

# 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 1385.*

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# RULE PROPOSALS

## CIVIL SERVICE

### (a)

#### Working Test Period Seniority and Promotions

**Proposed New Rules: N.J.A.C. 4:1-13.9 and 13.10**

**Proposed Amendment: N.J.A.C. 4:1-10.2**

**Proposed Repeal: N.J.A.C. 4:2-8.1 and 4:3-8.3**

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner, Department of Civil Service.

Authority: N.J.S.A. 11:1-7a, 11:5-1a; 11:12-1; 11:21-9.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone  
Assistant Commissioner  
Department of Civil Service  
CN 312  
Trenton, New Jersey 08625

The Civil Service 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 1984-294.

The agency proposal follows:

#### Summary

The proposed new rules, amendment and repeals concern regulations that pertain to employees with no permanent status and nonpermanent employees with permanent status at the same or lower salary range. The provisions of the repeals have been deleted, amended to current rule, or proposed as a new rule as follows:

Paragraph (a) of N.J.A.C. 4:2-8.1 and 4:3-8.3 is deleted as an unnecessary holdover from the recodified Civil Service Personnel Manual.

Paragraph (b) of N.J.A.C. 4:2-8.1 and 4:3-8.3 which addresses continuity and seniority of probationary employees who have permanent titles, has been rewritten and included in proposed new rule, N.J.A.C. 4:1-13.10.

Paragraph (c)1 of N.J.A.C. 4:2-8.1 and 4:3-8.3 is a conglomeration of topics—leaves of absence, promotional examinations and make-up examinations—which are addressed in the current administrative code. However, clarification that promotions are not allowed during a working test period is being proposed as new rule N.J.A.C. 4:1-13.9.

Paragraph (c)2 of N.J.A.C. 4:2-8.1 and 4:3-8.3 appears in current N.J.A.C. 4:1-13.8(b).

Paragraph (d) of N.J.A.C. 4:2-8.1 and 4:3-8.3 concerning promotion of nonpermanent employees, is proposed as an amendment to N.J.A.C. 4:1-10.2.

#### Social Impact

The proposals will clarify currently existing rules concerning permanent employees who are serving a working test period in another title.

#### Economic Impact

The proposals will have no economic impact since they merely clarify existing rules and procedures and do not affect economic matters.

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

#### SUBCHAPTER 13. WORKING TEST PERIOD

...

##### 4:1-13.9 Promotion

A probationary employee is not eligible for a promotional examination from the probationary title during the working test period for that title. See N.J.A.C. 4:1-8.4 for qualifications for promotional examinations.

##### 4:1-13.10 Permanent status in another title

A probationary employee with permanent status in a title at the same or lower salary range shall continue to accrue seniority in his or her permanent title for the duration of the work-

## NEW JERSEY REGISTER

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## PROPOSALS

## CIVIL SERVICE

ing test period. Upon successful completion of the working test period, the seniority accrued during the working test period shall be applied to the new title.

### SUBCHAPTER 10. NONCOMPETITIVE AND LABOR TITLES

...

#### 4:1-10.2 Appointments and promotions

(a) The President of the Civil Service Commission may authorize an appointing authority to appoint a qualified applicant to a title in the labor or noncompetitive division without examination.

(b) The President of the Civil Service Commission may order that a noncompetitive examination be held to determine the qualification of applicants for noncompetitive and labor division titles. Such examinations may be held after due notice. Public advertising shall not be required.

(c) Eligible lists shall not be ranked and any eligible may be appointed. Formal certification shall not be necessary.

(d) The duration, extension and termination of noncompetitive and labor eligible lists shall be governed by the same rules as those applying to open competitive examinations.

(e) At the discretion of the President of the Civil Service Commission, an employee may be promoted from the labor or noncompetitive division to a related entry level title in the competitive division through normal promotional examination procedures provided that [s/he] **he or she** meets the open competitive requirements.

**(f) A probationary employee who has permanent status in the noncompetitive or labor divisions and is appointed to a new title at the same salary range, or is promoted, shall continue to accrue seniority in his or her permanent title until attaining permanent status in the new title.**

#### 4:2-8.1 [Interim status of permanent employees promoted to higher class] **Reserved**

[(a) This section describes the policy and procedure applicable to any employee with permanent status in the classified service who has been promoted to a higher class in the same organizational unit and is serving provisionally or in a working test period.

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

##### (c) Procedures:

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

2. Any such employee who is discontinued in that higher class during provisional employment or his/her working test period shall be returned to the duties and responsibilities of the lower class unless s/he has been otherwise disqualified for further employment. See N.J.A.C. 4:2-14.1 for procedures for the return of provisional employees and employees who fail their working test period and provisional employees to their permanent titles.

(d) This policy and procedure applies to all situations in which a permanent employee is promoted to a higher class whether the promotion is from the noncompetitive or labor division to the competitive divisions or within any of the divisions of the classified service.

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

#### 4:3-8.3 [Interim status of permanent employees promoted to higher class] **Reserved**

[(a) This section describes the policy and procedure applicable to any employee with permanent status in the classified service who has been promoted to a higher class in the same organizational unit and is serving provisionally or in a working test period.

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

##### (c) Procedures:

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

2. Any such employee who is discontinued in that higher class during provisional employment or his/her working test period shall be returned to the duties and responsibilities of the lower class unless s/he has been otherwise disqualified for further employment. See N.J.A.C. 4:3-14.2 for procedures for the return of provisional employees and employees who fail their working test period and provisional employees to their permanent titles.

(d) This policy and procedure applies to all situations in which a permanent employee is promoted to a higher class whether the promotion is from the noncompetitive or labor division to the competitive divisions or within any of the divisions of the classified service.

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

EDUCATION

PROPOSALS

# EDUCATION

## (a)

### STATE BOARD OF EDUCATION

#### Business Services

#### Tuition for Private Schools for the Handicapped

#### Proposed Repeal: N.J.A.C. 6:20-4.1 and 4.2

#### Proposed New Rules: N.J.A.C. 6:20-4.1 through 4.6

Authorized By: New Jersey State Board of Education,  
Saul Cooperman, Secretary.  
Authority: N.J.S.A. 18A:4-15 and 18A:46-21.

A public hearing concerning this proposal will be held as follows:

Thursday, June 14, 1984  
3:00 P.M. to 6:00 P.M.  
First Floor Conference Room of the  
State Library  
185 West State Street  
Trenton, New Jersey 08625

All interested members of the public as well as other public agencies are invited to appear and to place their views upon the record. Persons seeking to be heard should so indicate in writing or by telephone to the person and address shown below. Such notice shall be no later than June 12, 1984.

Patricia Celinski  
Division of Special Education  
Department of Education  
CN 500, 225 West State Street  
Trenton, New Jersey 08625  
(609) 633-6833

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State Street  
Trenton, New Jersey 08625

At the close of the period for comments, the State Board of Education may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of this proposal, a notice of the adoption shall be published in the Register. The adoption shall become effective upon publication of that notice in the Register.

This proposal is known as PRN 1984-301.

The agency proposal follows:

#### Summary

The State Board of Education, pursuant to the authority of N.J.S.A. 18A:4-15 and 18A:46-21, proposes to repeal

N.J.A.C. 6:20-4.1 and 4.2, of the rules pertaining to tuition for private schools for the handicapped, as adopted on September 6, 1983 (see 15 N.J.R. 730(a), 15 N.J.R. 1469(a)), and proposes new rules concerning this topic.

This proposal for rules for tuition for private schools for the handicapped establishes both a new maximum rate formula for private schools for the handicapped based on the State Average Net Current Expense Budget (N.C.E.B.) and a new tuition rate approval process.

The existing rules, N.J.A.C. 6:20-4.1 and 4.2, would be repealed. N.J.S.A. 18A:46-21 requires that maximum tuition rates be established for handicapped pupils placed in approved private schools for the handicapped. The present formula in the Administrative Code (N.J.A.C. 6:20-4.1 and 4.2), which was adopted in 1975 and amended in July, 1983, uses a tuition formula based on the 85th percentile of public school special education program costs. Application of the formula has resulted in the following problems:

1. Tuition rates have not been based on actual approved costs;

2. Maximum rates have fluctuated up and down from one school year to another. Decreases have been caused by changes in public school average daily enrollments, rather than factors attributable to the costs of providing programs in private schools;

3. All private schools have received the same tuition rate even though there is a great deal of differentiation among the schools with regard to breadth and depth of programs.

The proposed maximum tuition rate formula consolidates the current 13 maximum rates into seven rates by clustering handicapped categories.

The proposed tuition rate approval process establishes accounting and bookkeeping standards to insure accountability.

The proposed new rules itemize costs which are not allowable in the calculation of tuition rates.

The proposed new rules also establishes the requirement that an annual audit be submitted and that tuition rate adjustments be made when necessary.

The proposed new rules are in compliance with P.L. 94-142 by providing a mechanism for reviewing exceptional cases where a rate, higher than the formula maximum, may be necessary in order to provide the appropriate program.

#### Social Impact

Based on information from the September 1982 census, approximately 6,600 handicapped pupils have been placed in the 130 New Jersey approved private schools for the handicapped. The majority of the population served has been classified as emotionally disturbed or neurologically impaired. Children are only placed in private schools for the handicapped when it has been determined by a district's child study team, with approval by the district board of education, that this would be the most appropriate placement for a handicapped pupil.

The intent of this proposal is to increase services to handicapped pupils by allowing the tuition rates to reflect the actual cost of services needed.

#### Economic Impact

The proposal would impact on local school districts in fiscal year 1985 and the State budget in fiscal year 1986. While the actual cost will depend upon the proposed budgets submitted by the private schools for the handicapped, it is estimated that the proposed maximum rate formula will have an immediate economic impact on district boards of education by increasing total tuition costs by approximately 10 to 11 percent over the amount that the existing formula would allow.

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The proposal will allow for more accurate budgetary planning since the maximum tuition rate increases will reflect the growth in the N.C.E.B.

The projected long-range economic impact would be the establishment of an equitable and accountable system of tuition rate determination.

**Full text** of the current rules proposed for repeal may be found at 15 N.J.R. 730(a), 15 N.J.R. 1469(a).

**Full text** of the proposal follows.

### 6:20-4.1 Formula for maximum tuition rates

(a) The Department of Education shall determine the maximum tuition rates for each budget year for placement of handicapped pupils in an approved private school for the handicapped.

(b) The methods for calculating the maximum tuition rates shall be according to the classification categories as follows:

1. Emotionally disturbed, neurologically impaired, socially maladjusted or communication handicapped: Multiply the State average net current expense budget per pupil for the pre-budget year by 2.99 and round to the nearest \$100.00.

2. Multiply handicapped or orthopedically handicapped: Multiply the State average net current expense budget per pupil for the pre-budget year by 3.29 and round to the nearest \$100.00.

3. Trainable mentally retarded or educable mentally retarded: Multiply the State average net current expense budget per pupil for the pre-budget year by 3.08 and round to the nearest \$100.00.

4. Chronically ill or perceptually impaired: Multiply the State average net current expense budget per pupil for the pre-budget year by 2.17 and round to the nearest \$100.00.

5. Auditorily handicapped or visually handicapped: Multiply the State average net current expense budget per pupil for the pre-budget year by 3.93 and round to the nearest \$100.00.

6. Full-time preschool class pursuant to N.J.A.C. 6:28-3.3(d): Multiply the State average net current expense budget per pupil for the pre-budget year by 2.99 and round to the nearest \$100.00.

7. Half-time preschool class pursuant to N.J.A.C. 6:28-3.3(d): Multiply the State average net current expense budget per pupil for the pre-budget year by 1.49 and round to the nearest \$100.00.

(c) The rates established in (b) above shall represent the maximum that a private school may charge to a district.

1. An appeal based on undue hardship is filed jointly for a pupil by the pupil's parent(s) or guardian(s) and the local school district with the Department of Education which:

i. Demonstrates the need for an extraordinary service which cannot be provided within the private school expense budget and current financial status; and

ii. Includes such services in the pupil's individualized education program.

(d) The Department of Education shall respond to an appeal within 60 calendar days.

(e) Tuition rates for each private school for the handicapped shall be established by the Department of Education and shall:

1. Not exceed the maximum tuition rate;

2. Be based on the information provided in the proposed budget; and

3. Be based on a 10-month school program and a minimum of 180 days of pupil instruction between September 1 and June 30.

(f) A separate monthly tuition rate shall be approved by the Department of Education for an extended school year program and shall not exceed the approved monthly tuition rate.

### 6:20-4.2 Tuition rate approval process; bookkeeping and accounting

(a) An approved private school for the handicapped shall maintain accounting and bookkeeping systems in accordance with the following standards:

1. Accounts shall be kept in accordance with generally accepted accounting principles (G.A.A.P.) as defined by the American Institute of Certified Public accountants, except as modified in advance by the Commissioner of Education.

2. Accrual accounting shall be used.

3. Asset, liability and fund balance accounts, as well as expenditure and revenue accounts shall be maintained. If multiple sites for a private school have been approved, costs shall be segregated by site in the financial records.

4. A chart of accounts issued by the Department of Education or an alternate approved by the Department of Education shall be maintained by each private school for the handicapped.

5. Bookkeeping records shall be maintained and shall include, but not be limited to:

- i. Cash receipts journal;
- ii. Cash disbursement journal;
- iii. General ledger;
- iv. Tuition ledger.

6. Documentation to verify postings such as vouchers, invoices and purchase orders shall be maintained.

7. A payroll shall be prepared and supported by the employee time record signed by the employee and supervisor, prepared in the time period in which the work was done and completed at least semi-monthly.

8. A quarterly financial report shall be prepared and shall be submitted to the school's governing body. Acceptance of the financial report shall be documented in the minutes of the meetings.

9. Good internal control practices shall be maintained which include the separation of duties such as the recording and authorizing of checks and purchase approvals.

10. A private school shall use the Department of Education contract for each pupil received from a local school district.

11. An imprest petty cash record shall be supported by documentation.

12. An inventory of non-consumable equipment and materials shall be maintained.

13. A mileage record shall be maintained for each school-owned vehicle subject to personal use by an employee.

14. Upon request from the Department of Education, a for-profit private school shall provide a copy of the Internal Revenue Service (I.R.S.) corporate tax return to the Department of Education. A non-profit private school shall provide a copy of I.R.S. form 990.

15. A private school shall maintain all pertinent financial record(s) for a period of seven years.

### 6:20-4.3 Budget preparation and submission

(a) Each private school shall submit its proposed budget for approval on forms provided by the Department of Education. The form(s) shall provide for, but not be limited to, the following:

1. Identifying data;
2. Projected allowable cost items and projected enrollments;

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3. Income schedule for the proposed year;
4. Report of revenue for the past year;
5. Report of all funding source(s);
6. Affidavit of compliance;
7. Statement of assurance.

(b) A tuition rate appeal may be requested according to N.J.S.A. 18A:6-9.

(c) A tuition rate(s) charged to a local school district shall only include an allowable cost(s), which shall be reasonable and provided in accordance with the individualized education program of a handicapped pupil.

1. A reasonable cost shall be ordinary and necessary and shall not exceed that which would be incurred by an ordinarily prudent person in the conduct of business.

2. An allowable tuition cost(s) may include indirect cost(s) related to the educational program which cannot be charged directly to a specify program.

3. The method of allocation of an indirect cost(s) shall be documented.

### 6:20-4.4 Non-allowable costs

(a) A cost which is not allowable in the calculation of a tuition rate includes, but is not limited to:

1. The cost of maintaining an administrative office in a location separate from the private school for the handicapped;

2. Advertising cost(s) associated with public relations and lobbying except for the printing of descriptive brochures;

3. The salary of a professional staff member who is not certified but who is functioning in a position requiring certification;

4. The salary of a professional staff member who is functioning in more than two capacities within the approved private school;

5. A salary or consultant fee paid to an individual functioning in a conflict of interest position;

6. A salary in excess of what an employee (certified or non-certified) in a local school district in New Jersey of the same county, in a similar job title would receive;

7. A salary for a director of a private school in excess of what a chief school administrator in a local school district of the same county would receive;

8. A legal, accounting or consultant cost resulting from a frivolous challenge to a State audit or financial review, or the prosecution of a claim against the State. The Commissioner of Education shall determine whether the challenge is frivolous by considering at least the following factors:

- i. Overall merit of the claim;
- ii. Whether the challenge serves the public interest.

9. A consultant cost which does not include at least a detailed list of the nature of the service provided, the number of days worked, the charge per day and the product or outcome of the consultation;

10. A contribution or donation, or award or scholarship in excess of a total of \$250.00;

11. Depreciation on any of the following:

- i. Reappraisal designed to increase the cost basis for depreciation on already fully-depreciated property or through a sale which results from a change in legal status of the owner, such as incorporation;
- ii. Property fully depreciated by a division, subsidiary or affiliated of the school prior to acquisition by the school;
- iii. Donated goods and services;
- iv. Items which are listed as an expense;

v. That which is not based on estimated straight-line method;

vi. A single item costing below \$500.00.

12. A dividend, investment expense, and income duplication;

13. Dues, membership fees to a professional organization, except as part of reasonable compensation for an individual employee or school membership in such an organization;

14. Costs incurred for the entertainment of a school officer or employee, or of a non-school related activity, and any related item such as meals, lodging, rentals, transportation and gratuities;

15. All personal expenses, such as a personal travel expense, holiday party, repair on a personal vehicle;

16. The cost of a fine or penalty which results from a violation of or failure by the school to comply with Federal, State and/or a local law and regulation;

17. The cost for food, unless the school receives funds from the Child Nutrition Program; food costs per pupil in excess of the cost established by the Department of Education;

18. Fringe benefits when:

- i. A cost is unreasonable;
- ii. All full-time employees are not eligible for the benefit;
- iii. Purchased for a non-employee of the school.

19. The cost of organized fund raising, such as a financial campaign, an endowment drive, or solicitation of a gift and bequest, done to raise capital or obtain a contribution;

20. Goodwill;

21. Insurance on the lives of an officer or trustee which name the school as beneficiary;

22. Interest costs on short-term loans when:

i. Interest is in excess of what a prudent borrower would pay at the time the loan was taken;

ii. It has not been repaid within 12 months;

iii. The cost is upon fixed assets in a for-profit school.

23. A loan to an employee or officer of the corporation;

24. An ordinary living expense for a pupil, that is normally assumed by the parent of a pupil attending a public day school;

25. Pension costs:

i. When the school does not contribute to the Federal Insurance Contributions Act (F.I.C.A.);

ii. When pensions are not available to all full-time employees;

iii. When pensions are not pursuant to a written policy or agreement between employee and employer;

iv. When part of the deferred compensation reverts to the school;

v. When contingencies result in forfeitures by an employee which benefit the school.

26. A payment made to a school employee in lieu of a pension;

27. The cost associated with a professional conference and meeting held in countries not contiguous to the United States;

28. A bonus to an employee;

29. Annual profit per pupil greater than 2.5 percent of the private school's approved cost. Such amount may be included in the school's tuition rate up to the maximum tuition rate;

30. A profit or loss on an investment;

31. The cost of rental or mortgage if in excess of the average square footage costs for commercial office space for the region of the State in which the private school for the handicapped is located;

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32. The cost of staff salary, a supply of printing and reproduction of a material for a research activity;

33. Payment of Federal, State and local income taxes;

34. Any cost associated with travel to and from the officer's or employee's home and the school or agency;

35. Transportation cost for a pupil to and from school;

36. Personal use of a school-owned vehicle;

37. A business incurred charge for a privately-owned vehicle in excess of the mileage rate allowed by the United States Internal Revenue Service for automobile travel;

38. A working capital fund for a non-profit school(s) in excess of 15 percent of the total prior year's expense budget less the prior year's fund balance;

39. A working capital fund used to finance any portion of the school's operation beyond the school year.

### 6:20-4.5 Calculation of pupil attendance

(a) Each private school for the handicapped shall maintain a public school register for recording of pupil attendance in accordance with N.J.A.C. 6:20-1.3.

(b) The amount which an approved private school shall charge for tuition is one-tenth of the allowable tuition rate for each full month the pupil is in attendance.

(c) If a handicapped pupil is in attendance for a period less than the full 10 months, the amount that an approved private school may charge shall be calculated by:

1. Multiplying the average daily enrollment times the annual rate; or

2. Dividing 180 days into the annual rate to determine a per diem rate; or

3. Dividing the annual rate by 10 months if annual reconciliation is performed.

(d) Each private school shall submit the school summary register card (A-38) annually to the Department of Education by September 1 to verify the pupil attendance for the previous school year.

### 6:20-4.6 Audit requirements

(a) Each approved private school for the handicapped shall annually submit on or before November 1, regardless of the fiscal year of the agency, to the Department of Education a certified audit from an independent public accountant based on the July 1 to June 30 school year containing the following:

1. A balance sheet;

2. A statement of budget versus actual expenses by line item, including the segregation of all salaries by title of position;

3. A verification of the average daily enrollment by classification;

4. An itemized list of the non-allowable costs by amount.

(b) The audit shall be in compliance with (a) 1. through 4. above and shall follow audit standards established by the Department of Education.

(c) The certified audit shall verify the tuition rate(s) at the end of the school year and shall reflect line accounts as shown on the approved school budget and contain budget versus actual expenses.

(d) Any adjustments necessary as a result of the certified audit shall be made as follows:

1. In the event that the actual tuition rate is less than the estimated tuition rate, the approved private school for the handicapped shall pay or credit each district board of education for such differences no later than 30 days after submission of the certified audit or no later than 30 days after an appeal on an audit is finally resolved;

## ENVIRONMENTAL PROTECTION

2. In the event that the actual tuition rate is more than the estimated tuition rate, a district board of education shall pay the approved private school for the handicapped the difference no later than the end of the second fiscal year following the year audited. The actual tuition rate shall not exceed the applicable maximum tuition rate.

(e) A tuition audit may be performed by the Department of Education to verify expenditures against approved budgets. If adjustments are necessary, such adjustments shall be made in the manner described in (d) above.

## ENVIRONMENTAL PROTECTION

(a)

### COMMISSIONER

#### Interim Safe Drinking Water Testing Schedule for Hazardous Contaminants By Public Community Water Systems

#### Proposed New Rule: 7:10-14

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

Authority: New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq. (P.L. 1977, c.224), as amended by P.L. 1983, c.443.

DEP Docket No. 031-84-05.

Three **public hearings** concerning this proposal will be held as follows:

June 21, 1984  
10:00 A.M.  
Haddonfield Borough Municipal Building  
242 Kings Highway East  
Haddonfield, New Jersey 08033

June 26, 1984  
10:00 A.M.  
New Jersey State Museum Auditorium  
205 West State Street  
Trenton, New Jersey 08625

June 28, 1984  
7:30 P.M.  
Wayne Township Council Chambers  
475 Valley Road  
Wayne, New Jersey 07470

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions and responses should be addressed to:

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Joseph N. Schmidt, Jr., Esq.  
Office of Regulatory Services  
New Jersey Department of  
Environmental Protection  
CN 402  
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Environmental Protection may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-308.

The agency proposal follows:

### Summary

On January 9, 1984 Governor Kean signed into law as P.L. 1983, c.443 amendments to the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., commonly known as "A-280". The major thrust of A-280 concerns establishing a testing program for previously untested hazardous contaminants in the water provided to customers by the owner or operator of each public community water system. A "public community water system" means a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents. The Department, based upon recommendations of a newly mandated Drinking Water Quality Institute ("Institute"), must also adopt maximum contaminant levels ("MCLs") for the list of hazardous contaminants set forth at Section 2(a) of A-280 and for other potential contaminants, after considering recommendations of the Institute, pursuant to Section 2(b) of A-280. A-280 directs the Department to adopt Section 2(a) MCLs within 12 months and Section 2(b) MCLs within 18 months. Any public community water systems with test results exceeding any established MCL will be required to bring the water into compliance with the standard within a year after receipt of the test result. Please note that the Commissioner may require compliance as promptly as possible to abate an immediate public health threat. The Commissioner may also extend the period of compliance, after public hearing, if new construction would be necessary provided that the extension will not pose an imminent threat to public health. Failure to comply will allow the Department to enjoin the water purveyor from continuing to supply water and establish a program to bring the water supply into compliance with the assistance of other appropriate agencies, or provide an alternative potable water supply for customers of the system. A tax will be levied immediately upon the owner or operator of every public community water supply system (\$0.01 per 1,000 gallons of water delivered to a customer not including water purchased for resale). The revenue will be deposited in a new Safe Drinking Water Fund to be used for costs associated with the Department's administration of all aspects of the Safe Drinking Water Act programs. A major enforcement effort will be necessary after the Department fully implements the A-280 program.

The Interim Testing Schedule for Hazardous Contaminants by Public Community Water Systems, 7:10-14 ("Regulations") represent the Department's initial efforts to implement the testing requirements for hazardous contaminants mandated by Section 1 of A-280. The Regulations reflect a determination that careful development of the important A-

280 program requires consultation with and recommendations from the experts to be named to the Institute and collection of quality data analyzed by a laboratory certified by the Department pursuant to the Regulations Governing Laboratory Certification and Standards of Performance, N.J.A.C. 7:18. Following these guidelines, several initial implementation decisions were made by the Department concerning the regulations.

Section 2 of A-280 establishes the hazardous contaminants to be tested for by the owner or operator of each public community water system. The Section 2(a) List contains 22 organic compounds as determined by the Legislature. However, the Department can only propose interim test methodologies for 16 of the 22 hazardous contaminants on the 2(a) List. 7:10-14.6(e) sets forth the 16 hazardous contaminants required to be tested for by the owners and operators of public community water systems during the initial testing mandated by A-280. Any test results for the six remaining hazardous contaminants could be of questionable scientific and legal value to the Department's A-280 program without approved interim test methodologies. The Department's decision not to require testing for the remaining six hazardous contaminants for which we do not have interim test methodologies reflects the commitment to quality A-280 data. Research is currently underway to develop test methodologies for these remaining six hazardous contaminants. 7:10-14.6(f) requires initial testing of the six remaining hazardous contaminants within six months of promulgation of appropriate interim test methodologies for any individual hazardous contaminant listed at 7:10-14.6(f)1-6. A-280 testing results of high quality, both scientifically and legally, will be vital to the process of establishing MCLs by the Department after considering the recommendations of the Institute.

Unlike the 2(a) List, the Section 2(b) List has not been delineated by the Legislature in A-280 or in the Regulations. The Department has decided to wait until the Institute makes appropriate recommendations before establishing the 2(b) List of pesticides and related compounds, metals and base/neutral extractable organic compounds and acid/extractable organic compounds which the Commissioner believes may be present in drinking water. The Department plans to provide assistance to the Institute in preparing the 2(b) List and will request that the Institute consider this as a top priority once established. Please note that 7:10-14.8 ("Identification of 2(b) List"), 14.9 ("Initial Testing for 2(b) List"), and 14.10 ("Periodic Testing Requirements for 2(b) List") have all been reserved for future amendments to the Regulations by the Commissioner after considering the recommendations of the Institute.

7:10-14.6 establishes the initial testing requirements that all public community water systems shall by January 9, 1985 conduct initial tests pursuant to the Regulations of the water provided to customers by the water system in order to determine the presence of hazardous contaminants on the 2(a) List. 7:10-14.6 further sets forth additional regulatory requirements concerning analysis and submittal of initial test results.

7:10-14.7 establishes the periodic testing requirements for hazardous contaminants on the 2(a) List. After considerable internal debate, the periodic testing schedule developed considers whether the water systems obtain total bulk purchase water from other water supply sources or maintain their own source of water, and the total number of residents served. The Department believes that the periodic testing schedules for the 2(a) List will adequately balance the need to provide information on specified hazardous contaminants to protect the pub-

## PROPOSALS

lic health and safety and limit to the extent feasible the testing burden on public community water systems. Please note that 7:10-14.11 allows the Commissioner after the initial testing required by 7:10-14.6 to determine on a case-by-case basis that greater or lesser frequency of periodic testing for an individual public community water system would be necessary or sufficient to ensure the public health and safety. Procedures are outlined to allow an individual public community water system or the Department to initiate a potential modification of the periodic testing schedule.

