-1.8, 1.9,	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R.1982 d.495 15 N.J.R. 85(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
2.1				
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)
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)
7:25-9.1	Taking of hard clams: size tolerance control	14 N.J.R. 689(a)	R. 1983 d.270	15 N.J.R. 1095(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	Crab pots	15 N.J.R. 388(b)	R. 1983 d.291	15 N.J.R. 1181(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	Readopted: solid waste fee schedules	15 N.J.R. 662(a)	R. 1983 d.269	15 N.J.R. 1095(b)
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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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	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	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-8.13, 8.15	Waste oil management	14 N.J.R. 20(a)	R. 1982 d.494	15 N.J.R. 88(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	Emergency	R. 1983 d.292	15 N.J.R. 1184(a)
7:26-8.16	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, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-9.1, 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)
7:26-13	Siting of new hazardous waste facilities	15 N.J.R. 113(a)	R. 1983 d.276	15 N.J.R. 1096(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)
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; 7:7E, Transmittal 17 dated June 21, 1982)

**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	Repeal 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)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
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(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
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)
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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)
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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)

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8:71	Generic drug list changes	14 N.J.R. 888(a)	R. 1983 d.138	15 N.J.R. 690(c)
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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)
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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)
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10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R. 1981 d.300	13 N.J.R. 579(a)
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10:58	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415	14 N.J.R. 1393(a)
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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)
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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)
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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	LTCSM: 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)
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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)
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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)
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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)
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10:81-3.17	PAM: Readopted revisions	14 N.J.R. 1168(a)	R.1982 d.441	14 N.J.R. 1459(a)
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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)
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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)
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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)
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10:87	Food Stamp Manual	13 N.J.R. 364(a)	R.1981 d.316	13 N.J.R. 581(a)
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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)
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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	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	Food Stamp income levels	Emergency	R. 1981 d. 278	13 N.J.R. 500(a)
10:87-12.3, 12.4, 12.7	Food Stamps: maximum income eligibility limits	Emergency	R. 1983 d. 288	15 N.J.R. 1185(a)
10:87-12.4	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)
10:94-5.4, 5.5, 5.6	Medicaid Only: eligibility computation amounts	Emergency	R. 1983 d. 289	15 N.J.R. 1187(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)
10:100-1.23	SSI payment levels (recodified as 10:100-App. A)	Emergency	R. 1983 d. 290	15 N.J.R. 1188(a)
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)
10:100-App. A	SSI payment levels	Emergency	R. 1983 d. 290	15 N.J.R. 1188(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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
11:1-14	Licensees: Address change; process serving	14 N.J.R. 748(a)	R. 1982 d.336	14 N.J.R. 1099(b)
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)
11:13	Commercial lines insurance	14 N.J.R. 1045(a)	R. 1982 d.423	14 N.J.R. 1398(c)

(Title 11, Transmittal 17 dated June 21, 1982)

**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)
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**

13:3-1. 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)
13:20-7.3, 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)
13:20-31.3	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)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R. 1982 d.370	14 N.J.R. 1163(a)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R. 1982 d.484	15 N.J.R. 94(a)
13:27-3.13	Board of Architects examination fees	15 N.J.R. 502(a)	R. 1983 d.271	15 N.J.R. 1102(b)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R. 1982 d.387	14 N.J.R. 1219(d)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2			15 N.J.R. 347(a)
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)
13:29-3.1-3.9,	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R. 1982 d.407	14 N.J.R. 1309(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
3.12-3.18				
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, 1.9-1.13, 1.15-1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R. 1983 d. 15	15 N.J.R. 157(a)
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)
13:35-6.5	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)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R. 1982 d. 416	14 N.J.R. 1400(a)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R. 1983 d. 97	15 N.J.R. 550(b)
13:36-3.4	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	Mortuary advertising requirements	14 N.J.R. 898(a)	R. 1982 d. 404	14 N.J.R. 1309(d)
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)
13:39-6.4, 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)
13:39-9.16	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)
13:40-1.1, 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	Examination fees for engineers and surveyors	15 N.J.R. 78(b)	R. 1983 d. 148	15 N.J.R. 807(c)
13:41-3.2	Professional planning examination fees	15 N.J.R. 79(a)	R. 1983 d. 114	15 N.J.R. 626(a)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R. 1983 d. 122	15 N.J.R. 626(b)
13:44-2.9	Veterinary board: Temporary permits	15 N.J.R. 130(a)	R. 1983 d. 113	15 N.J.R. 626(c)
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)
13:45A-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)
13:70-3.47	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)
13:71-7.1	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)