7:10-14.12 expresses the Department's intentions that the analytical requirements of the Regulations shall be those regulatory measures set forth in the Regulations Governing Laboratory Certification and Standards of Performance, N.J.A.C. 7:18. The Department shall not accept initial or periodic test results from laboratories not certified by the Department for specific parameters pursuant to N.J.A.C. 7:18. The Regulations also contain important provisions concerning "Reporting Requirements" (see 7:10-14.13), "Recordkeeping" (see 7:10-14.14) and "Violations and Penalty Provisions" (see 7:10-14.15).

### Social Impact

The Regulations provide a major positive impact by initiating the Department's important A-280 program. The initial and periodic testing of the water provided to customers of public community water systems shall determine the presence of hazardous contaminants in the water consumed by citizens of the State. The initial and periodic test results shall provide data to assist the Institute in establishing recommendations for MCLs for the hazardous contaminants on the 2(a) List and 2(b) List. The Institute's recommendations will allow the Commissioner to establish by regulatory process MCLs for the hazardous contaminants on the 2(a) List and the 2(b) List which will activate the enforcement provisions of A-280. The Regulations constitute a major effort in the process of utilizing A-280 to ensure safer drinking water to the citizens of New Jersey.

### Economic Impact

Owners or operators of public community water systems shall be obligated to pay the cost of any initial or periodic testing required by the regulations. Please note that the cost of any A-280 testing will be in addition to payment of the tax required by Section 11 of A-280. Also Section 6 of A-280 requires the Board of Public Utilities to issue appropriate orders increasing current tariffs for those public community water systems under their jurisdiction to include the costs of A-280 testing and tax payments. However, the Legislature and the Department believe that the owner or operator of public community water systems should properly incur these expenses as a method to finance and develop and A-280 program to ensure safer drinking water to the citizens of New Jersey.

### Environmental Impact

The Department believes that the regulations shall have a major positive environmental impact for the citizens, property and natural resources of New Jersey. The regulations constitute the initial step in developing the important new A-280 program that will ensure utilization of safe drinking water sources by public community water systems.

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

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### SUBCHAPTER 14. INTERIM SAFE DRINKING WATER ACT TESTING SCHEDULE FOR HAZARDOUS CONTAMINANTS BY PUBLIC COMMUNITY WATER SYSTEMS

#### 7:10-14.1 Authority

These rules are promulgated pursuant to the authority of the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq. (P.L. 1977, c.224), as amended and supplemented by P.L. 1983, c.443, commonly referred to as "A-280".

#### 7:10-14.2 Purpose of rules

(a) These rules implement the statutory requirement of N.J.S.A. 58:12A-12 (Section 1 of P.L. 1983, c.443) that the Commissioner establish an initial and periodic testing schedule for the owner or operator of each public community water system required by the Act to undertake the initial and periodic testing of the water provided to customers by the water system in order to determine the presence of hazardous contaminants identified pursuant to N.J.S.A. 58:12A-13(a) (Section 2(a) of P.L. 1983, c.443) and N.J.A.C. 7:10-14.

(b) After receiving recommendations of the Drinking Water Quality Institute, the Department shall amend this subchapter to establish an initial and periodic testing schedule for the owner or operator of each public community water system required by the Act to undertake the initial and periodic testing of the water provided to customers by the water system in order to determine the presence of hazardous contaminants identified pursuant to N.J.S.A. 58:12A-13(b) (Section 2(b) of P.L. 1983, c.443) and N.J.A.C. 7:10-14.

#### 7:10-14.3 Definitions

For the purpose of this subchapter, the following definitions in addition to those found in N.J.A.C. 7:10-1.3 are applicable.

"Act" means the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq. (P.L. 1977, c.224), as amended and supplemented by P.L. 1983, c.443.

"Certified Laboratory" means a laboratory certified by the Department pursuant to the Regulations Governing Laboratory Certification and Standards of Performance, N.J.A.C. 7:18, to conduct testing for individual hazardous contaminants on the 2(a) List and 2(b) List.

"Public Community Water System" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. (See also N.J.A.C. 7:10-1.3).

"Institute" means the Drinking Water Quality Institute established pursuant to N.J.S.A. 58:12A-20 (Section 10 of P.L. 1983, c.443).

"Total Bulk Purchase Water" means water supply purchased for resale to consumers by any public community water system from another water system due to the fact that said public community water system does not have any independent source of water.

"2(a) List" means the list of organic compounds established in N.J.S.A. 58:12A-13(a) (Section 2(a) of P.L. 1983, c.443).

"2(b) List" means the list of pesticides and related compounds, metals, base/neutral extractable organic compounds and acid extractable organic compounds to be developed by the Commissioner, after consideration of the recommenda-

**ENVIRONMENTAL PROTECTION**

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tions of the Institute, required pursuant to N.J.S.A. 58:12A-13(b) (Section 2(b) of P.L. 1983, c.443).

“Water Treatment Plant” means any structure delivering water into a public water distribution system and which subjects water, prior to use for potable purposes, to the addition or subtraction of a substance or substances in order to enhance the safeness, palatability, public health, purity, or aesthetic qualities; or reduce the corrosive or hazardous properties of the water used.

**7:10-14.4 Program information**

Any questions concerning this subchapter should be addressed to the Bureau of Potable Water, Division of Water Resources, New Jersey Department of Environmental Protection, CN-029, 1474 Prospect Street, Trenton, New Jersey 08625 (609) 292-5550.

**7:10-14.5 Severability**

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

**7:10-14.6 Initial testing requirements for 2(a) List**

(a) All public community water systems shall by January 9, 1985 conduct initial tests, pursuant to this subchapter, of the water provided to customers by the water system in order to determine the presence of hazardous contaminants on the 2(a) List.

(b) The initial tests required by this section shall be analyzed from samples collected during periods of representative water supply demand by a certified laboratory that is certified by the Department for the analysis of those specific parameters.

(c) The samples for the initial tests conducted pursuant to this section shall be obtained from a representative location in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed.

1. All public community water systems shall provide along with all initial test results the following information on forms designed by and available from the Department:

i. A written description detailing the exact sampling locations in the distribution system selected for the initial tests conducted pursuant to this section; and

ii. All public community water systems shall submit, upon the Department’s request, any maps indicating in proper scale the exact sampling locations selected for the initial tests conducted pursuant to this section.

2. After review by the Department of information submitted pursuant to (c)1 above and any other relevant information, the Department may require additional sampling at other representative sampling locations determined by the Department to be more appropriate for the purposes of the Act and this subchapter.

i. A public community water system shall revise and submit to the Department in writing the information required pursuant to (c)1 above to reflect the representative sampling locations approved by the Department pursuant to (c)2 above.

(d) All sampling shall be conducted pursuant to guidance available from the Department.

(e) For the purposes of the initial testing required by this section, the 2(a) List shall include only the following hazardous contaminants:

1. Trichlorethylene

2. Tetrachloroethylene
3. Carbon Tetrachloride
4. 1, 1, 1, -Trichloroethane
5. 1, 2, -Dichloroethane
6. Vinyl Chloride
7. Methylene Chloride
8. Benzene
9. Chlorobenzene
10. Dichlorobenzene (s)
11. Trichlorobenzene (s)
12. 1, 1,-Dichloroethylene
13. Trans-1, 2,-Dichloroethylene
14. Polychlorinated Biphenyls (PCBs)
15. Chlordane
16. Xylenes

(f) All public community water systems shall complete the initial testing for the remaining 2(a) List hazardous contaminants, listed below, no later than six months after written notification by the Department of promulgation of appropriate interim test methodologies, pursuant to the Regulations Governing Laboratory Certification and Standards of Performance, N.J.A.C. 7:18, for each individual remaining 2(a) List hazardous contaminant listed below:

1. cis-1, 2-dichloroethylene
2. ethylene glycol
3. kerosene
4. formaldehyde
5. n-hexane
6. methyl ethyl ketone

**7:10-14.7 Periodic testing requirements for 2(a) List**

(a) Public community water systems who obtain total bulk purchase water from other water supply sources shall, after the initial testing required by N.J.A.C. 7:10-14.6, conduct at a minimum periodic tests of the water provided to customers by the system in order to determine the presence of hazardous contaminants on the 2(a) List as follows:

1. One test every three years (by the end of January of the third year) for public community water systems serving less than 5,000 residents from a representative location in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed.

2. One test every year (by the end of January of every year) for public community water systems serving between 5,000 and 50,000 residents from a representative location in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed.

3. Two tests every year (by the end of June and the end of December of every year) for public community water systems serving over 50,000 residents from a representative location in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed.

(b) Public community water systems with their own source of water supply shall, after the initial testing required by N.J.A.C. 7:10-14.6, conduct at a minimum periodic tests of the water provided to customers by the system in order to determine the presence of hazardous contaminants on the 2(a) List as follow:

1. One test every three years (by the end of January of the third year) for public community water systems serving less than 500 residents from a representative location in the distribution system, taking into account number of persons served,

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different sources of water and different treatment methods employed.

2. Two tests every year (by the end of June and the end of December of every year) for public community water systems serving between 500 and 10,000 residents from a representative location in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed.

3. Four tests every year (by the end of March, June, September and December of every year) for public community water systems serving between 10,000 and 50,000 residents consisting of one sample per water treatment plant serving the distribution system.

i. For the purpose of this subsection, the minimum number of samples required to be taken by the water system shall be based on the number of treatment plants used by the water system, except that multiple wells drawing raw water from a single aquifer may, after written approval from the Department, be considered one treatment plant for determining the minimum number of samples.

4. Four tests every year (by the end of March, June, September and December of every year) for public community water systems serving over 50,000 residents consisting of two samples per water treatment plant serving the distribution system.

i. For the purpose of this section, the minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, after written approval from the Department, be considered one treatment plant for the purpose of determining the minimum number of samples.

(c) The periodic tests required by this section shall be conducted during periods of representative water supply demand by a certified laboratory.

(d) The samples for the periodic tests conducted pursuant to this section shall be obtained from a representative location in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed.

1. All public community water systems shall provide along with all periodic test results the following information on forms designed by and available from the Department:

i. A written description detailing the exact sampling locations in the distribution system selected for the periodic test conducted pursuant to this section; and

ii. All public community water systems shall submit, upon the Department's request, any maps indicating in proper scale the exact sampling locations selected for the periodic tests conducted pursuant to this section.

2. After review by the Department of information submitted pursuant to (d)1 above and any other relevant information, the Department may require additional sampling at other representative sampling locations determined by the Department to be more appropriate for the purpose of the Act and this subchapter.

i. A public community water system shall revise and submit to the Department in writing the information required pursuant to N.J.A.C. 7:10-14.7(d)1 to reflect the representative sampling locations approved by the Department pursuant to (d)2 above.

(e) All sampling shall be conducted pursuant to guidance available from the Department.

7:10-14.8 Identification of 2(b) List  
(Reserved)

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7:10-14.9 Initial testing requirements for 2(b) List  
(Reserved)

7:10-14.10 Periodic testing requirements for 2(b) List  
(Reserved)

7:10-14.11 Modification of periodic testing frequency by Commissioner

(a) After the initial testing required by N.J.A.C. 7:10-14.6, the Commissioner may determine on a case-by-case basis that greater or lesser frequency of periodic testing than required by this subchapter for an individual public community water system would be necessary or sufficient to ensure the public health and safety.

1. The Department on its own initiative may determine that a greater or lesser frequency of periodic testing than required by this subchapter for an individual public community water system shall be implemented for said public community water system.

2. An individual public community water system may submit all appropriate documentation, evidence and other proofs that they deem justify a greater or lesser frequency of periodic testing than required pursuant to this subchapter for their public community water system.

(b) Any determination by the Commissioner to allow for a greater or lesser frequency of periodic testing required by this subchapter shall be communicated to the affected public community water system in a registered or certified letter detailing the new testing schedule for their public community water system.

(c) Any modification of the periodic testing frequency by the Commissioner pursuant to this section shall be communicated to the effected water users by the affected public community water system by the inclusion of written notice in the first set of water bills of the system issued after said modification and in any event by written notice from the affected public community water system to the affected water users within three months including, but not limited to, the following information:

1. Name of affected public community water system;
2. Number of residents served and source of water supply;
3. Previous periodic testing frequency;
4. Approved modification of periodic testing frequency; and
5. Brief explanation of justification for modification.

7:10-14.12 Analytical requirements

(a) All initial or periodic tests to determine the presence of hazardous contaminants required by this subchapter shall be conducted at a certified laboratory.

(b) The Department shall not accept initial or periodic test results for any hazardous contaminants on the 2(a) List and 2(b) List from laboratories not certified by the Department pursuant to the Regulations Governing Laboratory Certification and Standards of Performance, N.J.A.C. 7:18, to conduct testing for the appropriate hazardous contaminants on the 2(a) List and 2(b) List.

7:10-14.13 Reporting requirements

(a) All public community water systems shall report to the Department the results of any test required pursuant to this subchapter no later than ten days after receipt of said test results.

1. A certified laboratory conducting tests for a public community water system pursuant to this subchapter may, upon prior written approval by the Department, submit such tests

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results to the Department on behalf of a public community water system; provided that the public community water system agrees in writing to be bound by any test results submitted by such certified laboratory.

(b) All test results shall be submitted on forms designed by and available from the Department at the following address:

New Jersey Department of  
Environmental Protection  
Division of Water Resources  
Bureau of Potable Water  
P.O. Box CN-029  
Trenton, New Jersey 08625  
Attention: N.J.A.C. 7:10-14  
Test Results

(c) The Department may conduct spot checks to assure compliance with the Act and to verify the accuracy and integrity of any test results submitted pursuant to this subchapter.

### 7:10-14.14 Recordkeeping

(a) Any owner or operator of a public community water system subject to the provisions of this subchapter shall retain on its premises or at a convenient location near its premises records of all initial and periodic test results and other relevant information prepared pursuant to this subchapter for not less than 25 years.

(b) Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

1. The date, place, and time of sampling and the name of the person who collected the sample;
2. Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;
3. Date of analysis;
4. Laboratory and person responsible for performing analysis;
5. The analytical technique/method used;
6. Chain-of-custody information concerning handling of the sample; and
7. The results of the analysis.

### 7:10-14.15 Violations and penalty provisions

(a) If any person violates any provision of the Act, or any rule, regulation or order promulgated or issued pursuant to the provisions of the Act the Department may invoke the penalty provisions of N.J.S.A. 58:12A-10 (Section 17 of P.L. 1983, c.443), including, but not limited to the following:

1. The Department may institute a civil action in a court of competent jurisdiction for injunctive or any other appropriate relief to prohibit and prevent such violation or violations and the said court may proceed in the action in a summary manner;

2. Any person who violates the provisions of the Act, or any rule, regulation or order promulgated pursuant to the Act shall be liable to a civil administrative penalty of not more than \$5,000.00 for the first offense, not less than \$5,000.00 not more than \$10,000.00 for the second offense, and up to \$25,000.00 for the third and each subsequent offense pursuant to the notification and other requirements of N.J.S.A. 58:12A-10(b) (Section 17(b) of P.L. 1983, c.443);

i. If the violation is of a continuing nature, each day during which it continues subsequent to receipt of an order to cease the violation shall constitute an additional, separate and distinct offense.

ii. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in the Act or A-280, and the payment of a civil administrative penalty shall not be deemed to affect the availability of any other enforcement provision in connection with the violation for which the penalty is levied.

3. The Department is hereby authorized and empowered to compromise and settle any claim for a penalty under N.J.S.A. 58:12A-10 (Section 17 of P.L. 1983, c.443) in such amount in the discretion of the Department as may appear appropriate and equitable under all of the circumstances including the posting of a performance bond by the violator.

4. Any person who violates the Act or an administrative order issued pursuant to N.J.S.A. 58:12A-10(b) (Section 17(b) of P.L. 1983, c.443) or a court order issued pursuant to N.J.S.A. 58:12A-10(a) (Section 17(a) of P.L. 1983, c.443) or who fails to pay a civil administrative penalty in full pursuant to N.J.S.A. 58:12A-10(b) (Section 17(b) of P.L. 1983, c.443) shall be subject, upon order of the court, to a civil penalty not to exceed \$10,000.00 per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation.

i. Any penalty imposed under N.J.S.A. 58:12A-10(d) (Section 17(d) of P.L. 1983, c.443) may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.) and the Superior Court and county district court shall have jurisdiction to enforce "the penalty enforcement law."

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## (a)

### DIVISION OF WATER RESOURCES

#### Flood Hazard Area Delineations Delineated Floodways for the Pequest River and its tributaries Beaver Brook, Honey Run and Kymers Brook within Sussex and Warren County

#### Proposed Amendment: N.J.A.C. 7:13-1.11(c)

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

Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq.

DEP Docket No. 030-84-05.

A public hearing concerning this proposal will be held on June 28, 1984 at 1:00 P.M. at:

Municipal Building  
Independence Township  
Regina Lane, Great Meadows  
Warren County

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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Clark Gilman  
Bureau of Flood Plain Management  
Division of Water Resources  
CN 029  
Trenton, New Jersey 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 1984-309.

The agency proposal follows:

### Summary

The proposed amendment provides for the application of rules concerning the development and use of land in designated floodways to portions of the Pequest River and its tributaries Beaver Brook, Honey Run and Kymers Brook. Rules of delineated flood hazard areas are designed to preserve flood carrying capacity and to minimize the threat to the public safety, health and general welfare.

### Social Impact

The proposed delineation applies added flood protection to Andover Borough, Andover Township and Green Township in Sussex County, the Town of Belvidere and the Townships of Allamuchy, Hope, Independence, Liberty and White in Warren County.

### Economic Impact

The proposed flood delineation will have a relatively positive economic impact by allowing development in a previously designated floodway while still preserving the flood carrying capacity. This proposed delineation would more accurately define the flood hazard area to coincide with the proposed development after completion of the development project. The public safety, health, and general welfare shall continue to be adequately protected if the amended flood delineation should be adopted by the Department.

**Full text** of the proposal follows (additions indicated in boldface **thus**). See the Index of Adopted Rules for previous amendments to N.J.A.C. 7:13-1.11(c).

7:13-1.11 Delineated floodways

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

(c) A list of delineated streams in the Delaware Basin follows:

1.-26. (No change.)

**27. The floodway and flood hazard area of the Pequest River from its confluence with the Delaware River through the Town of Belvidere and the Township of White to the White Township-Liberty Township municipal boundary, the Pequest River from 100 feet downstream from Route #46 in Independence Township upstream to its third crossing of Route #206 in Andover Township through the Townships of Independence, Liberty, Allamuchy, Green and Andover, Beaver Brook from its confluence with the Pequest River upstream to Interstate Route #80 through White and Hope Townships, Honey Run from its confluence with Beaver Brook upstream to the Swayze Mill Road (Route #610) in Hope Township and Kymers Brook from its confluence with the Pequest River upstream through Green and Andover**

## ENVIRONMENTAL PROTECTION

**Townships to Route #206 in Andover Borough, all in the Delaware River Basin.**

(d)-(g) (No change.)

OFFICE OF ADMINISTRATIVE LAW NOTE: A map delineating the flood hazard area described in this notice was submitted as part of the Department's notice of proposed rule. This map can be inspected at:

Bureau of Flood Plain Management  
Division of Water Resources  
1911 Princeton Avenue  
CN 029  
Trenton, New Jersey 08625; or

Office of Administrative Law  
Administrative Filings  
88 East State Street  
CN 301  
Trenton, New Jersey 08625

(a)

## DIVISION OF WATER RESOURCES

### Flood Hazard Area Delineations Flood Plain Delineation of Portions of North Branch Raritan River (Project U)

### Proposed Amendment: N.J.A.C. 7:13-1.11(d)

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

Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq.

DEP Docket No. 028-84-05.

A **public hearing** concerning this proposal will be held on June 21, 1984 at 1 P.M. at:

Readington Township, Municipal Building  
Readington, Hunterdon County, NJ

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clark Gilman  
Bureau of Flood Plain Management  
Division of Water Resources  
CN 029  
Trenton, NJ 08625

At the close of the period for comments, the Department of Environmental Protection may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

**ENVIRONMENTAL PROTECTION**

**PROPOSALS**

This proposal is known as PRN 1984-306.

The agency proposal follows:

**Summary**

The proposed amendment provides for the application of rules concerning the development and use of land in designated floodways to the North Branch Raritan River, South Branch Raritan River, Drakes Brook, Tamington River, Holland Brook, Stony Brook, Millstone River, South Branch Rockaway Creek, Neshanic River, Rockaway Creek, and Rocky Brook, and delineation of portions of Toms River and several tributaries to Raritan River, Passaic River, Tamington River and Neshanic River. The rules of delineated flood hazard areas are designed to preserve flood carrying capacity and to minimize the threat to the public safety, health and general welfare.

The proposed delineations are based upon a study known as State Project U, which was conducted by Anderson-Nichols Company for the New Jersey Department of Environmental Protection under contract to the Federal Emergency Management Agency (FEMA). The delineations were used to convert many of the affected communities to the Regular Phase of the National Flood Insurance Program.

The proposed delineations will supercede and amend the existing Floodways and Flood Hazard Areas delineated by Several Flood Hazard Reports adopted by the Department in 1972. In addition, a portion of the delineations being proposed have never previously been studied.

**Social Impact**

The proposed delineation applies added flood protection to the Townships of East Amwell, Clinton, Mendham, Bedminster, Readington, Bridgewater, Franklin, Chester, Roxbury, Bernardsville, Union, Bethlehem, Millstone, Tewksbury, Mine Hill, Randolph, Branchburg, Hillsboro, Raritan and the Boroughs of High Bridge and Lebanon.

**Economic Impact**

The proposed amendment will have only a minor economic impact. The delineation would more clearly define the flood hazard area, thus resulting in less requirement for flood insurance, and minor reductions in property value could result by restricting future development in the floodway and requiring elevated construction designs in flood fringe areas. However, minor property value reductions would be offset by the savings to governmental bodies and private homeowners due to little or no future rehabilitation and rescue expenditures from flood damage in the delineated area.

**Full text** of the proposal follows (additions indicated in boldface **thus**). (See the Index of Adopted Rules in the New Jersey Register for previous amendments to N.J.A.C. 7:13-1.11(d).)

7:13-1.11 Delineated floodways

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

(d) A list of streams in the Passaic-Hackensack Basin and a list of delineated streams in the Raritan Basin follow:

1.-50. (No change.)

**51. Drakes Brook from its downstream Corporate limit in Roxbury to 15230 ft. U.S.; Holland Brook from 4735 feet downstream of Centerville Road in Readington upstream to Route 19; Lamington River from 6000 feet upstream of its confluence with North Branch Raritan River upstream to**

**Linvale Road; Stony Brook from Route 518 in East Amwell Township upstream to Linvale Road; Millstone River from 2650 feet downstream of Old Route 33 in Millstone; upstream to 4754 feet upstream of Roberts Road; South Branch Rockaway Creek from 1200 feet upstream of Cushetunk Lake Dam, upstream to Knok Avenue; Neshanic River from 2575 feet downstream of Rainbow Hill Road upstream to Old York Road; Rockaway Creek from its junction with South Branch Rockaway Creek upstream to Fairmount Road west; North Branch Raritan River from its downstream Corporate limit in Mendham, upstream to Ironia Road; Rockaway Creek from its confluence with Lamington River upstream to 3000 feet upstream of Lamington Road; Rocky Brook from its downstream corporate limit in Millstone, upstream 5200 feet; South Branch Raritan River from 4000 feet downstream of Higginsville Road in Hillsboro/Readington to New Dartmills Road in Readington Raritan and again from 7150 feet downstream of Gray Rock Road to 1170 feet upstream of Cokesbury Road in Clinton Township; and to add to it the floodway and flood hazard area of Back Brook from its confluence with Neshanic River upstream to Old York Road in East Amwell; Beaver Brook in Clinton township from 3000 feet downstream of Route 31, upstream to Central Railroad of New Jersey; Burnett Brook from its confluence to North Branch Raritan River upstream to South Road; Capoolong Creek in Franklin Township from 3600 feet downstream of Quakertown Road upstream 6350 feet; Chambers Brook in Bedminster/Bridgewater from its confluence with North Branch Raritan River upstream through a portion of Echo Lake; Chambers Brook in Readington from 700 feet downstream of County Line Road upstream 15260 feet; Claucas Brook from its confluence with North Branch Raritan River to Lamington Road in Bedminster; Dawsons Brook from its confluence with Burnett Brook upstream 2177 feet in Mendham; Gladstone Brook in Chester Township from St. Bernards Road upstream 4845 feet; Harmony Brook from its confluence with Whippany River upstream to Woodland Road; Herzog Brook in Bedminster from its confluence with Lamington River upstream to Pottersville Road; Hoopstick Brook from its mouth upstream to Lamington Road in Bedminster; Indian Brook from its confluence with Burnett Brook upstream 5840 feet; Middle Brook from its confluence with North Branch Raritan River upstream to Spook Hollow Road; Mulhockaway Creek in Union from Spruce Run upstream to 430 feet upstream of Gravel Hill Road; Musconetcong River from mouth at Lake Musconetcong upstream 4380 feet; Passaic River in Mendham from its downstream corporate limit to 1300 feet upstream of Tempewick road; Peapack Brook in Bedminster from its confluence with North Branch Raritan River, upstream 3230 feet; Peapack Brook in Clinton Township from its downstream Corporate limit upstream to Farm Road; Pleasant Run in Readington from 450 feet downstream of Old York Road to upstream of Route 202; Rockaway River in Roxbury from its downstream corporate limit to its upstream Corporate limit; South Fork Third Neshanic River in East Amwell from Creek Road downstream to Creek Road upstream; Spruce Run from Spruce Run Reservoir upstream 6340 feet; Succasunna Brook in Roxbury from the downstream Corporate limit upstream to Eyland Road; portion of Toms River in Millstone Township from Monmouth Road upstream 5600 feet; Whippany River in Mendham from the downstream Corporate limit to its confluence with Harmony Brook; Willoughby Brook from Spruce Run Reservoir upstream to Buffalo Hollow Road; Various Unnamed Tributaries to South Branch Raritan River including Tributary 'A'**

**PROPOSALS**

**ENVIRONMENTAL PROTECTION**

in Franklin and Union Townships from Lehigh Valley Railroad to Conrail Bridge, Tributary 'A' in Readington from confluence to Barley Sheaf Road; various unnamed tributaries to Mulhockaway Creek in Union Township; Tributary 'B' from its confluence upstream 5380 feet; Tributary 'C' from its confluence upstream 5155 feet, Tributary 'D' from its confluence upstream 5760 feet, Tributary 'F' from its confluence upstream 1240 feet and Tributary 'E' from Tributary 'D' upstream 4200 feet; Two Tributaries to South Branch Rockaway Creek in Lebanon Borough; Tributary 'A' from its confluence to Route 22 and Tributary 'B' from its confluence with Tributary 'A' to Route 78; a tributary to Neshanic River in East Amwell labelled Tributary 'A' from its confluence to Manners Road; a Tributary to Lamington River in Tewksbury labelled Tributary 'A' from its confluence to 5000 feet upstream of Homestead Road; and a tributary to Rockaway Creek labelled Tributary 'B' from its confluence upstream 2810 feet.

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

OFFICE OF ADMINISTRATIVE LAW: A map delineating the flood hazard area described in this notice was submitted as part of the Department's notice of proposed rule. This map can be inspected at:

Bureau of Flood Plain Management  
Division of Water Resources  
1911 Princeton Avenue  
CN 029  
Trenton, NJ 08625; or

Office of Administrative Law  
88 East State Street  
CN 301  
Trenton, NJ 08625

**(a)**

**DIVISION OF FISH, GAME AND WILDLIFE**

**Use of All Land and Water Areas Under the Control of the Division of Fish, Game and Wildlife**

**Proposed Readoption: N.J.A.C. 7:25-2**

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.  
Authority: N.J.S.A. 23:7-9 and N.J.S.A. 13:1D-9.  
DEP Docket No. 029-84-05.

Interested persons may submit in writing any data, views or arguments relevant to the proposal on or before July 5, 1984. Submissions by interested parties and any inquiries about submissions and responses should be addressed to:

Russell A. Cookingham, Director  
Division of Fish, Game and Wildlife  
CN 400  
Trenton, New Jersey 08625

Any inquiries about the regulations can be made by calling Russell Cookingham at (609) 292-9410.

The Department of Environmental Protection may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule will expire on May 11, 1984. The readoption becomes effective upon filing with the Office Of Administrative Law of a notice of adoption.

This proposal is known as PRN 1984-307.

The agency proposal follows:

**Summary**

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Department of Environmental Protection proposes to readopt N.J.A.C. 7:25-2 concerning the regulation and administration of lands and waters under the control of the Division of Fish, Game and Wildlife. This subchapter was originally adopted and became effective October 1, 1975; the entire subchapter will expire on May 11, 1984. The proposed readoption is essential to continue in full force and effect the Fish, Game and Wildlife rules during the summer season, to insure the safe use of these lands and waters by the public, and to protect said lands and waters from abusive use by irresponsible members of the public.

A summary of the text of each section in N.J.A.C. 7:25-2 follows:

- 7:25-2.1 "Cutting or damaging vegetation," restricts such activity without written authority.
- 7:25-2.2 "All motor vehicles," restricts the operation of such vehicles to designated areas.
- 7:25-2.3 "Vehicle traffic control in Wildlife Management areas," limits vehicle speeds and implements other controls.
- 7:25-2.4 "Alcoholic beverages," prohibits the possession or use of same without written authority.
- 7:25-2.5 "Restricted areas and hours," restricts the use of said lands and waters to 0900 to 1700 hours EST, absent written permission to the contrary.
- 7:25-2.6 "Division fish hatcheries," prohibits, taking fish from state hatcheries unless posted for public fishing.
- 7:25-2.7 "Outboard motors," limits the use of same.
- 7:25-2.8 "Horseback riding" restricts locations and imposes permit requirement and liability insurance coverage on persons engaging in such activities.
- 7:25-2.9 "Swimming," prohibits swimming where no life guard is on duty.
- 7:25-2.10 "Camping, picnicking and vending," prohibits camping in all areas, restricts picnicking to one area after obtaining division authorization, and prohibits vending without prior authorization from the division.
- 7:25-2.11 "Fires," prohibits starting or maintaining fires without division authorization.
- 7:25-2.12 "Target practice," prohibits such activity without division authorization.
- 7:25-2.13 "Daily use permit," imposes use fees, based on vehicle type entering State Wildlife Management Areas.
- 7:25-2.14 "Field trial activities," provides rules for conducting field trials or retrieving field trials.
- 7:25-2.15 "Rental of clubhouses," authorizes use of facilities upon payment of daily fee and obtaining permit.
- 7:25-2.16 "Revocation," authorizes division's revocation of any authorization or permit for cause.
- 7:25-2.17 "Securing permits," provides for obtaining further information on securing permits.
- 7:25-2.18 "Wildlife Management Areas," enumerates all presently listed Wildlife Management Areas.

## ENVIRONMENTAL PROTECTION

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### Social Impact

Readoption of these rules continues the improvement of the aesthetic quality and tranquility which Wildlife Areas should preserve. These rules provide numerous positive benefits to all users of state Wildlife Management Areas, including greater personal safety through control of traffic and fire hazards and enhanced water safety through regulation of the use of boats or other flotation devices. Management and preservation of vegetation found in wildlife Management Areas, including trees and many varieties of wild flowers, shrubs and vines, will help to insure their continued beauty.

### Economic Impact

Readoption of these rules involves limited economic impact. Continued traffic controls, water safety, prohibitions against cutting or damaging vegetation, etc. will result in the reduction of costs associated with damages to the environment including human injury.

### Environmental Impact

Failure to readopt these rules would result in damage to the vegetation, soils, and beach areas, as well as the fauna associated therewith.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 7:25-2, as amended in the New Jersey Register.

(a)

## DIVISION OF ENVIRONMENTAL QUALITY

### Analytical X-ray Installations Equipment Safety Requirements

#### Proposed Readoption: N.J.A.C. 7:28-21.1-21.6

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

Authority: N.J.S.A. 13:1D-1 et seq. and 26:2D-1 et seq. DEP Docket No. 032-84-05.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Judith Chasar  
Bureau of Radiation Protection  
380 Scotch Road  
Trenton, New Jersey 08628

The Department of Environmental Protection thereafter may adopt this proposed readoption without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978) these rules expired May 1, 1984. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-310.

The agency proposal follows:

### Summary

Analytical x-ray devices are used to determine the microscopic structure or composition of material utilizing x-rays. Hazards of analytical x-ray devices can be minimized by safety devices such as shielding, beam shutters, interlocks, warning lights and caution labels, as well as by safe operating procedures. The rules proposed for readoption have been in effect for five years, and have successfully prevented over-exposure accidents since May 1980. Currently, there are 356 registered analytical x-ray devices in New Jersey. These units are used at 112 facilities throughout New Jersey. Regulations are needed to insure that safety features are provided on all such devices. New Jersey's regulations are recognized as a model by the Conference of Radiation Control Program Directors, and are reprinted in **Suggested State Regulations**. Non-ionizing radiation equipment, such as lasers, are not covered by these rules.

The text of the subchapter is summarized as follows:

N.J.A.C. 7:28-21.1 specifies the scope of the subchapter.

N.J.A.C. 7:28-21.2 contains the definitions for the subchapter.

N.J.A.C. 7:28-21.3 sets forth the general equipment requirements for the possession or use of any analytical x-ray equipment.

N.J.A.C. 7:28-21.4 sets forth the additional equipment requirements for open beam x-ray systems.

N.J.A.C. 7:28-21.5 sets forth the additional equipment requirements for enclosed beam x-ray systems.

N.J.A.C. 7:28-21.6 sets forth the operating procedures required for the possession or use of any analytical x-ray equipment.

### Social Impact

Prior to 1978, accidental overexposure accidents occurred. Since these eight rules were implemented and fully in effect and all units in compliance, no accidents have been reported. Without these rules and devices mentioned therein, accidental radiation burns would have occurred an estimated two to five times per year.

The rules proposed for readoption will protect analytical x-ray equipment operators from accidental overexposure and radiation burns. Radiation is invisible, noiseless and odorless, so overexposure can occur without the victim's awareness.

### Economic Impact

Non-recurring safety retrofit expenditures are estimated to have been less than five percent of total equipment cost. Operating costs are estimated to have been less than one percent of equipment operating costs.

Readoption of these rules will have relatively little economic impact. Most existing analytical x-ray devices in New Jersey are already equipped with these safety devices to comply with the pre-existing rules. Retro-fit kits are available to upgrade non-complying devices imported to the State. A fail-safe "X-rays On" warning light retrofit kit costs approximately \$500.00 for equipment and a nominal charge for installation. Annual costs are estimated at \$15.00 to \$50.00 per month for personnel monitoring and \$75.00 to \$100.00 for a radiation survey, when required. Savings will result from avoiding health care costs due to accidental over-exposure of equipment operators.

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## HEALTH

### Environmental Impact

No environmental impact is anticipated beyond protection from x-ray overexposure.

**Full text** of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 7:28-21.

# HEALTH

## (a)

### CONSUMER HEALTH SERVICES

#### Controlled Dangerous Substances Security Requirements Over Controlled Dangerous Substances

#### Proposed Readoption with Amendments: N.J.A.C. 8:65-2

Authorized By: J. Richard Goldstein, M.D., State  
Commissioner of Health.  
Authority: N.J.S.A. 24:21-9.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Lucius A. Bowser, R.P., M.P.H.  
Chief Drug Control Program  
New Jersey State Department of Health  
CN 364  
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this subchapter expired on February 15, 1984. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-302.

The agency proposal follows:

#### Summary

The Department of Health proposes to readopt the subchapter of the Administrative Code regulating the security requirements for persons and firms handling controlled dangerous substances, N.J.A.C. 8:65-2. These regulations established in the initial Act of October 1970 have successfully controlled the handling of controlled dangerous substances and helped prevent the diversion of controlled dangerous substances into illicit channels. This subchapter delineates the measures to be taken by a registrant to ensure that all controlled dangerous substances are secured and can be accounted for.

The rules in the subchapter are summarized as follows:

8:65-2.1 concerns general security requirements;

8:65-2.2 addresses physical security controls for nonpractitioners in storage area;

8:65-2.3 addresses physical security controls for nonpractitioners in manufacturing areas;

8:65-2.4 discusses other security controls for practitioners; and

8:65-2.5 addresses physical security controls for practitioners.

The proposed readoption of this subchapter, with minor changes in agency titles and addresses, is necessary to require that controlled dangerous substances registrants continue to implement security measures for the handling and distribution of controlled dangerous substances to minimize the potential for diversion.

A new subsection (e) has been added to N.J.A.C. 8:65-2.2 to provide an exception from the provisions of the subchapter when, due to the bulk volume of the controlled substance, achieving the required level of security may appear to be economically unreasonable or technically infeasible.

#### Social Impact

The provisions of N.J.A.C. 8:65-2 impact on applicants, registrants, manufacturers, distributors and wholesalers of controlled dangerous substances. Pharmacists, practitioners and non-practitioners are also affected. The readoption of the security requirements in the handling of controlled dangerous substances would continually impact on these persons, firms and entities. There would, however, be no additional impact in the continuation of these rules.

The readoption continues the required security measures in the handling and distribution of controlled dangerous substances. The Department of Health has reviewed the subchapter and has found the rules adequate and reasonable in their scope and necessary to minimize the likelihood of diversion of controlled dangerous substances from legitimate channels.

#### Economic Impact

Compliance with the security requirements contained in N.J.A.C. 8:65-2 impose costs on those affected by the provisions of the rules. Such added security measures necessarily result in higher costs to those affected, but such costs are not readily known or quantifiable by the Department. Although the economic impact in complying with the rules is obvious, actual dollar cost figures are not available. The readoption of the current rules will not, however, impose any additional economic burden on a registrant, person or firm.

The Department believes that although the rules impose an economic burden on those regulated by the rules, the public health and safety benefits outweigh the economic costs of the rules.

The proposed amendment to the readoption provides that the Department may consider whether compliance with the rules imposes an unreasonable economic burden when weighed against the utility of security and its costs.

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 8:65-2.

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

8:65-2.1 Security requirements generally  
(No change.)

8:65-2.2 Physical security controls for nonpractitioners:  
storage areas

**HEALTH**

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(a) Raw materials, bulk materials awaiting further processing, and finished products which are controlled substances listed in Schedule I or II shall be stored in one of the following secure storage areas;

1. Where small quantities permit, a safe or steel cabinet:

i. Which safe or steel cabinet shall have the following specifications or the equivalent; 30 man-minutes against surreptitious entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-hours against radiological techniques;

ii. Which safe or steel cabinet, if it weighs less than 750 pounds, is bolted or cemented to the floor or wall in such a way that it cannot be readily removed; and

iii. Which safe or steel cabinet, if necessary, depending upon the quantities and type of controlled substances stored, is equipped with an alarm system, which upon attempted unauthorized entry, shall transmit a signal directly to a central protection company or a local or State police agency which has a legal duty to respond, or a 24-hour control station operated by the registrant, or such other protection as the [Director] **Department** may approve.

2. A vault constructed before, or under construction on, September 1, 1971 which is of substantial construction with a steel door, combination of key lock, and an alarm system; or

3. A vault constructed after September 1, 1971:

i. The walls, floors and ceilings of which vault are constructed of at least eight inches of reinforced concrete or other substantial masonry, reinforced vertically and horizontally with ½ inch steel rods tied six inches on center, or the structural equivalent to such reinforced walls, floors and ceilings;

ii. The door and frame unit of which vault shall conform to the following specifications or the equivalent; 30 man-minutes against surreptitious entry, ten man-minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-hours against radiological techniques;

iii. Which vault, if operations require it to remain open for frequent access, is equipped with a "day-gate" which is self-closing and self-locking, or the equivalent, for use during the hours of operation in which the vault door is open;

iv. The walls or perimeter of which vault are equipped with an alarm, which upon unauthorized entry shall transmit a signal directly to a central station protection company, or a local or State police agency which has a legal duty to respond, or a 24-hour control station operated by the registrant, or such other protection as the [Bureau] **Department** may approve, and, if necessary, holdup buttons at strategic points of entry to the perimeter area of the vault;

v. The door of which vault is equipped with contact switches; and

vi. Which vault has one of the following; complete electrical lacing of the walls, floor and ceilings; sensitive ultrasonic equipment within the vault; a sensitive sound accumulator system; or such other device designed to detect illegal entry as may be approved by the Department.

(b) Raw materials, bulk materials awaiting further processing, and finished products which are controlled substances listed in Schedules III, IV, and V shall be stored in one of the following secure storage areas:

1. Where small quantities permit, a safe which complies with the requirements set forth in subsection (a)1 of this Section;

2. A vault which complies with the requirements set forth in either subsection (a)2 or 3 of this Section; or

3. A building or area located within a building, which building or area:

i. Has walls or perimeter fences of sufficient height and construction to provide security from burglary;

ii. Has substantial doors which may be securely locked during non-working hours by a multiple position combination or key lock;

iii. Is equipped with an alarm which, upon unauthorized entry, shall transmit a signal directly to a central station protection company, or local or State police agency which has a legal duty to respond, or a 24-hour control station operated by the registrant, or such other protection as the [Bureau] **Department** may approve; and

iv. In which all controlled substances are segregated from all other merchandise and kept under constant surveillance during normal business hours.

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

**(e) A registrant or authorized agent may request an exception from the provisions of this subchapter from the Department, when, due to the bulk volume of the controlled substance, achieving the required level of security may appear to be economically unreasonable or technically infeasible. Upon receipt of a request, the Department will assess the physical arrangements of the present or proposed security system. Based on considerations of public health and safety, the Department may accept a lesser level of security. A final decision of the Department, and the reasons therefore, shall be entered upon the records of the Department and sent to the registrant or authorized agent.**

8:65-2.3 Physical security controls for nonpractitioners; manufacturing areas  
(No change.)

8:65-2.4 Other security controls for nonpractitioners

(a) Before distributing a controlled substance to any person who the registrant does not know to be registered to possess the controlled substance, the registrant shall make a good faith inquiry [either with the Bureau of Narcotic and Dangerous Drugs, Department of Justice, or] with the New Jersey State Department of Health to determine that the person is registered to possess the controlled substance.

(b) The registrant shall design and operate a system to disclose [to the registrant] suspicious orders of controlled substances. The registrant shall inform [the regional office of the Bureau of Narcotics and Dangerous Drugs or] the New Jersey State Department of Health, Drug Control Program, of suspicious orders when discovered by the registrant. Suspicious orders include orders of unusual size, orders Deviating substantially from a normal pattern, and orders of unusual frequency.

(c) The registrant shall notify [the Regional Office of the Drug Enforcement Administration in his region and] the New Jersey State Department of Health, Drug Control Program, of any theft or significant loss of any controlled substances upon discovery of such theft or loss. The supplier shall be responsible for reporting in-transit losses of controlled substances by the common or contract carrier selected pursuant to N.J.A.C. 8:65-2.4(e) upon discovery of such theft or loss. The registrant shall also complete [DEA form 106] **DDC-52 form** regarding such theft or loss. Thefts must be reported whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them.

(d) The registrant shall not distribute any controlled substance listed in Schedules II through V as a complimentary sample to any potential or current customer without the prior

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written request of the customer, to be used only for satisfying the legitimate medical needs of patients of the customer, and only in reasonable quantities. Such request must contain the name, address and registration number of the customer and the name and quantity of the specific controlled substance desired. The request shall be preserved by the registrant with other records of distribution of controlled substances. In addition, the requirements of [Part 305 of the Chapter] **Subchapter 6 of this Act** shall be complied with for any distribution of a controlled substance listed in Schedule II. For purposes of this paragraph, the term "customer" includes a [person] **registrant** to whom a complimentary sample of a substance is given in order to encourage the prescribing or recommending of the substance by the [person.] **registrant**.

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

8:65-2.5 Physical security controls for practitioners

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

(d) The registrant shall notify [the regional office of the Bureau of Narcotics and Dangerous Drugs, Department of Justice, or] the New Jersey State Department of Health, Drug Control Program, of the theft or significant loss of any controlled substances upon discovery of such loss or theft. The registrant shall also complete [BND form 106] **DDC-52 form** regarding such loss or theft.

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

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## HUMAN SERVICES

(a)

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Pharmaceutical Services Manual Dispensing Fee and Capitation Rates

#### Proposed Amendment: N.J.A.C. 10:51-1.17 and 3.15

Authorized By: George J. Albanese, Commissioner,  
Department of Human Services.  
Authority: N.J.S.A. 30:4D-6b(6), 7 and 7b, 4D-20, 24.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions and responses, should be addressed to:

Henry W. Hardy, Esq.  
Administrative Practice Officer  
Division of Medical Assistance and Health  
Services  
CN 712  
Trenton, NJ 08625

Any comments submitted are available for public review at the above address. Copies of the proposed rule are available for review at the Medicaid District Offices. At the close of the period for comments, the Department of Human Services

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may adopt this proposal, with any minor changes not in violation of the rule making procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-303.

The agency proposal follows:

#### Summary

Pharmacies that participate in the Medicaid and/or PAAD (Pharmaceutical Assistance for the Aged and Disabled) programs are reimbursed by the following method: cost of the drug, plus a dispensing fee. This proposal will raise the dispensing fee by 37.5 cents (from \$2.78 to \$3.155). This fee increase pertains only to legend drugs.

The capitation fee for services to Medicaid patients in long term care facilities is also being increased by 13.49 percent, or 5.9 cents per patient day.

The basis for the projected fee increase is in anticipation of incorporation of this amount as requested in the Governor's budget in the New Jersey Appropriations Act for Fiscal Year 1985.

#### Social Impact

There should be a positive social impact on both pharmaceutical providers and the community. The providers should continue to participate in both the Medicaid and PAAD programs, thereby enabling qualified individuals to receive necessary pharmaceutical services.

#### Economic Impact

The total cost of the fee increase has been projected to be approximately 3.8 million dollars. The cost to the state will be approximately 2.7 million dollars, with the federal government contributing approximately 1.1 million dollars. The reason for the difference in federal-state dollars is that only the Medicaid program is entitled to federal matching funds. The PAAD program is wholly state funded.

The economic impact on pharmaceutical providers who participate in Medicaid and/or PAAD will vary, depending on the number of prescriptions filled under these programs.

There will be no cost to the Medicaid patient. The PAAD beneficiary is required to pay a \$2.00 co-payment for each prescription.

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

10:51-1.17 Legend drug dispensing fee

(a) The dispensing fee for legend drugs, dispensed by providers having Retail Permits to patients other than those in long-term care facilities, shall be [~~\$2.78~~] **\$3.155**. Additional increments shall be given to pharmacy providers who provide the following:

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

10:51-3.15 Capitation of dispensing fee for legend drugs provided to long-term care patients

(a) The New Jersey Medicaid program capitates the dispensing fee for legend drugs for patients in Medicaid approved long-term care facilities in accordance with the total

## HUMAN SERVICES

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number of Medicaid patient days in the facility(ies) served by the pharmacy.

1. Pharmacies with retail permits dispensing medication in a dispensing system in which a 24-hour supply of unit dose oral medication, both solid (i.e. tablets, capsules) and liquid formulations, is delivered for each patient daily, shall be reimbursed to the cost of all reimbursable legend medication plus a fee of [\$.520] **\$.579** per patient day.

i. (No change.)

2. Pharmacies with a retail permit dispensing medication in a dispensing system in which up to a one month supply of oral unit dose solid medication is delivered for each patient (i.e., unit dose solids, "bingo" card), shall be reimbursed the cost of all reimbursable legend medication plus a fee of [\$.411] **\$.470** per patient day.

3. Pharmacies with a retail permit dispensing medication in a dispensing system in which a maximum one month supply of medication is delivered for each patient monthly shall be reimbursed the cost of all reimbursable legend medication plus a fee of [\$.356] **\$.415** per patient day.

4. Pharmacies which provide ancillary computerized services, such as, but not limited to, continuously updated computerized patient profiles, clinical records (med sheets and physicians orders on at least a monthly basis), etc., will receive an added increment of \$.05 per patient day, thereby making the total fee [\$.570] **\$.629**, [\$.461] **\$.520** or [\$.406] **\$.465** depending upon the dispensing system used.

5. (No change.)

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### (a)

## DIVISION OF PUBLIC WELFARE

### Public Assistance Manual Basis for Recovery of Overpayments

#### Proposed Amendment: N.J.A.C. 10:81-4.23

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

Authority: N.J.S.A. 44:7-6 and 44:10-3, P.L. 97-35,  
and 45 CFR 233.20(a)(13)(i).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions, and responses, should be addressed to:

Audrey Harris, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-296.

The agency proposal follows:

#### Summary

As required by Federal law (P.L. 97-35) and regulations at 45 CFR 233.20 (a)(13)(i), regulations at N.J.A.C. 10:81-4.23 concerning recovery of overpayments are being amended to eliminate the distinction made between overpayments due to administrative error and overpayments due to willful withholding of information by clients. Under previous rules overpayments due to administrative error were not subject to recovery, while overpayments due to client error or willful withholding were subject to repayment. Additionally, the previous rule provided that recovery of overpayments other than for reason of willful withholding was limited to the 12 months preceding discovery of the overpayment.

The proposed amendment requires that county welfare agencies recover all overpayments regardless of fault in accordance with the current procedures set forth in N.J.A.C. 10:82-2.19. This amendment will bring N.J.A.C. 10:81-4.23 into conformity with the aforementioned Federal law and regulation, and will align it with the criteria regarding recovery of overpayments found at N.J.A.C.10:82-2.19.

#### Social Impact

Since regulations in effect at N.J.A.C. 10:82-2.19 pertaining to recovery of overpayments currently conform to the above cited Federal law and regulation, and because county welfare agencies have been following this rule as opposed to the conflicting rule at N.J.A.C. 10:81-4.23 this proposed amendment will have no new adverse social impact on applicants, recipients, or county welfare agencies administering the program but will provide a positive social impact by ensuring the uniformity of rules.

#### Economic Impact

This amendment brings N.J.A.C. 10:81-4.23 into conformity with rules at N.J.A.C.10:82-2.19. The proposed amendment is not anticipated to have any new adverse economic impact on clients and will not negatively impact on administrative functions of the Department or county welfare agencies (CWAs) administering the program. Some administrative savings may however be experienced as a result of this alignment since the amendment provides for a uniform approach in all documents used by CWA staff.

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

10:81-4.23 Basis for [recoupment] **recovery** of overpayments  
**(a) Overpayment means a financial assistance payment received by or for an eligible unit for a payment month which exceeds the amount for which that unit was eligible.**

[(a)] (b) Overpayments may occur through administrative error; failure of a client to inform the county welfare [board] agency of a change in income, resources, or circumstances; or when the client has received continued assistance at an unreduced level pending a fair hearing **but has been found ineligible to receive such assistance by the fair hearing** decision.

[1. When overpayment(s) results from willful withholding of information by the client, the county welfare agency may recoup such overpayment(s) from current assistance payments and from available income or resources as set forth in Assistance Standards Handbook, section 251.2.

2. Overpayment(s) due to any other reason except administrative error may be recouped only when the recipient has

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available income and resources which exceed the current assistance payment, such as disregarded or reserved income. (See Assistance Standards Handbook, section 251.2.)

3. Overpayment(s) due to administrative error are not subject to recoupment. However, this does not bar corrective action to be taken in accordance with N.J.A.C. 10:81-4.24 and instructions contained in Your Rights and Responsibilities, (PA-197) and the affidavit on the PA-1J.]

[ (b) Willful withholding of information means:

1. Either oral or written deliberate or intentional misstatements made by a recipient in response to oral or written questions from the CWB, including understatements of the amount of income or resources or omission of an entire category of income or resources; or

2. When the CWB has clearly notified the recipient of the obligation to report such changes, a deliberate failure by the recipient to so report; or

3. Deliberate or intentional failure by the recipient to report receipt of a check in an amount which he/she knew represented an erroneous overpayment or to which the recipient had previously been informed that he/she would not be entitled.

(c) Any recoupment of overpayments other than for reason of willful withholding of information is limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.]

(c) **The CWA shall seek recovery of all overpayments regardless of fault including payments caused by administrative action or inaction. The CWA shall recover such overpayments in accordance with procedures set forth in N.J.A.C. 10:82-2.19.**

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### (a)

#### **DIVISION OF CONSUMER AFFAIRS BOARD OF MORTUARY SCIENCE**

#### **Rules of the Board of Mortuary Science Prevention of Unfair or Deceptive Acts and Practices**

#### **Proposed New Rules: N.J.A.C. 13:36-9**

Authorized By: Frank Tomaino, President, Board of Mortuary Science.

Authority: N.J.S.A. 45:7-38.

**Interested persons** may submit, in writing, data views or arguments relevant to the proposed new rules on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Maurice W. McQuade  
Executive Secretary  
Board of Mortuary Science  
1100 Raymond Boulevard, Room 513  
Newark, New Jersey 07102

The Board of Mortuary Science thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The

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adopted new rule become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-312.

The agency proposal follows:

### **Summary**

The Board of Mortuary Science proposes to adopt a new subchapter to its regulations incorporating certain provisions of the rules of the Federal Trade Commission (F.T.C.) concerning funeral industry practices. The federal rules (16 C.F.R. §453) were adopted by the F.T.C. after ten years of investigation and rule making proceedings. (A full account of the history of the F.T.C. funeral practice rules, as well as the text and explanation of the rules may be found at 47 Fed. Reg. 42260 (1982)). The Board has always recognized that the arrangement of a funeral is an important financial transaction for a consumer, decisions about which are most often made while under the emotional stress of bereavement, and has required that its licensees give to consumers detailed written information about such arrangements including itemization of the prices of all services and goods selected, as well as the amount of cash disbursements made on their behalf by the funeral director. The Board further recognizes that the Federal regulations are directed to the same end as the New Jersey regulations, that is, protection of the consumer who may be making important decisions under stress without sufficient information. The Board accepts the findings of the F.T.C., arrived at after ten years of study, and has concluded that the F.T.C. study has revealed some areas of concern not presently addressed by the Board's current regulations; although in other areas the present New Jersey regulations afford a higher level of protection to consumers than the new Federal regulations. The Board's proposed new rules will therefore incorporate most of the provisions of the Federal rules, but will not incorporate those which address areas already covered in the more restrictive provisions of the present Board rules.

The proposed subchapter includes the following sections:

N.J.A.C. 13:36-9.1 Definitions.

N.J.A.C. 13:36-9.2 Violations; Provides that engaging in any unfair or deceptive act herein defined is a violation of the Board's regulations and may be deemed to be professional misconduct also.

N.J.A.C. 13:36-9.3 Unfair or deceptive acts and practices, prevention; Explains that any failure to make certain price disclosures is an unfair or deceptive act which is to be prevented by compliance with the provisions of N.J.A.C. 13:36-9.4, 9.5, 9.6 and 9.7.

N.J.A.C. 13:36-9.4 Telephone price disclosures; Provides that accurate price information about funeral goods and services must be given to persons who inquire by telephone.

N.J.A.C. 13:36-9.5 Casket price list; Requires funeral providers to provide a separate casket price list to a consumer who inquires in person before discussing or showing caskets, or to include such information on the general price list described in N.J.A.C. 13:36-9.7. The list must include the retail price of all caskets and alternative containers that are offered for sale and enough information to identify each. Other formats such as brochures, for providing such information are permitted but any format chosen must include the effective date and the name of the establishment.

N.J.A.C. 13:36-9.6 Outer burial container price list; Requires that the same information be provided in any of the permitted ways for outer burial containers such as vaults or grave liners as is provided for caskets.