(Title 13, Transmittal 18 dated June 21, 1982)

**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)

N.J.A.C.  
CITATION

PROPOSAL NOTICE  
(N.J.R. CITATION) DOCUMENT  
CITATION

ADOPTION NOTICE  
(N.J.R. CITATION)

**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)
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-1.7	Parking on US 9 in Dover Twp, Ocean County	15 N.J.R. 686(a)	R. 1983 d. 279	15 N.J.R. 1181(c)
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)
16:28A-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	Parking on Routes 36, 38	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-1.28, 1.31, 1.32	Parking on Routes 40, 45, 46	14 N.J.R. 702(b)	R. 1982 d. 312	14 N.J.R. 1061(c)
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	Parking on Route 47	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-1.36, 1.37	Parking on Routes 57, 70	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
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)
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-1.38	Parking on Route 71 in Spring Lake Heights	15 N.J.R. 686(a)	R. 1983 d. 279	15 N.J.R. 1181(c)
16:28-1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 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-1.41	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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
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)
16:32	Readopted: Designated routes for special categories of trucks	15 N.J.R. 643(a)	R. 1983 d.259	15 N.J.R. 1102(c)
16:32	Correction: Designated routes for special categories of trucks	15 N.J.R. 1102(c)	R. 1983 d.259	15 N.J.R. 1182(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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:73	Reduced Fare Transportation Program (Title 16, Transmittal 15 dated March 19, 1981)	13 N.J.R. 881(a)	R. 1982 d.40	14 N.J.R. 209(a)
<b>TREASURY-GENERAL~TITLE 17</b>				
17:1	Readopted: General Administration pension rules	15 N.J.R. 523(a)	R. 1983 d.174	15 N.J.R. 930(b)
17:1-1.3, 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)
17:1-1.24	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)
17:1-5,-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)
17:1-8.14	Social Security late transmittal fee	15 N.J.R. 687(a)	R. 1983 d.265	15 N.J.R. 1104(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)
17:3	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)
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d.78	15 N.J.R. 449(b)
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d.78	15 N.J.R. 449(b)
17:4-1.12	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)
17:4-5.1	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)
17:4-6.14	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)
17:5-6.1, 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)
17:8-2.6, 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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
17:16-17.2, 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, 27.2, 27.3	State Investment Council: certificates of deposit	15 N.J.R. 794(a)	R. 1983 d.281	15 N.J.R. 1182(b)
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)
17:16-37.1-37.4	State Investment Council: repurchase agreements	15 N.J.R. 795(a)	R. 1983 d.282	15 N.J.R. 1182(c)
17:16-39.1-39.6	State Investment Council: bankers acceptances	15 N.J.R. 796(a)	R. 1983 d.283	15 N.J.R. 1182(d)
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)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R. 1982 d.362	14 N.J.R. 1166(b)
17:20-10	Correction to Code: Lottery ticket rules			15 N.J.R. 166(a)

(Title 17, Transmittal 17 dated June 21, 1982)

**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)
18:12-6A.8	Residential exemptions: improvements to multiple dwellings	15 N.J.R. 613(a)	R. 1983 d.256	15 N.J.R. 1105(a)
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)
18:19-2.7	Motor fuels sales: electronic pumps	15 N.J.R. 614(a)	R. 1983 d.257	15 N.J.R. 1105(b)
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)

N.J.A.C. CITATION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
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