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N.J.A.C. 13:36-9.7 General price list: Provides that a general price list, labelled as such, and including the effective date and the name, address and phone number of the establishment be provided to all persons inquiring in person about funeral goods and services. The list need not include cash disbursement items such as cemetery charges but must include the prices for removal of remains, forwarding or receiving remains from another funeral home, prices for direct cremations (if direct cremations are offered), immediate burials, professional services, embalming and other preparation of the body, use of facilities for viewing or services, any automotive equipment supplied, and acknowledgement cards. If separate casket and vault lists are used, the general price list must include the price range for such items.

N.J.A.C. 13:36-9.8 Itemized estimate sheet: Provides that when a funeral arrangement is made an itemized estimate must be given to the consumer in conformity with N.J.A.C. 13:36-1.9 and that cash disbursement items must be estimated in good faith if not known at the time of arrangements. If an estimate is given the actual cost should be given before the final bill is paid. It also provides that other information in other formats may be provided so long as the requirements of N.J.A.C. 13:36-9.5, 9.6, 9.7 and 9.8 are met.

N.J.A.C. 13:36-9.9 Embalming provisions: Defines as a deceptive act the representation that embalming is required when it in fact is not required or the failure to disclose that embalming is not required by law except in certain cases. To prevent this deceptive act the funeral director is required to place an appropriate disclosure on the general price list in conjunction with the price for embalming.

N.J.A.C. 13:36-9.10 Casket for cremation provisions: Defines as a deceptive act a representation that a casket other than an unfinished wooden box is required for direct cremations. To prevent this deceptive act the funeral director is required to place a disclosure on the general price list in conjunction with the price for direct cremation to the effect that an unfinished wood box or other alternative container may be used.

N.J.A.C. 13:36-9.11 Outer burial container provisions: Defines as a deceptive act any representation that State law requires an outer burial container, or that cemeteries have such a requirement when such is not the case. To prevent this deceptive act, an appropriate disclosure is required to be added to the general price list or outer burial container price list.

N.J.A.C. 13:36-9.12 General provisions on legal or cemetery requirements: Defines as a deceptive act any representation that State or local law or particular cemeteries require the purchase of certain goods or services when such is not the case. To prevent these deceptive acts or practices the itemized estimate sheet required by N.J.A.C. 13:36-9.8 must include a statement in writing of any legal, cemetery, or crematory requirement which the funeral director represents as compelling certain purchases.

N.J.A.C. 13:36-9.13 Provisions on preservative or protective value claims: Defines as a deceptive act any representations that funeral goods or services will delay the natural decomposition of the body for a long-term or indefinite time or that funeral goods will protect from gravesite substances or have other protective features when such is not the case.

N.J.A.C. 13:36-9.14 Cash advance provisions: Requires that all cash advance items must reflect the actual cost to the funeral provider.

N.J.A.C. 13:36-9.15 Required purchase of caskets for direct cremations: Defines as an unfair or deceptive act the

requirement that a casket other than an unfinished wood box be used for direct cremations. To prevent this unfair act or practice funeral directors who arrange for direct cremations must make available an unfinished wood box or other alternative container for persons choosing direct cremation.

N.J.A.C. 13:36-9.16 Other required purchases: Defines as an unfair or deceptive act the conditioning of the furnishing of any funeral goods or services on the purchase of any other funeral goods or services, except as required by law. To prevent this unfair or deceptive practice a disclosure that consumers may choose only the goods or services desired must be placed on the general price list required by N.J.A.C. 13:36-9.7; provided however, that the funeral provider is permitted to refuse to permit consumers to decline the charges for his or her services. A disclosure on the itemized estimate is also required stating that only those items used will be charged for. A funeral provider is not, however, required to comply with unreasonable requests for combinations of services and goods that it would be impossible, impractical or excessively burdensome to provide.

N.J.A.C. 13:36-9.17 Services provided without prior approval: Defines as an unfair or deceptive act embalming for a fee unless legally required, or unless prior approval is obtained, or unless a family member or other authorized person is unable to be contacted. If the authorized person later chooses arrangements for which embalming is not necessary no fee may be charged. To prevent this unfair or deceptive practice the funeral provider must include on the contract or other written evidence of agreement a disclosure that embalming is not always required and the reasons why embalming for a fee was done in the particular instance.

N.J.A.C. 13:36-9.18 Retention of documents: Requires that copies of required price lists be retained for at least one year. It should be noted that the Federal rule (16 C.F.R. §453.6) requires that copies of the itemized estimate sheet given to consumers be retained for only one year, but N.J.A.C. 13:36-1.9 requires that copies of this form be retained for six years.

N.J.A.C. 13:36-9.19 Comprehension of disclosures: Requires that all disclosures required by this subchapter be made in a clear and conspicuous manner.

### Social Impact

The burden on licensees of compliance with the proposed new rules will be no greater than the burden already imposed by the F.T.C. in its regulation of funeral industry practices. Funeral directors will be required by both Federal and State regulations to give price information over the telephone and to make available to those who inquire in person detailed written price information about the goods and services they offer coupled with disclosures about applicable law and what it does and does not require in making decisions about funeral arrangements. If the proposed new rules are adopted there will be dual enforcement of these requirements by the F.T.C. and the State board unless or until the Board of Mortuary Science applies for and receives exemption from the F.T.C. regulations, pursuant to 16 C.F.R. §453.9.

Consumers will be benefitted by the proposed regulations in that decisions about purchases of funeral goods and services will be made only after complete disclosure of price information about all of the options available to them. Information may be obtained by telephone inquiry and the consumer who inquires in person will be given printed or typed lists and/or brochures listing prices for all goods and services offered before any discussion with the funeral director takes place.

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Both F.T.C. rules and the present Board rules require that consumers also be given a fully itemized list of prices for all goods and services chosen when arrangements for a funeral are made. It should be noted that the Board provision for such an itemized estimate differs from the Federal rule in that the New Jersey itemized estimate must be separate from any contract or promissory note used by the funeral director. The New Jersey consumer may thus be provided with a written statement of the full costs of the arrangements desired before entering into any contract with the funeral director. Also the Federal regulations permit a mark-up of the cash disbursement items (see 16 C.F.R. §453.3(f)) while the Board regulations do not.

Unless or until the Board seeks and obtains a state exemption from the F.T.C. regulations consumers will be able to seek enforcement of the Federal rules from the F.T.C. but will have the advantage of being able to seek enforcement of the equivalent State rules and other State regulations and laws by recourse to the State Board, thus avoiding the necessity of making complaints to two different enforcing agencies when the complaints involve violations of both the Federal rules and State laws or regulations concerning aspects of a funeral directors activity which are not addressed by the federal regulations.

Enforcing these proposed regulations may require the Board to deal with an increased case load of consumer complaints, but it is anticipated that once the new regulations are understood by licensees they will be complied with. The Board already inspects newly registered funeral homes for compliance with its present requirement about the proper format for itemized estimate forms, and will be able to verify at the same time whether properly prepared price lists are available. Inspectors from the Enforcement Bureau of the Division of Consumer Affairs also perform periodic unannounced inspections of older installations and will be able to verify whether these funeral parlors have the required price lists available during such inspections.

### **Economic Impact**

The proposed new rules impose no more economic burden on licensees than that already imposed by the F.T.C. regulations, that is, the cost of preparing and printing or typing the required price lists. This cost may result in slightly increased costs to consumers but it is anticipated that full disclosure of prices will encourage price competition which will eventually have a beneficial economic impact on the consumer. Understanding the full range of options available in planning a funeral should enable the consumer to avoid making unnecessary and possibly financially burdensome choices about funeral arrangements.

Enforcement of these proposals may involve increased costs to the Board. However, where violations are found to exist the Board is empowered by statute to collect costs of enforcement in addition to the statutory penalties imposed. Thus the costs of enforcement will be minimal compared to the overall benefit to consumers that is expected to result from adoption of these rules.

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

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### SUBCHAPTER 9. PREVENTION OF UNFAIR OR DECEPTIVE ACTS AND PRACTICES

#### 13:36-9.1 Definitions

The following words and terms when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise. "Accounting year" refers to the particular calendar year or other one year period used by a funeral provider in keeping financial records for tax or accounting purposes.

"Alternative container" means a non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of cardboard, pressed-wood, composition materials (with or without an outside covering) or pouches of canvas or other materials.

"Board" refers to the New Jersey State Board of Mortuary Science.

"Cash advance item" means any item of service or merchandise described to a purchaser as a "cash disbursement," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items may include, but are not limited to, the following items: Cemetery or crematory services; pallbearers; public transportation; clergy honoraria; flowers; musicians or singers; nurses; obituary notices; gratuities and death certificates.

"Casket" means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, or like material, and ornamented and lined with fabric.

"Cremation" means heating process which incinerates human remains.

"Crematory" means any person, partnership or corporation that performs cremation and sells funeral goods.

"Direct cremation" means a disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.

"Funeral goods" means goods which are sold or offered for sale directly to the public for use in connection with funeral services.

"Funeral provider" means any person, partnership or corporation that sells or offers to sell funeral goods and funeral services to the public and is a licensed practitioner of mortuary science in the State of New Jersey.

"Funeral services" means any services which may be used to care for and prepare deceased human bodies for burial, cremation or other final disposition; and arrange, supervise or conduct the funeral ceremony or the final disposition of deceased human bodies.

"Immediate burial" means a disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present, except for a graveside service.

"Outer burial container" means any container which is designed for placement in the grave around the casket including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.

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“Person” means any individual, partnership, corporation, association, government or governmental subdivision or agency, or other entity.

“Services of funeral director and staff” means the services, not included in prices of other categories in N.J.A.C. 13:36-9.7 which may be furnished by a funeral provider in arranging and supervising a funeral, such as conducting the arrangements conference, planning the funeral, obtaining necessary permits and placing obituary notices.

“Unfinished wood box” means an unornamented casket made of wood which does not have a fixed interior lining.

### 13:36-9.2 Violations

It shall be a violation of the rules of this subchapter to engage in unfair or deceptive acts or practices as defined herein or to fail to comply with the preventive requirements specified herein and failure to comply with such preventive requirements may be deemed to be professional misconduct.

### 13:36-9.3 Failure to disclose required price information: An unfair or deceptive practice

(a) In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies, including at least the price of embalming, transportation of remains, use of facilities, caskets, outer burial containers, immediate burials, or direct cremations, to persons inquiring about the purchase of funerals. Any funeral provider who complies with the preventive requirements in (b) below is not engaged in the unfair or deceptive acts or practices defined here.

(b) To prevent the unfair or deceptive acts and practices mentioned in (a) above as well as those defined in N.J.A.C. 13:35-9.15(a), funeral providers must comply with the provisions of N.J.A.C. 13:35-9.4, 9.5, 9.6, 9.7 and 9.8.

### 13:36-9.4 Telephone price disclosures

(a) Funeral providers tell persons who call the funeral provider's place of business and ask about the terms, conditions, or prices at which funeral goods or funeral services are offered, that price information is available over the telephone.

(b) Funeral providers shall tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in N.J.A.C. 13:36-9.5, 9.6 and 9.7 which reasonably answers the question and any other information which reasonably answers the question and which is readily available.

### 13:36-9.5 Casket price list

(a) Funeral providers shall give a printed or typewritten price list to people who inquire in person about the offerings or prices of caskets or alternative containers. The funeral provider shall offer the list upon beginning discussion of, but in any event before showing caskets. The list shall contain at least the retail prices of all caskets and alternative containers offered which do not require special ordering, enough information to identify each, and the effective date for the price list.

1. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, displayed in a clear and conspicuous manner. Provided however, that funeral providers do not have to make a casket

price list available if the funeral providers place on the general price list, specified in N.J.A.C. 13:36-9.7, the information which is required by this section.

(b) Funeral providers shall place on the list, whether a printed or typewritten list, or on any other format is used, the name of the funeral provider's place of business and a caption describing the list as a “casket price list”.

### 13:36-9.6 Outer burial container price list

(a) Funeral providers shall give a printed or typewritten price list to persons who inquire in person about outer burial container offerings or prices. The funeral provider shall offer the list upon beginning discussion of, but in any event before showing the containers. The list shall contain at least the retail prices of all outer burial containers offered which do not require special ordering, enough information to identify each container, and the effective date for the price listed.

1. In lieu of a written list, the funeral provider may use other formats, such as notebooks, brochures, or charts, if they contain the same information as the printed or typewritten list, displayed in a clear and conspicuous manner. Provided however, that funeral providers do not have to make an outer burial container price list available if the funeral providers place on the general price list, specified in N.J.A.C. 13:36-9.7, the information which is required by this section.

(b) Funeral providers shall place on the list, whether a printed or typewritten list or on any other format is used, the name of the funeral provider's place of business and a caption describing the list as an “outer burial container price list.”

### 13:36-9.7 General price list

(a) Funeral providers shall give a printed or typewritten price list for retention to persons who inquire in person about funeral arrangements or the prices of funeral goods or funeral services. When people inquire in person about funeral arrangements or the prices of funeral goods or funeral services, the funeral provider shall offer them the list upon beginning discussion either of funeral arrangements or of the selection of any funeral goods or funeral services. This list shall contain at least the following information:

1. The name, address, and telephone number of the funeral provider's place of business;

2. A caption describing the list as a “general price list”;

3. The effective date for the price list; and

4. In immediate conjunction with the price disclosures required by (b) below, the statement: “This list does not include prices for certain items that you may ask us to buy for you, such as cemetery or crematory services, flowers, and newspaper notices. The prices for those items will be shown on your bill or the statement describing the funeral goods and services you selected.”

(b) Funeral providers shall include on the price list, in any order, the retail prices (expressed either as the flat fee, or as the price per hour, mile or other unit of computation) and the other information specified below for at least each of the following items, if offered for sale:

1. Forwarding of remains to another funeral home, together with a list of the services provided for any quoted price;

2. Receiving remains from another funeral home, together with a list of the services provided for any quoted price;

3. The price range for the direct cremations offered by the funeral provider, together with a separate price for a direct cremation where the purchaser provides the container; separate prices for each direct cremation offered including an

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unfinished wood box or alternative container; and a description of the services and container (where applicable), included in each price;

4. The price range for the immediate burials offered by the funeral provider, together with a separate price for an immediate burial where the purchaser provides the casket; separate prices for each immediate burial offered including a casket or alternative container; and a description of the services and container (where applicable) included in that price;

5. Transfer of remains to funeral home;

6. Embalming;

7. Other preparation of the body;

8. Use of facilities for viewing;

9. Use of facilities for funeral ceremony;

10. Other use of facilities, together with a list of facilities provided by any quoted price;

11. Hearse;

12. Limousine;

13. Other automotive equipment, together with a description of the automotive equipment provided for any quoted price; and

14. Acknowledgement cards.

(c) Funeral providers shall include on the price list in any order, the following information:

1. Either of the following:

i. The price range for the caskets offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or

ii. The prices of individual caskets disclosed in the manner specified by N.J.A.C. 13:36-9.5; and

2. Either of the following:

i. The price range for the outer burial containers offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or

ii. The prices of individual outer burial containers, disclosed in the manner specified by N.J.A.C. 13:36-9.6; and

3. The price for the services of funeral director and staff, together with a list of the principal services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement: "This fee for our services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)";

13:36-9.8 Statement of funeral goods and services selected

(a) Funeral providers shall give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. This statement shall conform to the requirements of N.J.A.C. 13:36-1.9.

(b) The itemized cash advance prices shall be given to the extent known or reasonably ascertainable. If the cash advance prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.

(c) Funeral providers may give persons any other price information in any other format, in addition to that required by N.J.A.C. 13:36-9.5, 9.6 and 9.7 so long as the statement required by this section is given when required.

13:36-9.9 Embalming provisions

(a) In seeking or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

1. Represent that State or local law requires that a deceased person be embalmed when such is not the case;

2. Fail to disclose that embalming is not required by law except in certain special cases.

(b) To prevent deceptive acts or practices mentioned in (a) above, as well as the unfair or deceptive acts or practices defined in N.J.A.C. 13:36-9.16 and 9.17(a), funeral providers shall:

1. Not represent that a deceased person is required to be embalmed for direct cremation, immediate burial, a funeral using a sealed casket, or if refrigeration is available and the funeral is without viewing or visitation and with a closed casket when State or local law does not require embalming; and

2. Place the following disclosure on the general price list, required by N.J.A.C. 13:36-9.7, in immediate conjunction with the price shown for embalming; "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement which does not require you to pay for it, such as direct cremation or immediate burial."

13:36-9.10 Casket for cremation provisions

(a) In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

1. Represent that State or local law requires a casket for direct cremations;

2. Represent that a casket (other than an unfinished wood box) is required for direct cremations.

(b) To prevent the deceptive acts or practices mentioned in (a) above, as well as the unfair or deceptive acts or practices defined in N.J.A.C. 13:36-9.15(a), funeral providers shall place the following disclosure in immediate conjunction with the price range shown for direct cremations: "If you want to arrange a direct cremation, you can use an unfinished wood box or an alternative container. Alternative containers can be made of materials like heavy cardboard or composition materials (with or without an outside covering), or pouches of canvas." This disclosure only has to be placed on the general price list if the funeral provider arranges direct cremations.

13:36-9.11 Outer burial container provisions

(a) In selling or offering to sell funeral goods and funeral services to the public, it is a deceptive act or practice for a funeral provider to:

1. Represent that State or local laws or regulations, or particular cemeteries, require outer burial containers when such is not the case;

2. Fail to disclose to persons arranging funerals that State law does not require the purchase of an outer burial container.

(b) To prevent the deceptive acts or practices mentioned in (a) above, funeral providers must place the following disclosure on the outer burial container price list, required by N.J.A.C. 13:36-9.6 or, if the prices of outer burial containers are listed on the general price list, required by N.J.A.C. 13:36-9.7, in immediate conjunction with those prices: "In most areas of the country, no state or local law makes you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container so that the grave will not sink in. Either a burial vault or a grave liner will satisfy these requirements."

## LAW AND PUBLIC SAFETY

## PROPOSALS

### 13:36-9.12 General provisions on legal and cemetery requirements

(a) In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for funeral providers to represent that Federal, State or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods or funeral services when such is not the case.

(b) To prevent the deceptive acts or practices mentioned in (a) above, as well as the deceptive acts or practices identified in N.J.A.C. 13:36-9.9, 9.10 and 9.11, funeral providers shall identify and briefly describe in writing on the statement of funeral goods and services selected (required by N.J.A.C. 13:36-9.8) any legal, cemetery, or crematory requirement which the funeral provider represents to persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging.

### 13:36-9.13 Provisions on preservative and protective value claims

(a) In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

1. Represent that funeral goods or funeral services will delay the natural decomposition of human remains for a long-term or indefinite time;
2. Represent that funeral goods have protective features or will protect the body from gravesite substances when such is not the case.

### 13:36-9.14 Cash advance provisions

In selling or offering to sell funeral goods and funeral services to the public any cash advance items shall reflect the actual cost to the funeral provider.

### 13:36-9.15 Required purchase of caskets for direct cremations

(a) In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider, or a crematory, to require that a casket other than an unfinished wood box be purchased for direct cremation.

(b) To prevent the unfair or deceptive act or practice mentioned in (a) above, funeral providers must make an unfinished wood box or alternative container available for direct cremations, if they arrange direct cremations.

### 13:36-9.16 Other required purchases

(a) In selling or offering to sell funeral goods or funeral services, it is an unfair or deceptive act or practice for a funeral provider to condition the furnishing of any funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law or as otherwise permitted by this section.

(b) To prevent the unfair or deceptive act or practice mentioned in (a) above, funeral providers shall:

1. Place the following disclosure in the general price list, immediately above the price required by N.J.A.C. 13:36-9.7(b) and (c): "the goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected." Pro-

vided, however, that if the charge for "services of funeral director and staff" cannot be declined by the purchaser, the statement shall include the sentence: "However, any funeral arrangements you select will include a charge for our services" between the second and third sentences of the statement specified above herein; and

2. Place the following disclosure on the statement of funeral goods and services selected, required by N.J.A.C. 13:36-9.8: "Charges are only for those items that are used. If we are required by law to use any items, we will explain the reasons in writing below."

(c) A funeral provider shall not violate this section by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

### 13:36-9.17 Services provided without prior approval

(a) In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for any provider to embalm a deceased human body for a fee unless:

1. State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make; or

2. Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person; or

3. The funeral provider is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral provider shall disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

(b) To prevent the unfair or deceptive acts or practices mentioned in (a) above, funeral providers shall include on the contract, final bill, or other written evidence of the agreement or obligation given to the customer, the statement: "If you selected a funeral which requires embalming, such as a funeral with viewing you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below."

### 13:36-9.18 Retention of documents

To prevent the unfair or deceptive acts or practices specified in this subchapter, funeral providers shall retain and make available for inspection by Board officials true and accurate copies of the price lists specified in N.J.A.C. 13:36-9.5, 9.6 and 9.7, as applicable, for at least one year after the date of their last distribution to customers, and a copy of each statement of funeral goods and services selected, as required by N.J.A.C. 13:36-9.8 for at least six years from the date on which the statement was signed, in conformity with N.J.A.C. 13:36-1.9.

### 13:36-9.19 Comprehension of disclosures

To prevent the unfair or deceptive acts or practices specified in this subchapter, funeral providers shall make all disclosures required in a clear and conspicuous manner.

**PROPOSALS**

**TRANSPORTATION**

**(a)**

**DIVISION OF CONSUMER AFFAIRS  
BOARD OF PROFESSIONAL  
ENGINEERS AND LAND SURVEYORS**

**Misconduct**

**Enumeration of Prohibited Acts**

**Proposed Amendment: N.J.A.C. 13:40-3.1**

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

Authority: N.J.S.A. 45:8-27 et seq.

**Interested persons** may submit in writing, data, views, or arguments relevant to the proposal on or before July 5, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Rita Fielder, Executive Secretary  
State Board of Professional Engineers and Land Surveyors  
1100 Raymond Boulevard, Room 319  
Newark, New Jersey 07102

The Board of Professional Engineers and Land Surveyors thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). This adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-311.

The agency proposal follows:

**Summary**

The proposed amendment would no longer prohibit a professional engineer or land surveyor from advertising in a self-laudatory manner, but would require that any claims of superiority used in advertising be accurate and capable of substantiation.

The Board of Professional Engineers and Land Surveyors was notified by the Federal Trade Commission (F.T.C.) that the original rule, prohibiting advertising "in a self-laudatory manner," might restrict legitimate competition by inhibiting the free flow of truthful and relevant information about professional engineering or land surveying services. The proposed amendment is consistent with the formulation of a misconduct rule found acceptable by the F.T.C. in an advisory opinion to the American Academy of Ophthalmology.

The Board views the suggested changes to impose no detriment to the public nor to result in any diminished capacity to investigate and prohibit misleading or deceptive advertising.

**Social Impact**

The proposed amendment would expand the scope of permissible advertising by professional engineers and land surveyors while continuing to assure that such advertising is accurate and does not misrepresent the professional qualifications or skills of the licensees. It will be a benefit to the consumer by improving the quantity and quality of information available about a professional engineer or land surveyor's services or expertise to better enable the consumer to make an informed choice from among those offering services.

**Economic Impact**

The proposed amendment should have no economic impact other than what might be associated with better informed decision making in choosing professional engineering or land surveying services.

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

**SUBCHAPTER 3. MISCONDUCT**

**13:40-3.1 Enumeration of prohibited acts**

**(a)** Misconduct in the practice of professional engineering or land surveying shall include, without limitation:

**(a)-(g)** Renumbered as **1.-7.** (No change in text).

**3.** Advertising his work or merit [in a self-laudatory manner] **using claims of superiority which cannot be substantiated.**

**4.-7.** (No change in text.)

**TRANSPORTATION**

**(b)**

**TRANSPORTATION OPERATIONS**

**Electrical Bureau**

**Proposed Readoption: N.J.A.C. 16:26**

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 52:14B-1.1 et seq.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. 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, New Jersey 08625

At the close of the period for comments, the Department of Transportation may adopt this proposal with minor changes not in violation of the rule making procedures at N.J.A.C. 1:30-3.5. Under Executive Order No. 66(1978), this rule had an established expiration date of January 19, 1984. The re-adoption of the rule becomes effective upon publication of the notice of the readoption by the Office of Administrative Law.

This proposal is known as PRN 1984-293.

The agency proposal follows:

**Summary**

In accordance with the "sunset" provisions of Executive Order No. 66(1978), the Department of Transportation pro-

## TRANSPORTATION

## PROPOSALS

poses to readopt Chapter 26 of N.J.A.C. 16, concerning the operations of the Electrical Bureau within the Department of Transportation. These rules were filed and became effective prior to September 1, 1969 and further amended June 4, 1981 at 13 N.J.R. 152(b) and 372(a).

The rules provide the basic principles concerning the release of traffic signal information, drawbridge operations and reimbursed highway safety lighting.

N.J.A.C. 16:26 is summarized as follows:

Subchapter 1, "Release of Traffic Signal Information", outlines the procedures to be followed in the release of traffic signal information.

Subchapter 2, "Drawbridge Operations", describes the operation of drawbridges and cite the applicable regulations governing drawbridge operations.

Subchapter 3, "Reimbursed Highway Safety Lighting", outlines the procedures to be followed in the commitment of State funds to counties and municipalities for the maintenance of street lighting.

The Department finds these rules adequate, necessary and required for the efficient operation of the Electrical Bureau.

### Social Impact

The proposed readoption is expected to have no new or additional social impact since the counties and municipalities have been complying with the present rules and there are no newly proposed amendments.

### Economic Impact

The proposed readoption will have no increased economic impact on State or local government since fees which are applicable, already apply and the readoption contains no proposed amendments.

**Full text** of the rules proposed for readoption appears in the New Jersey Administrative Code at N.J.A.C. 16:26.

## (a)

### TRANSPORTATION OPERATIONS

#### Restricted Parking and Stopping Route 4 in Englewood

#### Proposed Amendments: N.J.A.C. 16:28A-1.4

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and  
39:4-199.

**Interested persons** may submit in writing data, views or arguments relevant to the proposal on or before July 5, 1984. 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, New Jersey 08625

At the close of the period for comments the Department of Transportation thereafter may adopt this proposal with minor changes, not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of this rule a notice of the adoption shall be published in the Register. The adopted rule shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-298.

The agency proposal follows:

### Summary

The proposed amendment will establish "no parking bus stop" zones along Route 4 in Englewood City, Bergen County for the safe on/off loading of passengers at bus stops, the safe and efficient flow of traffic and the enhancement of public safety.

Based upon request from the local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The results of that investigation substantiated the establishment of "no parking bus stop" zones.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.4 in compliance with the request from local officials and the results of the traffic investigation.

### Social Impact

The proposed amendment will restrict parking along Route 4 in the area designated for the safe and efficient flow of traffic, the enhancement of safety and the safe on/off loading of passengers at the designated bus stops in Englewood City, Bergen County. Appropriate signs will be installed advising the motoring public.

### Economic Impact

The Department and local officials will incur direct and indirect costs for their workforce for mileage, personnel and equipment requirements. The local officials will install appropriate signs designating "no parking bus stop" zones. Motorists in violation of the rule will be assessed the appropriate fine.

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

16:28A-1.4 Route 4 in Englewood

(a) (No change.)

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

1.-11. (No change.)

12.-13. (Proposed at 16 N.J.R. 854(a).)

**14. Along the eastbound (southerly) side in Englewood City, Bergen County:**

**i. Grand Avenue — (Mid-block):**

**(1) Beginning 775 feet west of the westerly curblin of the Grand Avenue and extending 135 feet westerly thereof.**

**PROPOSALS**

**TRANSPORTATION**

**(a)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Route 7**

**Proposed Amendment: N.J.A.C. 16:28A-1.6**

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-197.5.

**Interested persons** may submit in writing data, views or arguments relevant to the proposal on or before July 5, 1984. 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, New Jersey 08625

At the close of the period for comments the Department of Transportation thereafter may adopt this proposal, with minor changes not in violation of the rulemaking procedure at N.J.A.C. 1:30-3.5. Upon adoption of this rule, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-300.

The agency proposal follows:

**Summary**

This proposed amendment will establish restricted parking spaces along Route 7 (No. 221 and No. 228 Washington Avenue) in the Town of Belleville, Essex County for the exclusive use of handicapped persons who have been issued special Vehicle Identification cards.

Based upon request from local officials, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the parking restrictions were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.6 in compliance with the request from local officials and the traffic investigation.

**Social Impact**

The proposed amendment will restrict parking in the areas designated to persons other than the handicapped thus, affording parking in special areas for accessibility to establishments. It will please the handicapped to see that their best interests are being cared for.

Appropriate signs will be erected to advise the motoring public.

**Economic Impact**

The Department and local officials will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of signs.

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

16:28A-1.6 Route 7

(a) (No change.)

(b) The certain parts of State highway Route 7 described in [(b) of] this section shall be [, and hereby are,] 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 in accordance with N.J.S.A. 39:4-197.5.

**1. Restricted parking in the Town of Belleville, Essex County:**

**i. Along the west side (#221 Washington Avenue):**

**(1) Beginning at a point 44 feet from the southerly curb line of Academy Street and extending 22 feet southerly therefrom.**

[1. Restricted parking:

i. Along the east side of Route 7 (228 Washington Avenue) in the Town of Bellview, County of Essex beginning at a point 45 feet from the northerly curb line of Academy Street and beginning 23 feet northerly feet northerly therefrom.]

**ii. Along the east side (#228 Washington Avenue):**

**(2) Beginning at a point 45 feet from the northerly curb line of Academy Street and extending 22 feet northerly therefrom.**

**(b)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Routes in the National System of Interstate  
and Defense Highways in New Jersey**

**Proposed New Rule: N.J.A.C. 16:28A-1.99**

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

**Interested persons** may submit in writing data, views or arguments relevant to the proposal on or before July 5, 1984. 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, New Jersey 08625

At the close of the period for comments the Department of Transportation may adopt this proposal with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of this rule, a notice of the adoption shall be published in the Register. The adopted rule shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-292.

The agency proposal follows:

## TRANSPORTATION

## PROPOSALS

### Summary

This new rule will establish "no stopping or standing" zones along Routes in the National System of Interstate and Defense Highways in New Jersey, except in cases of emergency due to mechanical failure, tire trouble, lack of fuel or other emergencies involving the vehicle or their occupants.

Based upon requests from the State Police and the accident statistical rate the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "no stopping or standing" zones were warranted.

The Department therefore proposes a new rule as N.J.A.C. 16:28A-1.99.

Appropriate signs will be erected to advise the motoring public.

### Social Impact

This new rule will restrict stopping or standing along Routes in the National System of Interstate and Defense Highways in New Jersey, except in cases of emergencies and for the safe and efficient flow of traffic and the enhancement of safety along the highway system.

### Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel, equipment requirements and the installation of signs. Motorists who violate the regulations will be assessed the appropriate fine.

Full text of the proposed new rule follows.

16:28A-1.99 Routes in the National System of Interstate and Defense Highways in New Jersey

(a) Under the provisions of N.J.S.A. 39:4-138.1 the certain parts of the National System of Interstate and Defense Highways described in this section shall be designated "NO STOPPING OR STANDING" zones where stopping or standing is prohibited at all times except in case of emergencies due to mechanical breakdown, tire trouble, lack of fuel, or other emergencies involving the vehicle or their occupants, the following regulation is promulgated.

1. No stopping or standing:

i. Along both sides of any Route in the National System of Interstate and Defense Highways in New Jersey, including all ramps and connections which are under the jurisdiction of the Commissioner of Transportation, except in case of emergencies or in areas specifically designated for Parking where Turnouts or Rest Areas have been provided.

(a)

## TRANSPORTATION OPERATIONS

### Miscellaneous Traffic Rules

### Through Streets Stop and Yield Intersections Route 56 (Landis Avenue)

### Proposed Amendment: N.J.A.C. 16:30-2.1

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-140.

(CITE 16 N.J.R. 1324)

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before July 5, 1984. 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, New Jersey 08625

At the close of the period for comments, the Department of Transportation thereafter may adopt this proposal with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of this rule, a notice of the adoption shall be published in the Register.

The adopted rule shall become effective effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-299.

The agency proposal follows:

### Summary

The proposed amendment will establish a "through street" of Route 56 (Landis Avenue Route 77 to Route 55 Freeway) Upper Deerfield, Deerfield and Pittsgrove Townships, City of Vineland, Cumberland and Salem Counties.

On November 10, 1983, the Commissioner of Transportation took over as part of the State Highway System, Landis Avenue, beginning at the intersection of New Jersey Route 77 and Landis Avenue and Carls Corner, in the Township of Upper Deerfield, County of Cumberland, and extending generally in an easterly direction through the Townships of Upper Deerfield and Deerfield, in the County of Cumberland and the Township of Pittsgrove in the County of Salem to its terminus on the eastside of Route 55 Freeway, in the City of Vineland in the County of Cumberland, a distance of approximately 7.76 miles. This roadway was designated as New Jersey State highway Route 56.

In accordance with N.J.S.A. 39:4-140, Route 56 is designated a "through street".

The Department therefore, proposes to amend N.J.A.C. 16:30-2.1.

A notice of the take over was published on January 3, 1984 at CITE 16 N.J.R. 56(b).

### Social Impact

This amendment will have no significant social impact.

### 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]).

16:30-2.1 Through street designation of State highways.

(a) These State highway routes, for their entire lengths, in the counties as described [herein,] **in this section**, shall be [and hereby are] designated and established as "through streets" where "stop" or "yield" signs shall be installed on the near right side of each intersection roadway.

1.-120. (No change.)

**121. Route 56: Cumberland and Salem counties;**

(b) (No change.)

PROPOSALS

TREASURY-TAXATION

# TREASURY-TAXATION

(a)

## DIVISION OF TAXATION

### Corporation Business Tax Urban Enterprise Zones; Qualified Business; Exemption; Credits

#### Proposed New Rules: N.J.A.C. 18:7-3.17, 4.17 and 15.1 through 15.5

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: P.L. 1983, c.303, section 22 (N.J.S.A. 52:27H-81) and N.J.S.A. 54:10A-27.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
50 Barrack Street, CN 269  
Trenton, NJ 08646

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

This proposal is known as PRN 1984-304.

The agency proposal follows:

#### Summary

The New Jersey Urban Enterprise Zones Act, Chapter 303, Laws of 1983, N.J.S.A. 52:27H-60, et seq., approved August 15, 1983, provides for the establishment of up to ten urban enterprise zones in urban areas suffering from high unemployment and economic distress.

The Urban Enterprise Zone Authority, in designating enterprise zones, may grant corporate tax benefits to "qualified businesses." Qualified businesses are businesses existing in an enterprise zone when established, or which have moved into or been started within, the geographical limits of an enterprise zone.

Qualified businesses must meet other requirements, such as employing persons who are residents of an urban enterprise zone municipality, or who are unemployed or dependent upon public assistance.

A qualified business which has more employees within an enterprise zone than at all other places of business in New Jersey may be given an exemption from the corporation business tax on net worth. The exemption will continue for as long as the business and the enterprise zone coexist.

A qualified business may also be entitled to an employee tax credit against the total corporation tax liability for new full-time employees hired in the previous year and employed for at least six consecutive months in the tax year. The credit

is either \$1,500.00 or \$500.00 for each new employee working within the zone.

The \$1,500.00 credit applies to each new employee who resides in the municipality containing the enterprise zone, and who also was either unemployed for at least 90 days or dependent upon public assistance as his primary source of income at the time of employment.

The \$500.00 credit applies if the new employee does not meet these qualifications, but is a resident of any municipality which contains an enterprise zone, and also was not employed in the municipality containing the enterprise zone in which he is being hired, immediately before being hired.

The tax credits cannot exceed 50 percent of the total corporate tax liability for any year, but any excess tax credits may be carried forward until exhausted.

#### Social Impact

The purpose of the Urban Enterprise Zones Act is to encourage employers to continue business in an urban enterprise zone, or to start new businesses in these zones. It is anticipated that the zones will stimulate economic activity in the inner cities by creating jobs, decreasing unemployment and public assistance, encouraging new commercial construction, and raising the income level of residents of the municipalities involved. It is also expected that the urban enterprise zones will help end the progressive decay which is continuing to damage several New Jersey municipalities.

#### Economic Impact

The Urban Enterprise Zones Act should produce additional income from purchases within the municipalities by newly employed persons, from taxes paid by these new employees, from stimulation of other businesses furnishing labor and materials to new construction in zones, and from expansion of money and income in the area of each municipality involved. The amount of economic benefit cannot realistically be estimated. The terms of the law are carefully set out to limit any tax benefits to businesses which continue or expand in the zone, or which hire new employees, and do not simply hire away persons already employed elsewhere in the area. Most of the benefits are aimed at increasing employment among the unemployed and those on welfare, which will benefit not only these new employees but also their families. At best, the zones may result in the turn around of the present decay of inner cities and a beginning of new economic growth in these areas.

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

#### 18:7-3.17 Enterprise zone employees tax credits

See N.J.A.C. 18:7-15 for credits against the total tax applicable for "qualified businesses" located within "urban enterprise zones."

#### 18:7-4.17 Urban enterprise zones

See N.J.A.C. 18:7-15 for possible changes in the net worth tax for qualified businesses located in an urban enterprise zone.

### SUBCHAPTER 15. URBAN ENTERPRISE ZONES ACT

#### 18:7-15.1 General

(a) The New Jersey Urban Enterprise Zones Act, Chapter 303, Laws of 1983, N.J.S.A. 52:27HG-60, et seq., approved August 15, 1983, provides for the establishment of up to ten

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urban enterprise zones in urban areas suffering from high unemployment and economic distress. Zones are designated by an Urban Enterprise Zone Authority. The Authority may grant certain corporation tax and other tax benefits to businesses existing in, or formed in, enterprise zones, which have met the definition of a qualified business. This subchapter of the corporation tax rules sets forth the possible benefits, the necessary definitions, and the procedures for qualifying for any or all of these corporation tax benefits.

(b) No business can obtain tax benefits under this subchapter unless it meets the definition of a "qualified business" in N.J.A.C. 18:7-15.2.

**18:7-15.2 Definitions**

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

A "qualified business" means either:

1. An entity authorized to do business in New Jersey which, at the time of designation as an enterprise zone, is engaged in the active conduct of a trade or business in that zone; or

2. An entity which, after that designation but during the designation period of 20 years, becomes newly engaged in the active conduct of a trade or business in that zone, and has at least 25 percent of its full-time employees employed at a business location in the zone, who meet at least one of the following criteria:

i. Resident within the zone or within the municipality within which the zone is located;

ii. Either unemployed, while residing in New Jersey, for at least one year prior to being hired, or recipients of New Jersey public assistance programs, for at least one year prior to being hired;

iii. Determined to be economically disadvantaged pursuant to the Jobs Training Partnership Act, P.L. 97-300 (29 United States Code 1501, et seq.). Section 1503(8) of that Act defines this term as follows:

"The term 'economically disadvantaged' means an individual who (A) receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program; (B) has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level; (C) is receiving food stamps pursuant to the Food Stamp Act of 1977; (D) is a foster child on behalf of whom State or local government payments are made; or (E) in cases permitted by regulations of the Secretary (U.S. Secretary of Labor), is an adult handicapped individual whose own income meets the requirements of clause (A) or (B), but who is a member of a family whose income does not meet such requirements."

"Enterprise zone" or "zone" means an urban enterprise zone designated by the Urban Enterprise Zone Authority under N.J.S.A. 52:27H-60, et seq.

"Qualifying municipality" means any municipality in which there was, in the last full calendar year immediately preceding the year in which the municipality makes application for enterprise zone designation, an annual average of at least 2,000 unemployed persons, and in which the municipal

average annual unemployment rate for that year, exceeded the State average annual unemployment rate; except that any municipality which qualifies for State aid pursuant to P.L. 1978, c.14 (C. 52:27D-178, et seq.) shall qualify if its municipal average unemployment rate for that year exceeded the State average annual unemployment rate. The annual average of unemployed persons and the average annual unemployment rates shall be estimated for the relevant calendar year by the Office of Labor Statistics, Division of Planning and Research of the State Department of Labor.

**18:7-15.3 New worth tax benefits**

Section 17 of the Urban Enterprise Zones Act is applicable to a qualified business in an enterprise zone, only if the Urban Enterprise Zone Authority specifically made section 17 applicable when the enterprise zone was designated. Section 17 provides that any qualified business (as defined in N.J.A.C. 18:7-5.2) employing a larger number of persons at a place of business within a designated enterprise zone than at all other places of business of the taxpayer within New Jersey, shall be exempt from the net worth tax under N.J.S.A. 54:10A-5(a) and from the tax imposed by N.J.S.A. 54:10A-5(f) for a period of 20 tax years from the date of designation of the enterprise zone, or for a period of 20 tax years from the date upon which the taxpayer first became subject to the Corporation Business Tax Act (N.J.S.A. 54:10A-1, et seq.), whichever date is later. The 20 year benefit period, once properly granted, is not affected by the termination of the enterprise zone after 20 years. The net worth tax exemption applies to any tax year during the 20 year benefit period during which the qualified business is carried on in an enterprise zone for at least one day. The provisions for this section are subject to the phase-out of the net worth tax under N.J.S.A. 54:10A-5(a).

**18:7-15.4 Credits against total tax for new employees in Urban Enterprise Zones**

(a) Section 19 of the Urban Enterprise Zone Act is applicable to a qualified business in an enterprise zone, only if the Urban Enterprise Zone Authority specifically made section 19 applicable when the enterprise zone was designated. Under section 19, any qualified business (as defined in N.J.A.C. 18:7-15.2) which is actively engaged in the conduct of a business from a location within an enterprise zone (as defined in N.J.A.C. 18:7-15.2), which business in that location consists primarily of manufacturing or other business which is not primarily considered as a retail sales business, or as a warehousing business, shall receive an enterprise zone employees tax credit against the amount of tax imposed under N.J.S.A. 54:10A-5. The credit shall only be available for new employees hired on or after the date of designation of the enterprise zone, or the date of commencement of business in the enterprise zone, whichever is later.

(b) A credit against the tax of \$1,500.00 shall be allowed for each new employee employed at that location who is a resident of the qualifying municipality (as defined in N.J.A.C. 18:7-15.2) in which the designated enterprise zone is located, who was, immediately before employment by the taxpayer, unemployed for at least 90 days, or dependent upon public assistance as the primary source of income. Further qualifications for this benefit are in (d) below.

(c) A credit against the tax of \$500.00 shall be allowed for each employee employed at that location who is a resident of any qualifying municipality in which a designated enterprise zone is located, who does not meet the requirements of N.J.A.C. 18:7-15.4(b), and who was not, immediately before

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employment by the taxpayer, employed at a location within the qualifying municipality in which the qualified business is located. Further qualifications for this credit are in (d) below.

(d) The enterprise zone employee tax credits provided in (b) and (c) above, shall be allowed in the tax year immediately following the tax year in which the new employee was first employed by the taxpayer, but shall only be allowed if the employee for whom credit is claimed was employed by the taxpayer for at least six continuous months during the tax year for which the credit is claimed. The credit shall be permitted in any tax year of a 20 year period from the date of designation of the enterprise zone, or in any tax year of a period of 20 tax years from the date within that designation period upon which the taxpayer is first subject to the corporation business tax under N.J.S.A. 54:10A-1, et seq., whichever is later. The termination of designation as an enterprise zone at the end of the 20 year designation period shall not terminate the eligibility period under this section.

(e) Enterprise zone employee tax credits under this section shall not reduce the taxpayer's tax liability under N.J.S.A. 54:10A-1, et seq. in any tax year by more than 50 percent of the amount otherwise due, but any unused credits may be carried forward by the taxpayer to the next succeeding tax year and be applied against 50 percent of that year's tax, but not beyond the 20 year totals set forth in (d) above.

### 18:7-15.5 Qualification for benefits

(a) There is no formal procedure for registration as a qualified business for the purpose of obtaining the corporation tax benefits. However, each annual CBT-100 Corporation Business Tax Return which claims any urban enterprise zone corporation tax benefits must include proof that it is a qualified business. This proof may consist of a certificate or other proof of status as a qualified business for sales tax purposes under N.J.A.C. 18:7-31. If a sales tax certificate or some other form of proof has not been obtained, the taxpayer should attach a statement setting forth how it qualifies as a "qualified business" as defined in N.J.A.C. 18:7-15.2, with sufficient detail to permit verification by the Division of Taxation.

(b) For the purpose of the exemption from all net worth tax described in N.J.A.C. 18:7-15.3, the qualified business must have more employees at the place or places of business in an enterprise zone than the total number of employees at all other places of business in New Jersey on the last day of its accounting period. If this qualification is met, the qualified business is exempt from the net worth tax.

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(a)

## DIVISION OF TAXATION

### Corporation Business Tax International Banking Facilities

**Proposed Amendments: N.J.A.C. 18:7-4.1,  
and 5.2**

**Proposed New Rules: N.J.A.C. 18:7-8.16  
and 18:7-16.1 through 16.5**

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:10A-27 and P.L. 1983, c.422.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
50 Barrack Street, CN 269  
Trenton, NJ 08646

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

This proposal is known as PRN 1984-297.

The agency proposal follows:

### Summary

P.L. 1983, c.422, approved January 5, 1984, amended parts of the Corporation Business Tax Act, N.J.S.A. 54:10A-4, 6 and 34, to provide special treatment for International Banking Facilities (IBF's). Federal law permits the creation of IBF's as separate entities within banks in the United States, to allow equal competition with foreign banks and to encourage United States banks with off-shore facilities to establish some of these facilities in this country. The statute is similar to New York law, and will provide an opportunity for New Jersey banks to compete.

IBF's are limited to taking deposits from and providing loans and services to, foreign residents, foreign businesses, other IBF's and similar entities which are essentially off-shore banking facilities. The IBF's are free of most of the interest rate and reserve requirements of the Federal Controller of the Currency, the Federal Reserve Board of Governors and the Federal Deposit Insurance Corporation. They are now also becoming exempt from most taxes, Federal or state.

The proposed amendments would permit banks to exclude their IBF net worth from the bank's net worth tax, and their IBF net income from the bank's tax on entire net income. Provision is also made for allocation of income of banks with IBF's which have non-New Jersey net income. The adjustments are made from the base year of 1981, the first year IBF's were permitted under Federal law.

The proposed new rules contain procedures for computing the deductions and exclusions, and contain definitions and other information which will assist taxpayers in preparing the necessary bank corporate business tax returns.

### Social Impact

The IBF statute and proposed rules are intended to help New Jersey banks in the rapidly expanding field of international banking. It is expected that banks will increase their assets and income, expand their employment and increase their assets available for domestic as well as foreign loans, through the establishment and growth of IBF's.

### Economic Impact

The economic impact of the amended statute and the proposed rules cannot be easily computed. There may be an immaterial net tax loss to the extent that New Jersey banks

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establish IBF's, and will not pay tax on the IBF activities. However, there will be an increase in employment by the banks, and there may be increases in other bank activities, which should more than offset these losses. At present it is not known how many banks will establish IBF's or how extensive they will be.

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

18:7-4.1 "Entire net worth"; definition; computation

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

**(c) In the case of banking corporations which have international banking facilities as defined in N.J.A.C. 18:7-8.16, net worth shall be reduced by the amount of retained earnings of the international banking facility. For purposes of valuation of an international banking facility, the taxpayer shall prepare an information return for the 1981 accounting year, as though the international banking facility was in operation for the entire year, and the definitions enacted by P.L. 1983, c.422 were in effect for 1981 as set forth in said chapter. The retained earnings accumulated over the life of such international banking facility, beginning with the net worth accumulated for the taxpayer's 1981 Corporation Business Tax Return, shall be reduced by the pro rata share of dividends paid, and by the pro rata share of federal income tax paid or payable for each tax year. (See: Subchapter 16 regarding international banking facilities.)**

Example for Calendar Year Taxpayer

January 1, 1981

1.	Total net worth of taxpayer	\$1,000,000
2.	Net worth of international banking facility (IBF)	-0-

December 31, 1981

3.	1981 Net income before deduction for dividends and Federal income tax	500,000
4.	1981 IBF income before deduction for dividends and Federal income tax	50,000
	(Note: IBF pro rata share is 10 percent)	
5.	1981 Dividends \$200,000; Income tax \$50,000 Total	250,000
6.	1981 Net income after deduction for dividends and income tax	250,000
7.	1981 IBF income after deduction for dividends and income tax (10 percent of line 6)	25,000

December 31, 1981

8.	Total net worth \$1,000,000 + 250,000	1,250,000
9.	IBF net worth -0- + \$25,000	25,000
10.	Total net worth less IBF net worth	\$1,225,000

January 1, 1982

1.	Total net worth of taxpayer	\$1,250,000
2.	Net worth of international banking facility (IBF)	25,000

December 31, 1982

3.	1982 Net income before deduction for dividends and Federal income tax	600,000
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4.	1982 IBF income before deduction for dividends and Federal income tax	90,000
	(Note: IBF pro rata share is 15 percent)	
5.	1982 Dividends \$220,000; Income tax \$60,000 Total	280,000
6.	1982 Net income after deduction for dividends and income tax	320,000
7.	1982 IBF net income after deduction for dividends and income tax (15 percent of line 6)	48,000

January 1, 1983

8.	Total net worth \$1,250,000 + 320,000	1,570,000
9.	IBF net worth \$25,000 + 48,000	73,000
10.	Total net worth less IBF net worth	\$1,497,000

18:7-5.2 Entire net income; how computed

"Taxable income before net operating loss deduction and special deductions," hereinafter referred to as Federal taxable income, is the starting point in the computation of the entire net income. After determining Federal taxable income, it must be adjusted as follows:

(a) Add to Federal taxable income:

1.-12. (No change.)

(b) Deduct from Federal taxable income:

1.-6. (No change.)

**7. Any banking corporation which is operating an international banking facility (IBF) as part of its business may exclude the eligible net income of the IBF, as herein described, from its entire net income, as follows:**

**i. Any deductions under this section can only be claimed to the extent that they are not deductible in determining Federal taxable income, or not deductible under N.J.S.A. 54:10A-4(k)(1) through (3).**

**ii. The eligible net income of an IBF is the amount of income remaining after subtracting the applicable expenses, as defined by iv. below.**

**iii. Eligible gross income is the gross income derived from an IBF. This will include gross income derived from the following:**

**(1) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled, by one or more domestic corporations (other than banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States;**

**(2) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities; or**

**(3) Entering into foreign exchange or hedging transactions relating to any transactions under (1) and (2) above or (4) below.**

**(4) Any other activities which an IBF may be, at any time, authorized to engage in by Federal or state law, the Board of Governors of the Federal Reserve, the Comptroller of the Currency, the New Jersey Banking Commission, or any other authority.**

**iv Applicable expenses are any expenses or deductions which are directly or indirectly attributable to eligible gross income as defined in iii. above.**

**(See: Subchapter 16 regarding international banking facilities.)**

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### 18:7-8.16 Allocation: International Banking Facilities

Any banking corporation, having an international banking facility, which maintains a regular place of business (other than a statutory office) outside of New Jersey, which elects to take the exclusion from net worth provided by N.J.A.C. 18:7-4.1(c), or the deduction from entire net income provided by N.J.A.C. 18:7-5.2(b)7, shall complete the allocation factor under N.J.A.C. 18:7-8.1, et seq. in the usual way. For the purpose of allocation, however, all amounts attributable, directly or indirectly, to the production of the eligible net income of an international banking facility as defined in N.J.A.C. 18:7-16.1, shall be included in both the numerator and the denominator of the fractions described in N.J.A.C. 18:7-8.1, et seq., whether or not such international banking facility income amounts are otherwise attributable to New Jersey.

(See: Subchapter 16 regarding international banking facilities.)

Full text of the proposed new rules follows.

### SUBCHAPTER 16. INTERNATIONAL BANKING FACILITIES

#### 18:7-16.1 Definitions

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

“Agreement Corporation” is defined under USCA Title 12, section 601, et seq. as a national banking association which, under regulation of the Federal Reserve Board of Governors, is authorized to establish foreign branches, or branches in United States dependencies or insular possessions, for the furtherance of United States foreign commerce, or to invest not over 10 percent of its capital in United States domestic corporations which are principally engaged, directly or through controlled institutions, in international or foreign banking or banking in United States dependencies or insular possessions; or to hold stock in banks organized under foreign laws, or United States dependencies or insular possessions laws, which banks are not engaged in United States activity, except incidentally; and to extend credit to such foreign or United States dependencies banks. Agreement Corporations shall operate under an agreement with the Federal Reserve Board of Governors, and shall furnish information concerning their condition to the Comptroller of the Currency as well as to the Federal Reserve Board of Governors.

“Edge Corporation” is defined under USCA Title 12, section 611, et seq. as a corporation organized to engage in international or foreign banking or other financial operations, or to engage in such operations in United States dependencies or insular possessions, either directly or through local institutions. An Edge Corporation is operated under Federal supervision with sufficiently broad powers to be able to compete effectively with similar foreign-owned institutions, in the United States or abroad. The Federal Reserve Board of Governors shall issue regulations to assist an Edge Corporation in providing banking and financial services to foster international trade.

“International Banking Facility” means a separate, segregated set of asset and liability accounts, set apart on the books of a bank, a banking corporation or other depository institution, including a United States bank or agency or foreign bank; or an Edge or Agreement Corporation as defined below. The separate accounts may include only international

banking facility time deposits, or international banking facility extensions of credit, as defined below.

If the United States enacts a law, or the Governors of the Federal Reserve System adopt a regulation changing the definitions of international banking facility, international banking facility time deposits or international banking facility extensions of credit set forth in this rule, the New Jersey Commissioner of Banking shall promptly adopt regulations conforming these definitions to the revised United States law or Federal Reserve regulations, and the Banking Commissioner’s regulations shall then, under P.L. 1983, c.422, provide the applicable definitions.

“International Banking Facility Extension of Credit” is a loan or deposit by an international banking facility to a deposit account, represented by a promissory note or other credit arrangement, extended only to a foreign office of another United States depository, or an Edge or Agreement Corporation or foreign office of a foreign bank, or another office of the international banking facility, another international banking facility, or an institution exempt from Federal interest rate limitations, or a foreign resident, or a foreign branch or affiliate controlled by a domestic corporation. The funds must be used only to finance the foreign operations of the borrower, or its foreign affiliates.

“International Banking Facility Time Deposit” is defined, in (United States Federal) 12 CFR 204.8(a)(2). It is a deposit or Federal obligation represented by a promissory note or other obligation or instrument, not in negotiable or bearer form. The deposit must remain in the depository at least over night, and be issued to either an office outside of the United States of another depository, or an office of an Edge or Agreement Corporation, or a foreign office of a foreign bank, or any office anywhere of the establishing international banking facility, or of another international banking facility, or an institution exempt from Federal interest rate limitations. The obligation must be payable no sooner than two business days later, and must represent funds deposited to the credit of a foreign resident, or a foreign branch or affiliate of a domestic corporation. The funds must be used for foreign operations of the depositor or its foreign affiliate, and deposits or withdrawals must be at least \$100,000.00, except when closing an account.

#### 18:7-16.2 International Banking Facilities: computation of entire net worth

For computation of entire net worth, see N.J.A.C. 18:7-4.1(c).

#### 18:7-16.3 International Banking Facilities: computation of entire net income

For computation of entire net income, see N.J.A.C. 18:7-5.2(b)7.

#### 18:7-16.4 International Banking Facilities: business allocation factor

Regarding the business allocation factor, see N.J.A.C. 18:7-8.16.

#### 18:7-16.5 Phasing in International Banking Facility tax changes

(a) The reduction in taxes payable by banking corporations maintaining international banking facilities shall be phased in over five years. To start this procedure, each banking corporation which elects to claim the deduction from entire net

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income for eligible net income as defined in N.J.S.A. 54:10A-4(k)4 for an international banking facility (as defined in N.J.A.C. 18:7-16.1), or the exclusion from net worth for international banking facilities, shall file an information return for the calendar year 1981, based on operations during 1981, regardless of the date of filing or payment, with its corporation business tax return for the first year in which it makes such election or elections.

(b) The 1981 information return of the banking corporation shall report the income and net worth attributable to its international banking facility activities, as defined in N.J.S.A. 54:10A-4(k)4, as if the taxpayer had an established international banking facility during the entire calendar year of 1981, and as if the adjustments pertaining to taxation of international banking facilities, contained in this subchapter, had been in effect during the entire year. The difference between the taxpayer's corporate franchise tax liability for the 1981 accounting year, and the amount which it would have been liable for if these adjustments were in effect for all of the 1981 accounting year, shall be the taxpayer's base international banking facilities tax liability.

(c) In each of the calendar years of 1982 through 1986 in which a banking corporation elects to claim the deduction from income of international banking facility generated income, or the exclusion from net worth of international banking facility assets, as authorized by this subchapter, the banking corporation shall pay, in addition to the total required by N.J.S.A. 54:10A-5, as effective on January 31, 1984, the following percentage of its base international banking facility tax liability:

1982	100%
1983	80
1984	60
1985	40
1986	20
1987 and thereafter	None

The years 1982 through 1987 refer to the taxpayer's accounting period and not the year in which the tax was due.

**(a)**

**DIVISION OF TAXATION**

**Local Property Tax  
County Boards of Taxation; Petitions of  
Appeal; Hearings; Freeze Act; Practice  
and Procedure; Appeals; Late Filing**

**Proposed Amendments: N.J.A.C.  
18:12A-1.6, 1.9, 1.13, 1.15 and 1.20**

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:3-14.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

John C. Raney  
Local Property Tax Branch  
Division of Taxation  
50 Barrack St., CN 269  
Trenton, NJ 08646

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

This proposal is known as PRN 1984-291.

The agency proposal follows:

**Summary**

The proposed amendments are necessitated partly by recent changes in legislation and partly the mandates of court decisions. Chapter 45, Laws of 1983, enacting various substantive and procedural standards covering the newly created Tax Court of New Jersey made several changes in the laws relative to tax appeals. Thus it becomes necessary to revise certain regulations in conformity with the new legislative standards. Certain judicial standards have emerged from recent court decisions, published and unpublished. *Murnick vs. Asbury Park, N.J.* 1984 expanded the right to appeal equalization tables to include individual taxpayers, whereby additional guidelines covering these matters becomes requisite. Further dictates have emerged from various other litigations wherein the courts have inquired with respect to the procedures employed at the county board level regarding cross-complaints. Absent any previous regulations on this aspect, the proposed amendments include features to comply with the courts' suggestions.

**Social Impact**

The proposed amendments will benefit litigants, taxpayers or municipalities, by providing succinct guidelines and methods in the preparation of appeals for review by the county tax boards. Pre-trial discovery features will permit more effective case presentations for review. In many instances the pre-trial exchange of data will provide the basis for stipulation-settlements thus alleviating case loads of the reviewing agency and reducing time and efforts spent by the litigants. The amendments will be an overall benefit to taxpayers, legal practitioners and hearing tribunals by providing a mechanism which will expedite the appeal process.

**Economic Impact**

Because the procedures and guidelines set forth in the proposed amendments provide for more developed case presentations, the county boards will be enabled to give complete treatment to appeals, in the first instance, thereby reducing the likelihood of dismissals and re-scheduling. A reduction of administrative costs will result and litigants will avoid expense associated with additional hearings. No adverse economic impact will result.

**Full text** of the proposal follows.

**18:12A-1.6 Petitions of appeal; cross-petitions of appeal**

(a) All complaints concerning property tax assessments, whether by an individual or corporation, shall be by written petition of appeal on forms prescribed by the Director, Division of Taxation, to be furnished to the boards. **A petition of appeal filed by a party respondent in a tax appeal shall be denominated as a "cross-petition of appeal" and shall be filed**

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**on the same form and subject to the same standards applicable to petitions of appeal.** All petitions shall contain the name and address of the taxpayer, the block and lot number or account number of the property and the assessed value of the land and improvement respectively stated, and such other information as the Director may require.

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

(d) A taxpayer who shall file an appeal from an assessment against him shall pay to the collector of the taxing district no less than the first three quarters of taxes assessed against him for the current tax year in the manner prescribed in R.S. 54:4-66 even though his petition to the county board of taxation might request a reduction in excess of one quarter of the taxes assessed for the full year. [A county board of taxation shall not enter a judgment regarding a tax appeal filed by a taxpayer unless the first three quarters of the current year's taxes have been paid and unless the municipality has applied to the county board for dismissal of the taxpayer's appeal.] **In the event a taxpayer who has filed a tax appeal has failed to pay the first three-quarters of the current year's taxes and in the further event the municipality appropriately makes an application before the county board of taxation for a dismissal of the petition of appeal, the county board of taxation shall allow the taxpayer a 10-day period of time to pay such taxes prior to the entry of a judgment of dismissal. The 10-day period may be extended by the county board in the interest of justice. If such taxes are not paid within the 10-day period, then the county board of taxation shall enter a judgment dismissing the petition for failure to pay taxes. Such a 10-day period for the payment of taxes should be limited where necessary by the November 15 annual deadline imposed upon county boards by law for the entry of judgments.**

## 18:12A-1.9 Hearings

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

(h) [If a petitioner relies on expert testimony in the prosecution of his appeal three copies of the appraisal shall be furnished to the board and a copy to the assessor at least one week prior to the hearing. The petitioner shall have the right to inspect the property record card of the property under appeal at least one week prior to the hearing. The board in its discretion may waive the requirements of a written appraisal.] **A party intending to rely on expert testimony shall furnish to the board three copies of a written appraisal report and shall furnish one copy of the appraisal report to each opposing party at least one week prior to the hearing. If the municipality intends to rely on its tax assessor or a representative of a revaluation company as its expert and if such testimony will involve data and analysis which is not reflected on the property record card, the municipality shall furnish to the board three copies of a written report reflecting such data and analysis and shall furnish one copy of the report to each opposing party at least one week prior to the hearing. At the request of a taxpayer-party, the municipality shall also furnish that party with a copy of the property record card for the property under appeal at least one week prior to the hearing. The board in its discretion and in the interest of justice may waive the requirements for the submission of written reports.**

(i) Any settlement agreed upon between the parties shall be in writing, on a form approved by the Director, Division of Taxation [and], signed by the parties or their attorneys and shall indicate if the assessor is in agreement with the settlement. Such proposed settlement shall include the basis for the settlement and shall be submitted to the board for approval without the necessity [of] for an appearance by the parties or

their attorneys unless the board [otherwise requires their appearance] **requests such an appearance by the parties or their attorneys.** If the board approves the settlement, [judgment shall be entered in accordance with the term thereof] **the board shall enter judgment in accordance with the terms thereof.** If the board disapproves the settlement, [the parties shall be notified of such disapproval and a new date set for the hearing of the appeal] **the board shall notify the parties of such disapproval and schedule a hearing date for the appeal.**

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

## 18:12A-1.13 Freeze Act

(a) When an assessment is subject to the "freeze" provisions of N.J.S.A. 54:2-43 or 54:3-26, there shall be no increase in the assessment for any tax year subject to such "freeze" except upon petition first filed with and granted by the Board.

(b) If the taxing district alleges that there has been a change in the value of the property occurring since the date of such assessment, the taxing district shall file a petition with the Board together with proof of service thereof upon the owner of the property to increase the amount of the assessment. Such petition shall specifically set forth the nature of the changes relied upon as the basis for the claim that there has been a change in value of the property. A copy of the petition shall be served upon the owner of the subject property prior to the filing of the petition with the Board.

(c) **A judgment entered by a county board of taxation which is not further appealed by a party shall be deemed to be binding and conclusive upon the municipality and tax assessor for the tax year in question and the two tax years immediately thereafter unless a revaluation, reassessment or change in value has occurred subsequent to the assessing date.**

(d) **A taxpayer may waive the application of the Freeze Act for one or both of the tax years affected and such waiver of the freeze shall be reflected in a judgment entered by the county board.**

(e) **A taxpayer may apply to the county board within a reasonable period of time upon proper notice to the municipality seeking the enforcement of the Freeze Act with regard to a judgment previously entered by the county board.**

## 18:12A-1.15 Practice and procedure

(a) In the absence of a rule covering any matter at issue, the rules of the Tax Court insofar as they may be applicable, shall govern.

(b) **The rules applicable to the Tax Court regarding pretrial discovery shall be applicable to the county boards of taxation except as follows:**

1. **Initial interrogatories shall be served within 10 days following the deadline for filing petitions of appeal with the county board of taxation.**

2. **The party served with interrogatories shall serve his answers thereto upon the party propounding them within 20 days after service of such interrogatories upon him.**

3. **All discovery shall be completed at least seven days before the scheduled hearing date.**

4. **Upon motion by any party to an appeal and for good cause shown, the county board of taxation may make any order which justice requires either to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense or to require a party or person to comply with specific discovery demands.**

18:12A-1.20 Appeals; late filing

Where a petition **or cross-petition** of appeal to a county board of taxation is actually received by the board after August 15 of the tax year (except if August 15 shall fall on a Saturday, Sunday or holiday, then after the first business day immediately thereafter), the county board of taxation or the county tax administrator, if authorized by the board by resolution, shall not accept said petition **or cross-petition** of appeal for filing but shall forthwith return the same to the person filing it, together with the filing fee, if the filing fee accompanied said petition or was otherwise paid. The petition **or cross-petition** to be returned shall have endorsed thereon the date of receipt and a statement "Petition **or cross-petition** is returned by reason of late filing", and shall be accompanied by a judgment of dismissal by the county board of taxation for late filing.

(a)

## DIVISION OF TAXATION

### Sales and Use Tax

#### Urban Enterprise Zones; Qualified Businesses; Exemptions; Special Tax Rates

#### Proposed New Rules: N.J.A.C. 18:24-31.1 through 31.9

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: P.L. 1983, c.303, section 22 (N.J.S.A. 52:27H-81) and N.J.S.A. 54:32B-24.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
50 Barrack Street, CN 269  
Trenton, NJ 08646

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

This proposal is known as PRN 1984-305.

The agency proposal follows:

#### Summary

The New Jersey Urban Enterprise Zones Act, Chapter 303, Laws of 1983, N.J.S.A. 52:27H-60, et seq., approved August 15, 1983, provides for the establishment of up to ten urban enterprise zones in urban areas suffering from high unemployment and economic distress.

The Urban Enterprise Zone Authority, in designating enterprise zones, may grant sales and use tax benefits to "qualified businesses." Qualified businesses are businesses existing in an enterprise zone when established, or which have moved into

or been started within, the geographical limits of an enterprise zone.

Qualified businesses must meet other requirements, such as engaging in business other than mail order or catalog sales or selling motor vehicles, in order to qualify to receive some of these benefits.

A qualified business may be granted three different sales tax benefits: First, an exemption from sales tax on most purchases of tangible personal property and services for use in the business; second, authorization to collect sales tax at only 50 percent of the regular sales tax rate on taxable sales; and third, an exemption from sales tax on building materials and services for constructing or improving real property for business use in the enterprise zone. The first sales tax benefit applies to any qualified business which is located in an enterprise zone for which this benefit has been designated by the Urban Enterprise Zone Authority. The second also is available only in an enterprise zone which has been so designated and it is limited to a maximum of four of the ten possible urban enterprise zones under the Act. The third sales tax benefit is available to any qualified business in the zone, and is set out in an amendment to N.J.S.A. 54:32B-8.22.

The first benefit applies to sales tax and use tax for the purchase of tangible personal property (except motor vehicles) and services for exclusive use or consumption by the business within the zone.

The second benefit applies to retail sales by a qualified business of tangible personal property, other than motor vehicles, and other than manufacturing machinery, equipment or apparatus. The rate will be 50 percent of the regular rate. The qualified business must operate a retail store in the zone, with an inventory, and not a mail order or catalog facility. The reduced rate does not apply to taxable services. There are strict time requirements on qualification procedures for this benefit.

The third benefit covers sales to the qualifying business of building materials, supplies and construction services by a contractor or subcontractor, provided that the materials and services are all applied to construction for the qualified business in the zone.

#### Social Impact

The purpose of the Urban Enterprise Zones Act is to encourage employers to continue business in an urban enterprise zone, or to start new businesses in these zones. It is anticipated that the zones will stimulate economic activity in the inner cities by creating jobs, decreasing unemployment and public assistance, encouraging new commercial construction, and raising the income level of residents of the municipalities involved. It is also expected that the urban enterprise zones will help end the progressive decay which is continuing to damage various New Jersey municipalities.

#### Economic Impact

The Urban Enterprise Zones Act should produce additional income through increased sales due to the lower sales tax rate. This should lead to increased employment, additional income tax from new employees and an infusion of capital into the local economy of the municipality involved. The amount of economic benefit cannot realistically be estimated. The terms of the law are carefully set out to limit any tax benefits to businesses which are labor intensive, rather than mail order or catalog businesses. The benefits are aimed at increasing employment among the unemployed and those on welfare, which will benefit not only these new employees but also their fami-

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**TREASURY-TAXATION**

lies. At best, the zones may result in the turn around of the present decay of inner cities and a beginning of new economic growth in these areas.

Full text of the proposed new rules follows.

**SUBCHAPTER 31. URBAN ENTERPRISE ZONES ACT**

**18:24-31.1 General**

(a) The New Jersey Urban Enterprise Zones Act, Chapter 303, Laws of 1983, N.J.S.A. 52:27H-60, et seq., approved August 15, 1983, provides for the establishment of up to ten urban enterprise zones in urban areas suffering from high unemployment and economic distress. Each designation shall be for 20 years, and the right to establish enterprise zones shall expire ten years from August 15, 1983. Zones are designated by an Urban Enterprise Zone Authority. The authority may grant certain sales tax and other tax benefits to businesses existing in or formed in enterprise zones, which have met the definition of a qualified business. This subchapter of the sales tax rules sets forth the possible benefits, the necessary definitions, and the procedures for qualifying for any of these sales tax benefits.

(b) The possible sales tax benefits include an exemption for retail sales to a qualified business, a partial exemption for retail sales by a qualified business, and an exemption for sales of building materials and services used in constructing or maintaining buildings or realty of a qualified business.

(c) No business can obtain tax benefits under this subchapter unless it meets the definition of a qualified business under N.J.A.C. 18:24-31.2.

**18:24-31.2 Definitions**

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

A "qualified business" means:

1. An entity authorized to do business in New Jersey which, at the time of designation as an enterprise zone, is engaged in the active conduct of a trade or business in that zone; or

2. An entity which, after that designation but during the designation period of 20 years, becomes newly engaged in the active conduct of a trade or business in that zone, and has at least 25 percent of its full-time employees employed at a business location in the zone, who meet at least one of the following criteria:

i. Resident within the zone or within the municipality within which the zone is located; or

ii. Either unemployed while residing in New Jersey for at least one year prior to being hired, or recipients of New Jersey public assistance programs, for at least one year prior to being hired; or

iii. Found to be economically disadvantaged, pursuant to the Jobs Training Partnership Act, P.L. 97-300 (29 U.S.C. 1501, et seq.). Section 1503(8) of that Act defines this term as follows:

"The term 'economically disadvantaged' means an individual who (A) receives, or is a member of a family which receives, cash welfare payments under a Federal, state, or local welfare program; (B) has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was

not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level; (C) is receiving food stamps pursuant to the Food Stamp Act of 1977; (D) is a foster child on behalf of whom state or local government payments are made; or (E) in cases permitted by regulations of the Secretary (U.S. Secretary of Labor), is an adult handicapped individual whose own income meets the requirements of clause (A) or (B), but who is a member of a family whose income does not meet such requirements."

"Enterprise zone" or "zone" means an urban enterprise zone designated by the Urban Enterprise Zone Authority under N.J.S.A. 52:27H-60, et seq.

**18:24-31.3 Exemption for retail sales to a qualified business**

(a) Retail sales of tangible personal property (except motor vehicles) to a qualified business and sales of services to a qualified business for the exclusive use or consumption of such business within an enterprise zone are exempt from the sales and use taxes imposed by N.J.S.A. 54:32B-1, et seq., provided that the designation of the enterprise zone by the Urban Enterprise Zone Authority specifically makes this exemption available to the qualified business.

(b) Tangible personal property includes items such as office supplies, office or business equipment, office and store furnishings, trade fixtures, cash registers, etc. Services include items such as installing, maintaining or repairing tangible personal property used in business (other than a motor vehicle); maintaining, servicing or repairing real property used in business, and advertising services.

**18:24-31.4 Partial exemption for retail sales of tangible personal property by a certified vendor**

(a) Sales tax is imposed at 50 percent of the regular rate, on receipts from retail sales, (except retail sales of motor vehicles, and of manufacturing machinery, equipment or apparatus, not otherwise exempt,) made by a certified vendor which is a qualified business from a place of business owned or leased, and regularly operated by the vendor for the purpose of making retail sales, and located in a designated enterprise zone.

(b) This partial exemption does not extend to sales of motor vehicles.

(c) The provisions of this partial exemption do not apply to retail sales of manufacturing machinery, equipment or apparatus. Such sales may, however, be exempt from sales tax under the provisions of N.J.S.A. 54:32B-8.13, as further defined in N.J.A.C. 18:24-4.1 through 18:24-4.8.

(d) In addition to being a qualified business, a certified vendor must regularly operate a place of business for the purpose of making retail sales. Items of tangible personal property must be regularly exhibited and offered for retail sale at this location, and the place of business may not be utilized primarily for the purpose of catalog or mail order sales.

**18:24-31.5 No exemption for retail sales of taxable services by a qualifying business**

The Urban Enterprise Zones Act in Section 21 provides for an exemption to the extent of 50 percent of the regular rate of sales and use tax on retail sales, other than motor vehicles, manufacturing machinery, equipment or apparatus, by a certified vendor which is a qualified business. The statute does

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not provide for any full or partial exemption on the sale or furnishing of taxable services.

### 18:24-31.6 Exemption for retail sales of building materials to or for a qualified business

(a) Section 31 of the Act provides an exemption from sales and use tax on sales of materials, supplies or services to contractors or repairmen for exclusive use in erecting structures, or building on, or improving, altering or repairing real property of a qualified business within an enterprise zone.

(b) Purchasers of materials, supplies or services to be used for construction, alteration and repair of structures and realty of qualified businesses within an enterprise zone shall furnish to their vendors or suppliers a properly completed ST-13, Contractor's Exempt Purchase Certificate.

(c) For the purpose of this section, a qualified business performing construction or similar work with its own personnel shall be considered as its own contractor, and shall be entitled to deliver a properly completed ST-13 directly to the vendor.

### 18:24-31.7 Qualification procedures

(a) Any business being carried on in an enterprise zone wishing to avail itself of the tax and other benefits under the Urban Enterprise Zones Act, must first qualify as a qualified business under the terms of Section 3c. of the Act, N.J.S.A. 52:27H-62c, and N.J.A.C. 18:24-31.2.

(b) Any business believing it meets the qualifications of N.J.A.C. 18:24-31.2 must complete, sign and return to the Director, Division of Taxation, an Application for Designation as a Qualified Business, Form. For the purpose of the 50 percent exemption under N.J.A.C. 18:24-31.4, the application must be submitted on or before October 1 of the pretax year.

(c) The Director, Division of Taxation, shall review each application in accordance with N.J.A.C. 18:24-31.2. He may require in writing, from the applicant, all additional information necessary to make an informed decision. Failure of an applicant to furnish all required information shall be cause for rejection.

(d) The Director, if satisfied that the applicant has qualified, shall issue to the applicant a Form, Designation as a Qualified Business. This form shall be dated, shall be effective for the calendar year of issuance, and shall be signed by or on behalf of the Director.

(e) The Division Taxation, if not satisfied that the applicant is entitled to designation as a qualified business, shall deny the application in writing. The applicant shall then have a period of 30 days to appeal this decision to the Director, Division of Taxation.

(f) A qualified business requesting designation for the purpose of N.J.A.C. 18:24-31.3 and 31.6 may apply for designation at any time. A qualified business requesting designation for the purpose of N.J.A.C. 18:24-31.4 must apply by October 1 of the pre-tax year. This is a requirement by statute and the Division of Taxation has no authority to waive this requirement.

### 18:24-31.8 Annual renewal of designation as a qualified business

(a) Each annual renewal of designation is for one calendar year only.

(b) The maximum period allowed for designation as a qualified business is 20 years, starting from the effective date of designation as an enterprise zone for businesses already exist-

ing, or from the date on which a business is first designated as a qualified business, whichever is later.

(c) Application for renewal of designation as a qualified business shall be made on Form, Application for Designation as a Qualified Business, on or before October 1 of the pretax year. Application shall be submitted to the Director, Division of Taxation, Taxation Building, Trenton, NJ 08646.

(d) A qualified business seeking renewal of the 50 percent sales tax exemption of a certified vendor must make application by October 1 of the pretax year. A qualified business seeking renewal of the sales tax exemption on personal property purchased under section 20 of the Act, or on building materials and services under section 31 of the Act, may make application for renewal at any time.

### 18:24-31.9 Termination of designation as a qualified business

(a) The Director, Division of Taxation, may terminate the designation of a business as a qualified business for the purpose of the sales tax exemption on articles purchased under section 20 of the Act, or on building materials and services under section 31 of the Act, for failure to comply with the provisions of this subchapter.

(b) The Director, Division of Taxation, may terminate the 50 percent sales tax exemption of a certified vendor which is a qualified business for failure to comply with the provisions of N.J.A.C. 18:24-31.4.

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## OTHER AGENCIES

### (a)

### NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

#### Payment of Prevailing Wages in Authority Projects

#### Proposed Readoption: N.J.A.C. 19:30-3

Authorized By: James J. Hughes, Jr., Executive Director, New Jersey Economic Development Authority.  
Authority: N.J.S.A. 34:1B-1 et seq., specifically 34:1B-5.1.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed:

Gary Nadler, Manager of Administration  
New Jersey Economic Development Authority  
Capital Place One—CN 990  
200 South Warren Street  
Trenton, New Jersey 08625

The New Jersey Economic Development Authority thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule will expire on August 24, 1984. The readoption of this rule

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becomes effective upon acceptance for filing of the notice of its readoption by the Office of Administrative Law.

This proposal is known as PRN 1984-295.

The agency proposed follows.

**Summary**

The New Jersey Economic Development Authority (NJEDA) proposes to readopt its rules concerning payment of prevailing wages to construction workers employed in the construction of projects receiving NJEDA's financial assistance. NJEDA is obliged to require payment of prevailing wages in such construction projects in accordance with the provisions of N.J.S.A. 34:11-56.25 et seq., the New Jersey Prevailing Wage Act. This Act states that every contract in excess of \$2,000 for any public work shall require the payment of the prevailing wage rate to the workmen employed in the performance of the contract. The Act defines public work to mean construction, reconstruction, etc., paid for in whole or in part out of the funds of a public body. The Act defines public body to mean, among other entities, any authority created by the Legislature of the State of New Jersey.

NJEDA's proposed readoption is based on and is consistent with the applicable sections of the New Jersey Prevailing Wage Act. NJEDA's prevailing wage requirement applies to all contracts and subcontracts for construction, reconstruction, demolition, alteration, repair, or maintenance work, undertaken by a company for a project receiving financial assistance from NJEDA. NJEDA requires that each such contract shall contain a provision requiring the contractor to pay the applicable prevailing wage rate as determined by the New Jersey Commissioner of Labor to construction workers employed in connection with the project.

The pertinent sections of the subchapter are summarized as follows:

N.J.A.C. 19:30-3.1 contains the definitions for the subchapter.

N.J.A.C. 19:30-3.2 specifies that recipients of Authority assistance, as a condition for such assistance, shall pay workers not less than the prevailing wage rate for such work.

N.J.A.C. 19:30-3.3 requires that recipients of Authority assistance, upon completion of the project, confirm that they have complied with the requirements of N.J.A.C. 19:30-3.2.

N.J.A.C. 19:30-3.4 requires that recipients of Authority assistance require that their contractors and subcontractors permit the Authority complete access to records for determining compliance with the subchapter.

N.J.A.C. 19:30-3.5 specifies that the Executive Director may require additional representations from applicants and recipients of Authority assistance and may enter into such agreements as are necessary to carry out the purposes of the subchapter.

N.J.A.C. 19:30-3.6 states that the provisions of the subchapter shall apply to all projects for which financial assistance had been authorized after September 1, 1979. Projects authorized after September 1, 1979 are exempt from the provisions of the subchapter.

**Social Impact**

The New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) has been in existence for twenty years. In readopting these rules on prevailing wage, NJEDA is stating how it intends to assist in the implementation and administration of the provisions of the law, as it is required to do.

It is NJEDA's experience that the law has a positive social impact by eliminating substandard wage levels which do not promote the general welfare of those who are employed in the construction industry. The law aims at insuring that such employment is gainful, allowing the individual workmen to maintain a degree of personal economic stability. This is generally considered a positive influence in establishing social balance and promoting social well-being.

NJEDA is assuming a social responsibility to promote the objectives of the Prevailing Wage law, by monitoring contractor payroll records and making such records available to the New Jersey Dept. of Labor on matters involving possible non-compliance.

**Economic Impact**

NJEDA will incur on-going operating expenses in maintaining permanent staff to monitor compliance with the subchapter. This cost is currently estimated to be \$288,000.00 per year. Incurring these expenses will in no way hinder or lessen NJEDA's ability to carry out its various economic development and financial assistance programs.

Concerning the impact on other segments of the New Jersey population, such impact does not derive from NJEDA's prevailing wage regulation, but from the Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq.

**Full text** of the proposed readoption follows.

**SUBCHAPTER 3. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS**

**19:30-3.1 Definitions**

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

"Authority" means the New Jersey Economic Development Authority in but not of the Department of Commerce and Economic Development.

"Construction Contract" shall mean any contract or subcontract for construction, reconstruction, demolition, alteration, or repair work, or maintenance work, undertaken in connection with a Project and paid for in whole or in part with funds received through the assistance of the Authority.

"Executive Director" means the Executive Director of the Economic Development Authority.

"Prevailing Wage Rate" means the prevailing wage rate established by the Commissioner of the New Jersey Department of Labor from time to time in accordance with the provisions of N.J.S.A. 34:11-56.30 for the locality in which the Project is located.

**19:30-3.2 Payments of prevailing wages in Projects receiving assistance**

Every recipient of assistance from the Authority for Projects, as defined in N.J.S.A. 34:1B-3, as a condition for receipt of such assistance, shall in all construction contracts in the amount of \$2,000 or more, require that wages paid to workers employed in the performance of the construction contracts be not less than the prevailing wage rate for such work.

**19:30-3.3 Assurances required**

(a) Every recipient of assistance from the Authority shall deliver a certificate to the Authority (or designated agent for

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the Authority), upon completion of the Project, signed by an authorized representative of the recipient, representing and confirming that:

1. It has complied and has caused its contractors and sub-contractors to comply with the requirements of N.J.A.C. 19:30-3.2 and attaching true copies of all such construction contracts with contractors and subcontractors; or

2. That it has not entered into any construction contracts subject to the provisions of N.J.A.C. 19:30-3.2.

### 19:30-3.4 Contract provisions required

(a) Each recipient of assistance from the Authority shall in all construction contracts in the amount of \$2,000 or more require that:

1. Contractors and subcontractors permit the Authority, or its designated agent, complete access to payroll records and other records for purposes of determining compliance with the provisions of this subchapter.

2. Contractors and subcontractors keep accurate records showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed in connection with the performance of the contract and to preserve such records for two years from the completion date of the Project.

### 19:30-3.5 Executive Director to enforce compliance

The Executive Director may require applicants for Authority assistance and recipients of Authority assistance to make such additional representations to the Authority and to enter into such covenants and agreements with the Authority that are necessary to carry out the purposes of this subchapter. The Executive Director shall take such steps as are necessary to ensure compliance with this subchapter.

### 19:30-3.6 Effective date

The provisions of this subchapter shall apply to all Projects for which financial assistance initially has been authorized by a resolution of the members of the Authority adopted on or after September 1, 1979. Projects authorized by such official action of the members of the Authority prior to September 1, 1979 shall be exempt from the provisions of this subchapter.

(a)

## CASINO CONTROL COMMISSION

### Applications

### Form of Application; Personal History Disclosure Form 4A

### Proposed Amendment: N.J.A.C. 19:41-7.14

Authorized by: Casino Control Commission, Theron G. Schmidt, Executive Secretary.  
Authority: N.J.S.A. 5:12-63(c) and 5:12-70(a).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposed amendments on or before July 5, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Steven M. Ingis, Assistant Counsel  
Legal Division  
Casino Control Commission  
3131 Princeton Pike  
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 1984-290.

The agency proposal follows:

#### Summary

N.J.A.C. 19:41-7.14 requires all applicants, licensees, registrants or persons required to be qualified under the Casino Control Act to complete and submit all appropriate application, registration, Business Enterprise Disclosure and Personal History Disclosure forms as directed by the Casino Control Commission or Division of Gaming Enforcement. The forms referred to in this regulation have been adopted but are not reproduced therein.

The Casino Control Commission, pursuant to its authority under N.J.S.A. 5:12-63(c) and 5:12-70(a), proposes to repeal Personal History Disclosure Form 4, adopted pursuant to N.J.A.C. 19:41-7.14, and adopt in its place Personal History Disclosure Form 4A. The proposed Form 4A is 18 pages long, and the Commission perceives no need to publish it in full. Information on this proposed form may be obtained from the Casino Control Commission, Princeton Pike Office Park, Building No. 5, CN-208, Trenton, New Jersey 08625.

#### Social Impact

The proposed Form 4A will have to be filled out by all applicants for casino hotel employee registration (see N.J.S.A. 5:12-91). The proposed Form 4A is considerably shorter, simpler, more concise and less demanding than the present Form 4. Completion of Form 4A will require less time and effort than is the case with Form 4. The proposed Form 4A has been designed to make the minimum demands upon casino hotel employee registrants while at the same time supplying the Casino Control Commission and the Division of Gaming Enforcement with sufficient initial information to commence the mandatory investigation of all applicants, which is necessary for an informed decision on their fitness for registration.

#### Economic Impact

The proposed change does not affect the fees connected with the casino hotel employee registration applications and should not affect the administrative time and effort needed to rule on such applications. There is, therefore, no perceived economic impact apart from the minor administrative costs in printing new forms.

A **summary** of the proposal follows:

There is no change in the existing test of N.J.A.C. 19:41-7.14 (form of application). However, Personal History Disclosure Form 4, which was originally filed and adopted as part of R.1978 d.175, effective May 25, 1978, is hereby proposed for repeal. A new form, Personal History Disclosure Form 4A, is proposed to replace Form 4.

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OFFICE OF ADMINISTRATIVE LAW NOTE: Proposed Personal History Disclosure Form 4A was submitted as part of this notice of proposed rule but is not reproduced herein. Copies of this form can be obtained from:

Casino Control Commission  
Princeton Pike Office Park  
Building No. 5, CN 208  
Trenton, NJ 08625; or

Office of Administrative Law  
Administrative Filings  
CN 301  
Trenton, NJ 08625

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# RULE BANKING

## (a)

### DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

#### Insurance Activities Insurance Tie-In Prohibition

#### Adopted Amendment: N.J.A.C. 3:1-13.1

Proposed: April 2, 1984 at 16 N.J.R. 586(a).  
Adopted: May 18, 1984 by Dominick A. Mazzagetti,  
Acting Commissioner of Banking.  
Filed: May 18, 1984 as R. 1984 d.209, **without change.**  
Authority: N.J.S.A. 17:1-8.1.  
Effective Date: June 4, 1984.  
Expiration Date Pursuant to Executive Order No.  
66(1978): December 5, 1988.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

Full text of the adoption follows.

3:1-13.1 Insurance tie-in prohibition  
(a) (No change)

(b) In the event a loan or other financing is granted for personal, family or household purposes, and if insurance is required and is available through the lending institution, the terms of the loan agreement or a separate written notice to the borrower shall state that the borrower has the option of securing such insurance from a source of the borrower's own choosing. Nothing herein shall prevent the lender from reserving the right to refuse to accept, for reasonable cause, an insurer or insurance offered by the consumer; provided however, the lender must give written notice to the consumer stating specific reasons why insurance coverage provided by the consumer is unacceptable to the lender.

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## (b)

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#### Leaves of Absence Leaves of Absence Rules

**Adopted Repeals: N.J.A.C. 4:1-17, 4:2-17,  
4:3-17**

**Adopted New Rules: N.J.A.C. 4:1-17,  
4:2-17, 4:3-17**

# ADOPTIONS

Proposed: April 2, 1984, at 16 N.J.R. 590(a).  
Adopted: May 15, 1984 by the Civil Service Commission, Eugene J. McCaffrey, Sr., President.  
Filed: May 17, 1984 as R.1984 d.208, **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. 11:1-7a, 11:5-1a, 11:14-1 to 11:14-7, 11:24A-1 to 11:24A-9.

Effective Date: May 17, 1984 for Readoption.  
June 4, 1984 for Repeals and New Rules.

Expiration Date Pursuant to Executive Order No. 66(1978): June 4, 1989.

#### Summary of Public Comments and Agency Responses:

Comments pertaining to proposed Subchapter 17 were received from Barry A. Aisenstock, Esq. of the law firm of Rothbard, Harris and Oxfeld on behalf of the International Federation of Professional and Technical Engineers (IFPTE) and IFPTE Business Manager, Don Philippe, several local chapters of the Communications Workers of America (CWA), Administrative Law Judge Robert Scott, and John Polios, Chief Personnel Officer, Department of the Treasury.

Many comments from CWA representatives concerned the seeming disparity between provisions pertaining to State government and those pertaining to local jurisdictions. All such differences in the proposed rules reflect statutory provisions that either explicitly state such differences or direct that rules be prepared by the Department of Civil Service for State government and procedures administering standards and policies be prepared by local governments for local jurisdictions. For example, proposed N.J.A.C. 4:1-17.3, Vacation Leave: Entitlements, sets forth the number of paid vacation days provided by statute to which State and local employees are entitled; these entitlements are not identical. Additionally, the Department of Civil Service prepared procedures for calculating the amount of paid vacation time to be credited to a new employee for his or her first calendar month of employment. This type of regulation is properly proposed by this Department for State employees but cannot be extended to local jurisdictions since local jurisdictions are directed by statute to prepare their own standards.

The CWA representatives suggested that proposed N.J.A.C. 4:2-17.4, Sick Leave Injury (SLI) General; 4:2-17.8 Sick Leave: Pregnancy-disability; 4:2-17.9, Leave Without Pay: Child Care; 4:2-17.10, Administrative Leave and N.J.A.C. 4:2-17.13, Special Leave To Appear As A Witness, also be extended to employees of local jurisdictions. This cannot be done for the reasons stated above. The Department of Civil Service does not have jurisdiction to prepare rules pertaining to sick leave, sick leave benefits or special leaves for local jurisdictions. Proposed N.J.A.C. 4:1-17.1 General, which reflects N.J.S.A. 11:24A-1, 11:24A-3 and 11:24A-4 states that:

(b) In local service, the governing body or appointing authority shall prepare and administer standards regarding holidays, sick leave, work-related disability leave, leaves of absence with or without pay and special leaves subject to statutory provisions and Civil Service rules.

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Further comment suggested that local appointing authorities should submit their standards regarding leaves in order to ensure compliance with statutory provisions and for Commission approval. After consideration it was determined that this would constitute unnecessary paperwork and be over regulatory. The monitoring of local jurisdictions to ensure their compliance with statutory provisions is presently accomplished without additional regulations.

Comments were received from CWA representatives concerning the provision in proposed N.J.A.C. 4:1-17.3(e) which reads; "Vacation leave shall be scheduled by the appointing authority." They suggested that vacation leave should be scheduled by workers not by the employer unless the employer can demonstrate that vacation leave will seriously impede operations. While the Department does not agree that the appointing authority should have to demonstrate that vacation leave would seriously impede operations, the Department does agree that the proposed language is a departure from past practice and has been revised to allow agencies flexibility to develop a procedure for determining vacation use with appointing authority approval. CWA further suggested that employees should be able to schedule vacation time in units of one-half day to prevent employers from requiring employees to schedule vacations in large blocks of time. A substantive amendment such as this needs careful review to ascertain the affect on employer and employee. It would be premature to include it at this point in the adoption process.

Subsection (a), paragraph 1, in proposed N.J.A.C. 4:1-17.4 was questioned as complicating the regulations concerning sick leave. This paragraph provides State-wide uniformity to procedures that are presently utilized.

CWA comments included the suggestion that seniority be accrued while an employee is on a leave of absence for union activities. After careful deliberation, proposed N.J.A.C. 4:1-17.6 was retained as proposed. This rule reflects long-standing policy and practice and reinforces the concept that seniority is a recognition of continuous service; that is, time spent on the job.

A number of comments brought to the Department's attention the inclusion of the now defunct New Jersey State Employees Association in proposed N.J.A.C. 4:1-17.9 and suggested that CWA should be entitled to this leave instead. Proposed N.J.A.C. 4:1-17.9, Special Leave: Conventions, is a purely informational rule that consolidates all statutes concerning convention leave into one rule. This "convenience rule" is for use by employees and personnel officers and does not reflect any provisions prepared by the Department of Civil Service. Revisions to statutes concerning convention leave must be addressed through the legislative process.

Proposed N.J.A.C. 4:2-17.1(b), the provision that shift-employees notify the appointing authority of absence due to illness at least one hour prior to their scheduled reporting time, has caused concern for CWA representatives. They comment that these (shift) employees should not be treated differently than other employees. The Department does not agree. Shift operations require 24-hour coverage and therefore carry a different responsibility than that attached to regular work-day coverage. Twenty-four hour jobs generally service institutions such as State hospitals and institutions for which it is essential to have advanced notice to ensure that coverage does not lapse. A one-hour reporting time to allow a supervisor to contact an off-duty employee and have him or her report to the work-site at the scheduled time or to arrange for employees to work overtime is believed to be reasonable.

CWA further objects to N.J.A.C. 4:2-17.1(c) which provides that failure to notify the appropriate person of absence due to illness may constitute cause for disciplinary action. This proposed paragraph is a retention of the current rule, N.J.A.C. 4:1-17.17. CWA also objects to a generalization of this provision, proposed N.J.A.C. 4:2-17.14, Abuse of Leave of Absence, which states that absence without approval, or misuse of approved absence, may be cause for disciplinary action. While the Department understands the concern, it is essential that employees are responsible for their absences and accountability is established. The Department of Civil Service is charged with promoting efficiency in the conduct of public business. Being accountable for absences and assuring their propriety is part of promoting efficiency.

The CWA representatives suggested that Sick Leave Injury (SLI) provisions be extended to unclassified workers. Civil Service rule and regulation applies only to the classified service. N.J.A.C. 4:1-1.2, Purpose, states, "These rules are for the purpose of implementing the statutory provisions . . . for . . . employees in the classified service." Consequently it is not feasible to extend such benefits to unclassified employees.

One comment was received concerning proposed N.J.A.C. 4:2-17.9, Child Care Leave. Although the CWA representative who commented was in favor of the rule, he suggested that such leave be mandatory along with sick leave without pay. Leaves without pay are not mandatory but are granted at the discretion of the appointing authority. Child care leave is to be considered the same as any other leave without pay.

CWA comments also addressed proposed N.J.A.C. 4:2-17.10, Administrative Leave. The concern is that by eliminating the provision stating that administrative leave may be granted for emergencies and the order of priority for granting administrative leave, the current contract language may be abrogated. The intent of this proposal was to avoid overregulation and clarify language, not to substantively change the rule. Therefore, in compliance with CWA's suggestion, the original language, including administrative leave for emergencies and order of priorities, is being restored. Mr. Aisenstock also commented on this section. He suggested that a provision for leave to attend funerals be included in N.J.A.C. 4:2-17.10. Leave to attend the funeral of a member of an employee's immediate family is provided for in proposed N.J.A.C. 4:1-17.5(b)1, Sick Leave, Authorized Use.

Mr. Aisenstock commented on proposed N.J.A.C. 4:2-17.5(a)2 which provides that an employee shall not be compensated "where such aggravation was reasonably foreseeable." The proposed rule is identical to the current rule except that the word "reasonably" was added to the proposal to allow some protection to the employee by limiting denials only to those cases that are reasonably foreseeable.

A number of comments addressed the addition of "gross negligence" to proposed N.J.A.C. 4:2-17.5(a)5. The concern centered around the employee assuming the burden of proving that he was not grossly negligent. Placing the burden of proof on a claimant for SLI benefits or on any individual seeking relief in an administrative agency or court proceeding is an established practice. Appointing authorities may use gross negligence as grounds to deny SLI claims, but gross negligence, as opposed to mere negligence, must be shown. An employee who believes he or she has been wronged by such finding may seek relief before the Civil Service Commission.

IFPTE comments addressed proposed N.J.A.C. 4:2-17.5(c)2 which reads: Injuries which occur during lunch breaks are not compensable. Their concern centered around

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injuries to employees who must eat their lunch or take their break on the work site. After careful deliberation, it was decided to amend the proposed rule to allow compensation for those employees. IFPTE comments also suggested that N.J.A.C. 4:3-17.1, Special leave: Elective office, be extended to include leave for union business. Proposed N.J.A.C. 4:3-17.1 mirrors special legislation, N.J.A.C. 11:24A-7, 8 and 9 that is specific to elective public office. Such provision for union business should be directed through the legislative process.

Administrative Law Judge Robert W. Scott submitted comments concerning the military leave section. In particular, Judge Scott questioned the distinction between permanent and nonpermanent employees and the amount of paid time which these individuals would be granted. The Military Leave section of Subchapter 17, mirrors the statutory provisions and terminology governing all such leave time as it appears in the pertinent statutes. N.J.S.A. 38:23-1 and 38:23-1.1 require that these employees be treated differently depending upon their Civil Service status and length of service. These proposed regulations have been reviewed and approved by Chief of Staff, Major General Francis Gerard. Moreover, the Department of Defense is currently in the process of developing its own rules to govern military leave of absence.

Mr. Polios, Chief Personnel Officer, Department of the Treasury, suggested that a regulation be established that would also set forth a Statewide uniform procedure for prorating an employee's sick and vacation leave upon separation. This suggestion warrants further consideration and although it may be proposed at a later date, it cannot, without adequate review, be a part of this adoption.

The final comment did not address a definitive section of the Subchapter but stated that "Leaves of absence should be negotiated rather than governed by Civil Service." Leaves of absence are controlled by statute. It is mandated that the Department of Civil Service (for State government) or local governments (for local jurisdictions) prepare and administer rules and regulations for such leaves.

Two revisions have been made by this Department as a result of close review of the proposal. In order to ensure consistency among the subchapters and continuity of current rules, language that is in current N.J.A.C. 4:1-17.10 has been restored and amended to proposed N.J.A.C. 4:1-17.3 and language that is currently in N.J.A.C. 4:1-8.4 and 4:2-16.2 has been added to proposed N.J.A.C. 4:1-17.6. The revision to proposed N.J.A.C. 4:1-17.3 restores the language concerning the procedure for deducting leaves of absence when determining earned service credit for vacation leave. The amendment to N.J.A.C. 4:1-17.6 sets forth in the Leave Without Pay section the exceptions to the blanket deductions of leaves with pay for purposes of determining continuous service. It is essential that this procedure be included in Subchapter 17 to make certain that the rule book provides the necessary information in all of the pertinent sections.

**Full text** of the adoption follows (additions to the proposal shown in boldface with asterisks **\*thus\***; deletions from the proposal shown in brackets with asterisks \*[thus]\*).

## SUBCHAPTER 17. LEAVES OF ABSENCE

## 4:1-17.1 General

(a) In State service, the President of the Civil Service Commission, shall prepare and administer rules regarding leaves of absence.

(b) In local service, the governing body or appointing authority shall prepare and administer standards regarding holidays, sick leave, work related disability leave, leaves of absence with or without pay and special leaves subject to statutory provisions and Civil Service rules.

(c) For police and fire departments, sick and vacation leaves are established by ordinance. See N.J.S.A. 40A:14-7 and 40A:14-118.

(d) For rules regarding leaves of absence that are applicable to both State and local service, refer to N.J.A.C. 4:1-17. For rules regarding leaves of absence that are limited to State service, see N.J.A.C. 4:2-17. For rules regarding leaves of absence that are limited to local service, see N.J.A.C. 4:3-17.

## 4:1-17.2 Records

(a) In State service, appointing authorities shall maintain records of all leaves of absence. Such records shall be in a form approved by the Department of Civil Service and be available for inspection at any time by a representative of the Department. Notices of all leaves of absence shall be forwarded to the Department of Civil Service.

1. When an employee leaves State service, the appointing authority shall certify all of the employee's unused sick leave to the Department of Civil Service. Such leave shall be part of the employee's record.

2. When an employee is transferred, the employee's former department or agency shall certify the employee's unused vacation and sick leave to the new employer.

3. When an employee is reemployed, the Department of Civil Service shall certify the employee's unused sick leave to the employer.

(b) In local service, appointing authorities shall maintain records of all leaves of absence. Notices of all leaves of absence shall be forwarded to the Department of Civil Service.

## 4:1-17.3 Vacation leave: Entitlements

(a) In State service, all full-time classified employees shall be entitled to annual paid vacation leave based on their years of continuous full-time or part-time service in the classified or unclassified service. Vacation leave shall be credited at the beginning of each calendar year.

1. New employees shall receive one working day for the initial month of employment if they begin work on the 1st through the 8th day of the calendar month. Employees who begin work on the 9th through the 23rd day of the month shall receive one-half working day for that month. Employees who begin work after the 23rd day of the month shall not receive any paid vacation leave for that month.

2. After the initial month of employment and up to the end of the first calendar year, employees shall receive one working day for each month of service. Thereafter, employees shall receive paid vacation days as follows:

i. From the beginning of the first full calendar year of employment and up to five years of service, 12 working days;

ii. After five years of service and up to 12 years of service, 15 working days;

iii. After 12 years of service and up to 20 years of service, 20 working days;

iv. Over 20 years of service, 25 working days.

3. Vacation leave credits shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave.

4. When the employee's vacation entitlement based on continuous service changes during the calendar year, the addi-

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tional annual entitlement shall be granted at the beginning of the calendar year in which the change takes place.

(b) In local service, all permanent employees shall be entitled to a minimum of annual paid vacation leave as follows:

1. Up to the end of the first calendar year, one working day for each month of service;
2. From the beginning of the first calendar full year of employment and up to 10 years of service, 12 working days;
3. After 10 years of service and up to 20 years of service, 15 working days; and
4. After 20 years of service, 20 working days.

(c) Part-time employees shall be entitled to a proportionate amount of paid vacation days.

**\*(d) For purposes of determining the credit earned for vacation leave, leaves of absence without pay except for military leave shall be deducted from an employee's years of continuous service.\***

**\*[(d)]\* \*(e)\*** Paid vacation days shall not accrue during a leave of absence without pay. **\*[Leave of absence without pay shall be deducted from an employee's years of continuous service, except as otherwise provided by rule.]\***

**\*[(e)]\* \*(f)\*** [Vacation leave shall be scheduled by the appointing authority.]\* **\*The appointing authority may establish procedures for the scheduling of vacation leave.\*** If, in any calendar year, vacation leave is not **\*[grated]\* \*used\*** because of business necessity, the unused vacation leave for that year shall be **\*[granted]\* \*used\*** during the next succeeding year only.

**\*[(f)]\* \*(g)\*** An employee who leaves government services shall be paid for unused vacation time.

**\*[(g)]\* \*(h)\*** An employee who has been reemployed from a special reemployment list shall be credited with any continuous service prior to the layoff and the continuous service subsequent to reemployment for purposes of computing vacation entitlement.

**\*[(h)]\* \*(i)\*** An employee who exhausts all paid vacation leave in any one year shall not be credited with additional paid vacation leave until the beginning of the next calendar year.

**\*[(i)]\* \*(j)\*** Upon the death of an employee, earned vacation shall be paid to the employee's estate.

### 4:1-17.4 Sick leave: Entitlements

(a) In State service, all full-time employees shall be entitled to annual paid sick leave to be credited at the beginning of each calendar year or upon employment.

1. New employees shall receive one working day for the initial month of employment if they begin work on the 1st through the 8th day of the calendar month. Employees who begin work on the 9th through the 23rd day of the month shall receive ½ working day for that month. Employees who begin work after the 23rd day of the month shall not receive any paid sick leave for that month.

2. After the initial month of employment and up to the end of the first calendar year, employees shall receive one working day for each month of service. Thereafter, employees shall receive 15 working days for each year of service.

3. Sick leave credits shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave.

(b) In local service, all permanent employees shall be entitled to annual paid sick leave of a minimum of one working day for every month of service during the first calendar year of employment and 15 working days for every year thereafter.

(c) Part-time employees shall be entitled to a proportionate amount of paid sick leave.

(d) Paid sick days shall not accrue during a leave of absence without pay.

(e) An employee who exhausts all accumulated paid sick days in any one year shall not be credited with additional paid sick leave days until the beginning of the next calendar year.

(f) Unused sick leave shall accumulate from year to year.

### 4:1-17.5 Sick leave: Authorized use

(a) Sick leave may be used by employees who are unable to work because of personal illness, accident or exposure to contagious disease.

1. When an illness is of a chronic or recurring nature causing occasional absences of one day or less, one proof of illness shall be required for every six month period. The proof of illness must specify the nature of the illness and that it is likely to cause periodic absences from employment.

2. In case of sick leave due to exposure to contagious disease, a certificate from the Department of Health shall be required.

3. In case of other personal illness, proof may be required for State employees as provided in N.J.A.C. 4:2-17.1 and 4:2-17.2. Local jurisdictions shall prepare and administer appropriate standards for proof of illness. See N.J.S.A. 11:24A-3 and 11:24A-5.

(b) Sick leave may be used for short periods of time due to a death in the employee's immediate family or to care for a seriously ill member of the employee's immediately family.

1. In case of sick leave due to a death in the employee's immediate family, reasonable proof may be required. See N.J.A.C. 4:1-2.1 for definition of immediate family.

2. In case of sick leave to care for a member of the employee's immediate family, proof may be required for State employees as provided in N.J.A.C. 4:2-17.1 and 4:2-17.2. Local jurisdictions shall prepare and administer appropriate standards regarding leave to care for a member of the immediate family. See N.J.S.A. 11:24A-3 and 11:24A-5.

(c) Sick leave may be used by a handicapped employee for absences related to the acquisition or use of an aid for the handicap provided that the aid is necessary to function on the job. In such cases, reasonable proof may be required by the appointing authority.

### 4:1-17.6 Leave without pay

(a) In State service, an appointing authority may, with Department of Civil Service approval, grant leaves of absence without pay to permanent employees for a period not to exceed one year unless otherwise provided by statute. The one-year leave may be extended for exceptional situations upon request by the appointing authority and written approval by the Department of Civil Service.

(b) In State service, an appointing authority may, with Department of Civil Service approval, grant leaves of absence without pay to nonpermanent employees for exceptional situations. Such leaves shall not exceed six biweekly pay-periods, or the equivalent, and shall not continue beyond termination of the appointment. Leave without pay for nonpermanent employees may be terminated at any time.

(c) In local service, a department head or appointing authority may grant leaves of absence without pay to permanent employees for periods not to exceed six months at any one time. Such leaves may be renewed for an additional six months by the department head or appointing authority with approval by the governing body. No further renewal or exten-

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sion may be granted except upon request by the department head or appointing authority and written approval by the Department of Civil Service. Standards concerning leaves of absence without pay shall be prepared and administered by the appointing authority.

(d) **Except for military leave, education, sick or disability leave or any other leave designated by the Civil Service Commission or by law, \* [P] \* \* p**eriods of leaves of absence without pay shall be deducted from an employee's total continuous service, except as otherwise provided by rule.

4:1-17.7 Military Leave

(a) An employee, other than a person holding a position for a fixed term or period, who enters the military service in time of war or emergency, or for any period of training, or pursuant to any selective service system, shall be entitled to a leave of absence without pay for the period of such service and three months after discharge. However, if an employee shall be incapacitated by wound or illness at the time of discharge, such leave shall be extended until three months from recovery but in no event more than two years from date of discharge.

1. During such leave of absence, the employee shall continue to accrue seniority and service adjustments, if applicable, in his or her title.

2. No entitlements under this section shall be granted if the separation from military service is by a dishonorable discharge. See N.J.S.A. 38:23-4.

3. For federal reemployment rights, see 43 U.S.C. §2021.

(b) An employee who is a member of the national guard or other component of the organized militia of the State shall be entitled to a leave of absence with pay not to exceed 90 days in the aggregate in any one year that he or she is required to engage in active duty or active duty for training. A leave of absence with pay shall also be granted for other military duty when ordered by the Governor.

1. Such leave of absence shall be in addition to the regular vacation allowed such employee. See N.J.S.A. 38A:4-4.

(c) A permanent employee who is a member of the organized reserves of the Army, Navy, Air Force or Marine Corps of the United States or other affiliated organizations shall be entitled to a leave of absence with pay on days on which he or she is required to engage in field training. This would include only that training which consists of participation in unit training in field operations.

1. A nonpermanent employee serving for one year or longer shall be entitled to a leave of absence with pay not to exceed 30 days in the aggregate in any one year while engaged in field training. A leave of absence without pay shall be granted to a nonpermanent employee serving for less than a year while engaged in field training.

2. Such leave of absence shall be in addition to the regular vacation allowed such employee. See N.J.S.A. 38:23-1 and 38:23-1.1.

(d) An employee is entitled to a leave of absence without pay for such other national guard, State organized militia or United States reserve duty not covered by (b) and (c) above.

1. During such leave of absence, the employee shall continue to accrue seniority and service adjustments, if applicable, in his or her title.

2. At the discretion of the employee, vacation leave, administrative leave and other accrued compensation may be used for such absences.

(e) For military leave regulations promulgated by the New Jersey Department of Defense see N.J.A.C. \_\_\_\_\_. (The Department of Defense is currently drafting said rules.)

4:1-17.8 Special leave: Appointment by Governor

(a) A permanent employee appointed by the Governor to an office shall be granted a leave of absence without pay for the period of appointment.

4:1-17.9 Special Leave: Conventions

(a) Every employee who is a duly authorized representative shall, upon request, be granted a leave of absence with pay for a period of up to five days in any calendar year, to attend any State or national convention of any one or more of the organizations listed below. The five days shall include necessary travel time. Employees may be granted leaves of absence to attend conventions of organizations not appearing on this list upon proof of legislative modification or supplementation of the list. (See N.J.S.A. 38:23-2)

1. American Gold Star Mothers;
2. American Legion;
3. American Legion Auxiliary;
4. American Veterans of World War II, Korea and Vietnam;
5. AMVETS Ladies Auxiliary;
6. Army and Air National Guard Association of New Jersey;
7. Army and Navy Legion of Valor;
8. Blind Veterans Association of New Jersey;
9. Catholic War Veterans of the United States;
10. Disabled American Veterans' Auxiliary;
11. Disabled American Veterans;
12. Grand Army of the Republic;
13. Indian War Veterans;
14. Italian American War Veterans of the United States, Incorporated;
15. Jewish War Veterans of the United States;
16. Ladies Auxiliary, Department of New Jersey Jewish War Veterans of the U.S.A.;
17. Ladies Auxiliary, Italian War Veterans of the United States, Incorporated;
18. Ladies Auxiliary of New Jersey State Department, Catholic War Veterans;
19. Ladies Auxiliary of Veterans of Foreign Wars;
20. Ladies Auxiliary, Veterans of World War I of the United States of America;
21. Marine Corps League of the United States;
22. National Guard Association of the United States;
23. Navy League;
24. New Jersey Civil Service Association;
25. New Jersey Firemen's Association;
26. New Jersey State Employee's Association;
27. New Jersey State Exempt Firemen's Association;
28. Polish Legion of American Veterans;
29. Polish Legion of American Veterans, Ladies Auxiliary;
30. Reserve Officers Association of the United States;
31. 369th Veterans Association, Incorporated;
32. Twenty-Ninth Division Association;
33. United Spanish-American War Veterans;
34. United States Coast Guard Auxiliary;
35. Veterans of Foreign Wars;
36. Veterans of World War I of the United States of America;
37. War Veteran Public Employees Association;
38. Women's Overseas Service League.

(b) Written notice from the appropriate organization indicating that the employee is a duly authorized delegate shall be submitted to the appointing authority prior to the convention. A certificate of attendance shall be submitted to the appoint-

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ing authority after the convention indicating the delegate's attendance.

(c) An employee who is a duly authorized representative of any of the following organizations shall be granted a leave of absence with pay to attend the following conventions (N.J.S.A. 40A:14-177):

1. American Federation of Policy Officers, Inc.;
2. Brown Shield, Inc.;
3. Botons;
4. Firemen's Mutual Benevolent Association Inc.;
5. Fraternal Order of Police;
6. New Jersey Association of Chiefs of Police;
7. New Jersey State Patrolmen's Benevolent Association, Inc.;
8. Uniformed Firemen's Association;
9. Vulcan Pioneers (New Jersey Council of Charter Members of the National Black Police Assoc., Inc.)

(d) Persons designated by the Governor shall be granted leaves of absence to attend the convention of the American Correctional Association (American Prison Association). See N.J.S.A. 30:4-178.

(e) Any full-time teaching staff member or secretary or office clerk of any board of education of any local, regional or county vocational school district who applies to his or her board of education shall be granted a leave of absence with pay to attend the convention of the New Jersey Education Association. Such leave shall not exceed two days within any one calendar year. The employee must file a certificate of attendance with the board of education. The certificate must be signed by the executive secretary of the association for the employee to receive paid leave. See N.J.S.A. 18A:31-2.

(f) The Chancellor of Higher Education, with approval of the Board of Higher Education, may prepare rules concerning leaves of absence and payment during such leaves for teachers employed in the State colleges. See N.J.S.A. 18A:64-16.

(g) Teachers in State facilities shall have the rights as stated in (e) above to attend the convention of the New Jersey Education Association as other employees of boards of education or as stated in (f) above to attend the conventions allowed by the Chancellor of Higher Education for teachers employed in the State colleges.

### 4:1-17.10 Special leave: Education

(a) In State service, an appointing authority may, with approval of the President of the Civil Service Commission, grant a permanent employee education leave with or without pay for the purpose of obtaining training that is of direct value to the State but is not available through State or in-service training programs. See also N.J.A.C. 4:1-20.9 Tuition aid program.

(b) In local service, an appointing authority may grant education leave with or without pay for the purpose of obtaining training that is of direct value to the local government. Standards concerning such leave shall be prepared and administered by the appointing authority.

(c) Education leave, with or without pay, shall not be deducted from an employee's seniority. See N.J.A.C. 4:2-16.2(e)2.

## SUBCHAPTER 17. LEAVES OF ABSENCE

### 4:2-17.1 Sick leave: Reporting

(a) An employee whose workweek is other than a 24-hour or shift coverage shall, by the scheduled reporting time, notify

a contact person designated by the agency of any absence due to illness.

(b) An employee whose work unit requires 24-hour or shift coverage shall, at least one hour before the scheduled starting time, notify the designated contact person of any absence due to illness. In case of sudden illness or emergency, exceptions may be granted by the designated contact person.

(c) Failure to supply notification to the designated contact person in accordance with (a) or (b) above may result in a denial of sick leave for that specific absence, be considered an abuse of leave of absence, and constitute a cause for disciplinary action. See also N.J.A.C. 4:1-16.7, 4:1-16.14(a), 4:2-16.4, 4:2-16.5, and 4:2-17.14.

### 4:2-17.2 Sick leave: Verification

(a) An appointing authority may require proof of illness for any of the following reasons:

1. There is reason to believe that an employee is abusing sick leave;
2. The employee has been absent on sick leave for five or more consecutive work days;
3. The employee has been absent on sick leave for an aggregate of more than 15 days in a 12-month period.

(b) An appointing authority may require an employee to be examined by a physician designated and compensated by the appointing authority as a condition of the employee's return to work.

1. The examination shall establish whether the employee is capable of performing his or her work duties and that the return to employment will not jeopardize the health of the employee or that of other employees.

2. The appointing authority shall set the date of the examination to assure that it does not cause undue delay in the employee's return to work.

### 4:2-17.3 Vacation and sick leave: Liability

(a) An employee is liable for vacation and sick leave days taken in excess of his or her entitlement.

(b) An employee who leaves State service or goes on a leave of absence without pay before the end of the calendar year shall have his or her leave prorated according to time earned.

1. An employee shall reimburse the appointing authority for paid working days used in excess of his or her prorated and accumulated entitlements.

2. An employee who returns to work from a leave of absence shall not be credited with paid vacation or sick leave until the amount of leave used in excess of the prorated entitlement has been reimbursed.

(c) Intermittent days off without pay shall be aggregated and considered as a continuous leave without pay for calculation of reduced vacation and sick leave credits. When intermittent days off without pay equal 11 working days, the employee's vacation and sick leave credits shall be reduced by 1/2 of one month's entitlement.

(d) An employee shall not be reimbursed for accumulated sick leave when leaving State service except as provided in N.J.A.C. 4:5.

### 4:2-17.4 Sick Leave Injury (SLI): General

(a) An employee who is disabled from a work-related injury or illness shall be granted a leave of absence with pay.

(b) An employee who can return to work on a part-time basis shall be compensated for the hours actually worked and receive sick leave injury (SLI) benefits for the hours missed due to the disability.

## CIVIL SERVICE

(c) SLI benefits shall be reduced by the amount of a workers' compensation award.

(d) Benefits are limited to a one-year period from the initial date of the injury or illness.

### 4:2-17.5 Sick Leave Injury (SLI): Standards

(a) Causation: The disability must be an injury or illness resulting from the employment.

1. Injuries or illnesses which would clearly not have occurred but for a specific work-related accident or condition of employment are compensable.

2. Preexisting illnesses, diseases and defects aggravated by a work-related accident or condition of employment are not compensable where such aggravation was reasonably foreseeable.

3. Illnesses, such as a heart disorder and arthritis, which are generally not caused by a specific work-related accident or condition of employment, are not compensable except where the claim is supported by medical documentation that clearly establishes the injury or illness is work related.

4. Psychological or psychiatric illness shall not be compensable, except where such illness may be traced to a specific work-related accident or occurrence which traumatized the employee thereby creating the illness, and the claim is supported by medical documentation.

5. \*[An injury or illness clearly caused by the gross negligence of the employee shall not be compensable.]\* **\*An injury or illness occurring where the appointing authority has established that the employee has been grossly negligent, including alcohol or drug abuse at the time of the accident, shall not be compensable.\***

(b) Physical Area: Any accident resulting in injury for which the employee seeks compensation must occur on the work premises except as in (b)2 below.

1. Work premises is the physical area of operation of the appointing authority, including buildings, grounds and parking facilities provided by the State for the benefit of its employees.

2. An injury occurring off the work premises is compensable only when the employee is engaged in authorized work activity or travel between work stations.

(c) Time: For the injury to be compensable, it must occur during normal work hours or approved overtime.

1. Injuries which occur during normal commutation between home and the work station or home and a field assignment are not compensable.

2. Injuries which occur during lunch or break periods are not compensable. **\*However, employees who are required by the appointing authority to remain at a particular job location during lunch and/or work-break shall not be precluded from receiving SLI benefits.\***

(d) Burden of Proof: The burden is on the employee to establish by a preponderance of the evidence that he or she is entitled to SHI benefits.

### 4:2-17.6 Sick Leave Injury (SLI): Departmental procedures

(a) The employee is required to report to his or her supervisor any accident or work condition claimed to have caused disability upon occurrence or discovery and is responsible for completing a written report on the matter within five days or as soon as possible thereafter. The report shall include a statement of when, where and how the injury or illness occurred, statements of witnesses and copies of all medical reports concerning the injury or illness.

## ADOPTIONS

(b) The appointing authority shall review the request for Sick Leave Injury (SLI) benefits based upon the standards in N.J.A.C. 4:2-17.5 and within 20 days of receipt of the request shall:

1. Grant the request and forward its recommendation to the Department of Civil Service which, upon review, shall notify the employee and appointing authority whether or not the benefits have been approved; or

2. Deny the request, inform the employee of the reasons for the denial and advise the employee of the right to appeal to the Civil Service Commission within 20 days of receipt of the determination.

(c) The appointing authority's recommendation for approval of SLI benefits must be accompanied by:

1. All personal injury reports;

2. A record of the employee's lost time;

3. A detailed explanation of the incident;

4. All pertinent physician reports; and

5. A completed "Request for Employment Disability Leave."

(d) The appointing authority may require the employee to be examined by a physician designated and compensated by the appointing authority to determine the nature, cause and extent of the injury or illness.

### 4:2-17.7 Sick Leave Injury (SLI): Appeal procedures

(a) An employee may appeal an appointing authority denial of Sick Leave Injury (SLI) benefits to the Civil Service Commission in accordance with N.J.A.C. 4:1-5.1(b) and N.J.A.C. 4:1-5.2(b).

(b) An employee or appointing authority may appeal a Department of Civil Service disapproval of SLI benefits to the Civil Service Commission in accordance with N.J.A.C. 4:1-5.1(b) and N.J.A.C. 4:1-5.2(b).

(c) All appeals must be sent directly to:

Director

Division of Appellate Practices and

Labor Relations

CN 312

Trenton, N.J. 08625

### 4:2-17.8 Sick Leave: Pregnancy-disability

(a) An employee who requests leave with or without pay for reason of disability due to pregnancy shall be granted leave under the same terms and conditions as sick leave or leave without pay. The appointing authority may request acceptable medical evidence that the employee is unable to perform her work because of disability due to pregnancy.

(b) An employee may use accrued leave time (for example, sick, vacation, administrative) for pregnancy-disability purposes but shall not be required to exhaust accrued leave before taking a leave without pay. However, the employee must exhaust all accrued sick leave to be eligible for New Jersey Temporary Disability Insurance.

### 4:2-17.9 Leave without pay: Child care

Child care leave may be granted under the same terms and conditions as all other leaves without pay.

### 4:2-17.10 Administrative leave

(a) Full-time employees shall be granted three days of administrative leave in each calendar year for personal business, including **\*emergencies and\*** religious observances.

**\*1. Priority in granting such leave requests shall be:**

**i. Emergencies;**

## ADOPTIONS

## EDUCATION

- ii. Religious holidays;
- iii. Personal business;
- iv. Other personal affairs.\*

\*[1.]\* \*2.\* Employees hired during the calendar year shall be granted one-half day of administrative leave for each full calendar month of employment up to a maximum of three days leave for the remainder of the calendar year. Therefore, administrative leave shall be credited at the beginning of each calendar year.

\*[2.]\* \*3.\* Administrative leave may be utilized in multiples of one-half days.

(b) Part-time employees shall be granted administrative level on a proportionate basis.

(c) Requests for administrative leave must be approved in advance by the appointing authority.

(d) Administrative leave that is not used during the calendar year shall be forfeited. An employee who leaves State service shall be required to reimburse the State for days already used.

(e) Administrative leave may be taken in conjunction with other types of paid leave.

### 4:2-17.11 Special leave: Emergency civilian duty

All employees, except temporary employees, shall be given time off with pay to perform emergency civilian duty in relation to national defense or other emergency when so ordered by the Governor or by the President of the United States.

### 4:2-17.12 Special leave: Jury duty

(a) Employees shall be granted leave with pay for the time required to attend jury duty that is scheduled either during work hours or during a work shift that would negatively impact on the employee's scheduled work shift as in (b) below. Time required for jury duty includes actual time spent in commuting.

(b) Employees who are required to attend jury duty during the work shift immediately preceding or following his or her scheduled work shift and wholly within the same day shall be excused from the scheduled work shift. If the employee's scheduled work shift extends from one day to the next and does not immediately precede or follow the period during which an employee must attend jury duty, the employee shall choose and be granted leave from his or her work shift that is scheduled either before or after jury duty.

(c) Employees shall be granted up to their normal number of work hours in any one work day to attend jury duty. Employees who do not work on a fixed workweek schedule may be granted up to eight hours leave in any one work day.

(d) Employees shall submit to their appointing authority written verification of attendance signed by a representative of the court.

(e) The appointing authority shall be responsible for establishing procedures to insure notification of impending jury duty.

### 4:2-17.13 Special leave: Appear as a witness

(a) All employees shall be granted time off with pay to appear as a witness or a party before a judicial or quasi-judicial body or legislative committee when such appearance is part of the job function. If an employee appears as a witness or a party during his or her normal day off, the employee shall be compensated on a time for time basis.

(b) All employees, except temporary employees paid at an hourly rate, shall be granted time off with pay when sum-

moned as a witness before a judicial or quasi-judicial proceeding in which he or she is not a named party.

(c) An employee shall be granted time off without pay to appear at a judicial or quasi-judicial proceeding to which he or she is a party, other than in section (a) above.

### 4:2-17.14 Abuse of leave of absence

(a) Any absence without appointing authority approval (unauthorized absence) may be considered an abuse and constitute cause for disciplinary action.

(b) A leave of absence that is approved for a specific purpose and is used for another purpose may be considered an abuse.

## SUBCHAPTER 17. LEAVES OF ABSENCE

### 4:3-17.1 Special leave: Elective office

(a) A permanent employee shall be granted a leave without pay to fill elective public office for the term of the office.

1. The employee shall be entitled to return to his or her permanent title within six years from the date the leave begins provided that a written request to return is submitted to the appointing authority before the leave expires. If the term of the elective office exceeds six years the employee's name shall be placed on a special reemployment list at the expiration of the six years.

2. The employee shall continue to accrue seniority in his or her permanent title for a maximum of six years.

3. A permanent employee who had taken a promotional examination before being granted the leave of absence may be appointed to the promotional title from the resulting list and shall begin the working test period upon return from the leave.

# EDUCATION

## (a)

### STATE BOARD OF EDUCATION

#### Business Services; Tuition Public School, Method of Determining Tuition Rates

#### Adopted Amendment: N.J.A.C. 6:20-3.1

Proposed: December 19, 1983, at 15 N.J.R. 2089(a).

Adopted: May 2, 1984, by State Board of Education, Saul Cooperman, Secretary.

Filed: May 10, 1984, as R. 1984 d.205, **with substantive and technical changes** not requiring additional public notice and comment (N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:4-15 and 18A:38-19.

Effective Date for Amendments: June 4, 1984.

Operative Date for Amendments: July 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): April 1, 1985.

Summary of Public Comments and Agency Responses:

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53 letters with comments were received from 36 individuals. 13 individuals expressed support for the new rules. Five individuals expressed opposition to the new rules. The remaining individuals and some of the individuals whom expressed support for the new rules indicated concerns or objections about parts of the new rule. The concerns were:

1. That receiving districts should be able to set tuition rates at something less than actual cost if they so choose.
2. That the time lines in the new rule were too early to be useful or practical.
3. That there should be a repayment schedule for the adjustments during the third school year after completion of the contract year.
4. That tuition rate adjustments should be made on a monthly basis.
5. That adjustments to tuition rates should occur earlier than the third year following the contract year.
6. That enrollment and tuition rate estimates by sending and receiving districts should be verified and approved.
7. That the adjustment period should be extended for receiving districts as well as sending districts.
8. That the proposed rule should be applicable only to sending and receiving districts which are unable to resolve tuition conflicts in some other manner.

The responses of the Department of Education to these concerns were:

1. The Department agreed and the new rule was modified to permit receiving districts to charge any amount not in excess of actual cost.
2. The Department agreed and the time lines have been modified in the new rule to make them more practical.
3. The Department agreed and the new rule was modified to require that the contractual agreement contained a payment schedule for all adjustments which may be necessary.
4. This change was not made because it is contrary to the entire concept contained in the new rule.
5. Adjustments to the tuition rate cannot occur earlier than the third year after the contract year because certified rates are unavailable until after the time for the preparation of the budget for the second year following the contract year. Therefore, the third year is the earliest date that adjustments can be included in the budget.
6. This change was not included in the new rules as the Department felt that it was unnecessary and would delay the process.
7. This is not appropriate as the adjustments would not place a financial burden on a receiving district.
8. The Department disagrees as the tuition contract process should be uniform for all school districts.

**Full text** of the adopted amendment follows (additions to the proposal shown in bold face with asterisks **\*thus\***; deletions from the proposal shown in brackets with asterisks **\*[thus]\***).

6:20-3.1 Method of determining tuition rates

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

(d) A tentative tuition charge shall be established for budgetary purposes by written contractual agreement between the receiving district board of education and the sending district board of education, and such tentative charge shall equal **\*an amount not in excess of\*** the receiving district's estimated cost per pupil for the ensuing school year for the purpose or purposes for which tuition is being charged, multiplied by the

estimated average daily enrollment of pupils expected to be received during the ensuing school year. Such written contract shall be on a form prepared by the commissioner.

1. The sending district board of education and the receiving district board of education shall enter into a written contractual agreement for tuition for the ensuing school year no later than **\*[December 15 preceding the beginning of]\* **\*seven days prior to the date on which the proposed budget for\*** the ensuing school year **\*is required to be submitted to the county superintendent\***. Such contractual agreement shall require the sending district board of education to pay 10 percent of the tentative tuition charge no later than an agreed upon date each month from September through June of the contract year. The contractual agreement shall require that all adjustments which shall be made because of a difference in cost or in the number of pupils sent shall only be made during the third school year following the contract year. **\*The contractual agreement shall contain a payment schedule for all adjustments which may be necessary.\*****

2. The sending district board of education shall notify in writing the receiving district board of education of the estimated average daily enrollment of pupils in each tuition category expected to be sent during the ensuing school year no later than **\*[November 1]\* **\*December 15\***** preceding the beginning of the ensuing school year. The receiving district board of education shall notify in writing the sending district board of education of the estimated cost per pupil in each tuition category for the ensuing school year and the tentative tuition charge no later than **\*[November 15]\* **\*January 1\***** preceding the beginning of the ensuing school year. The receiving district board of education shall submit to the sending district board of education a copy of its calculations to determine the estimated cost per pupil in each tuition category for the ensuing school year no later than **\*[November 15]\* **\*January 1\***** preceding the beginning of the ensuing school year. Such calculations shall be on a form prepared by the commissioner.

3. If the commissioner later determines that the tentative tuition charge was greater than the actual cost per pupil during the school year multiplied by the actual average daily enrollment received, the receiving district board of education shall return to the sending district board of education in the third school year, following the contract year the amount by which the tentative charge exceeded the actual charge as determined above, or, at the option of the receiving district **\*[, the]\*** board of education shall credit the sending district **\*[the]\*** board of education with the excess amount.

4. If the **\*[[C]commissioner]\* **\*commissioner\***** later determines that the tentative charge was less than the actual cost per pupil during the school year multiplied by the actual average daily enrollment received, the receiving district board of education **\*[shall]\* **\*may\***** charge the sending district board of education **\*all or part of\*** the amount owed by the sending district board of education, to be paid during the third school year following the school year for which the tentative charge was paid. The county superintendent of schools of the county in which the sending district board of education is located may approve the payment of the additional charge over another period, if the sending district board of education can demonstrate that payment during the third school year following the school year for which the tentative charge was paid would cause a hardship.

(e) The commissioner shall prepare the necessary forms to certify the "actual cost per pupil" for each tuition category according to these rules. The commissioner shall also prepare the contract forms and the forms to be used by the receiving

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district board of education to establish the estimated cost per pupil for each tuition category for the ensuing school year.

(f) (No change.)

### (a)

#### STATE BOARD OF EDUCATION

##### Business Services; Public School Contracts Competitive Bidding

###### Adopted Amendment: N.J.A.C. 6:20-8.1

Proposed: February 21, 1984, at 16 N.J.R. 299(b).

Adopted: May 2, 1984, by State Board of Education, Saul Cooperman, Secretary.

Filed: May 10, 1984, as R.1984 d.204, **without change.**

Authority: N.J.S.A. 18A:4-15 and 18A:18A-37.

Expiration Date pursuant to Executive Order No. 66(1978): February 1, 1985.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text** of the adoption follows.

6:20-8.1 Restricting the avoidance of competitive bidding for extraordinary, unspecifiable services

(a) (No change.)

(b) Any purchase, contract or agreement of the character described in N.J.S.A. 18A:18A-4, may be made, negotiated or awarded by a district board of education by resolution at a public meeting without public advertising for bids and bidding if the subject matter thereof consists of extraordinary, unspecified services. This exception shall be construed narrowly in favor of open competitive bidding where possible and in each instance of such exception, the district board of education is required to state the supporting reasons for its action in the resolution awarding the contract. The use of such exception shall be further limited by the following conditions:

1.-5. (No change.)

6. Before awarding a contract under the EUS provisions, a designated school official of the district board of education must file a certificate with the district board of education clearly describing the nature of the work to be done, stating it is not reasonably possible to write specifications, describing the informal solicitation of quotations (if quotes not sought, or lowest responsible price is not observed explain this also) and describing in detail why the contract meets the provisions of the statute and these rules. A mere recitation of the language in the statute shall not be sufficient for this purpose. The certification must be kept with the resolution awarding the contract in the district board of education office;

7. If the estimated cost or price exceeds the minimum amount, which is calculated semi-annually, quotations as to the cost or price must be solicited by the district board of education whenever practicable, and the contract shall be made on the basis of the lowest responsible quotation, which

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quotation is most advantageous to the district board of education, price and other factors considered;

8.-9. (No change.)

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

### ENVIRONMENTAL PROTECTION

### (b)

#### DIVISION OF WASTE MANAGEMENT

##### Discharges of Petroleum and Other Hazardous Substances List of Hazardous Substances

###### Readopted Amendment: N.J.A.C. 7:1E-Appendix A, Part V

Proposed: January 17, 1984 at 16 N.J.R. 158(a).

Adopted: May 17, 1984, by Robert E. Hughey, Commissioner, Department of Environmental Protection.

Filed: May 21, 1984 as R.1984 d.217, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1D-9, and specifically, N.J.S.A. 58:10-23.11(t).

Effective Date: June 4, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): April 28, 1985.

DEP Docket No. 071-83-12.

###### Summary of Public Comments and Agency Responses:

The Department heard testimony at two public hearings held on the emergency amendment and concurrent proposal at the following times and locations: Trenton, New Jersey on February 15, 1984 at 10:00 A.M. until the close of testimony, and at Montclair, New Jersey on February 16, 1984 at 4:00 P.M. until the close of testimony, with a recess from 6:00 to 7:00 P.M. The Department received no testimony in opposition from the 18 persons who presented testimony.

One person testified that public utilities owning and operating nuclear generating stations might be taxed as a consequence of the amendment. The Department has not been authorized to levy taxes pursuant to the Spill Compensation and Control Act and, therefore, has not made a determination on this issue. Such taxation authority is vested in the Division of Taxation in the Department of Treasury. (see N.J.S.A. 58:10-23.11(h).) The Department of Treasury has been advised of this comment.

The comment period ran from January 17, 1984 through February 17, 1984. The Department received three written comments from public utility companies, dated February 17, 1984, but received after the close of the comment period. Summaries of the comments and agency responses are provided below:

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1. Comment: Public Service Electric and Gas, operator of Salem Nuclear Generating Station and Hope Creek Nuclear Generating Station (under construction), commented that the rule should exempt licensed electric generating stations from taxation. GPU Nuclear, operator of Oyster Creek Generating Station commented that the rule should, similarly, exempt nuclear fuel cycle facilities.

Response: The Act authorizes the Department of Treasury to levy taxes under the Act. The Act does not include a provision for exempting specific major facilities from taxation.

By proposing to amend N.J.A.C. 7:1E-Appendix A, Part V to add uranium to the list of hazardous substances, the Department had not intended to include fuel and spent fuel assemblies used in nuclear generating stations. The Department has, accordingly, amended Part V.

The Department and the Division of State Police in the Department of Law Public Safety have prepared a plan to implement all necessary and appropriate protective or remedial measures to be taken with respect to a radiation accident, or threatened radiation accident, at a nuclear facility or during the transportation of radioactive material. The plan was developed pursuant to the Radiation Accident Response Act, N.J.S.A. 26:2D-38 et seq. to provide the maximum protection possible from any threats to the health and welfare of the citizens of the State.

The Radiation Accident Response Act authorizes the State Treasurer to annually make an assessment against utilities to defray government agency expenses in discharging responsibilities under the act.

Nuclear materials are adequately regulated by the Federal government. Nuclear facility operators and handlers of nuclear fuel are required by licenses issued by the United States Nuclear Regulatory Commission and standards adopted by the United States Department of Transportation to safely operate nuclear facilities and safely handle nuclear materials. Further, such persons are required to remediate any hazardous situations, should they occur.

2. Comment: Coal may contain naturally occurring trace elements of thorium and uranium. Transfers of coal should not, however, be taxed.

Response: It is the opinion of the Division of Taxation that a tax could only apply to a transfer of a substance specifically named and designated for inclusion as a hazardous substance on the list of hazardous substances promulgated by the Department of Environmental Protection (N.J.A.C. 7:1E-Appendix A). Substances not included on the list would not be hazardous substances for tax purposes, according to the above stated position of the Division of Taxation, even though they may contain constituents included on the list. Accordingly, transfers of such unlisted substances would not be subject to taxation.

Since coal has not been designated by the Department as a hazardous substance in N.J.A.C. 7:1E, its transfer would not be subject to taxation, even though it may contain radioactive constituents listed in N.J.A.C. 7:1E.

3. Comment: The proposed amendment should be limited to mill tailings and associated ore processing wastes that contain radium, thorium, uranium, and its decay products, including radon, and its progeny.

Response: The Department has not limited its definition of hazardous substances to mill tailings and associated ore processing wastes for the following reasons:

1. Hazardous substances may be of undetermined origin;  
2. Hazardous substances may be produced from other sources and would not necessarily be wastes; and

3. Incorporation of the comment would require the Department to identify the source of the hazardous substances at a site before invoking the Act to take remedial action, thereby delaying clean up actions. Since many industries which generate radioactive materials are no longer operating in the State, it may become increasingly difficult to accurately determine the source of radioactive contamination in the State.

4. Comment: The amendment should be made temporary, solely to remediate contamination in Montclair, Glen Ridge, and West Orange.

Response: The above-named sites are not the only sites identified to contain radioactive materials at concentrations above background levels. The scope of the amendment is not limited to specific locations, but rather applies to sites throughout the State.

**Full text** of the adoption follows (additions to proposal shown in boldface with asterisks **\*thus\***; deletions from proposal shown in brackets with asterisks **\*[thus]\***).

7:1E-Appendix A List of Hazardous Substances

Part I.-IV. (No change.)

Part V. Other Substances

- Adiponitrile
- Ammonium hypophosphite
- Ammonium nitrate
- Ammonium persulfate
- Hydorxylamine
- Radium and its decay products, including radon and its progeny
- Sodium Sulfide
- Stannous flouride
- Thorium and its decay products
- Uranium and its decay products **\***, **but not including fuel and spent fuel assemblies used in nuclear generating stations\***
- Uranium peroxide
- Uranyl sulfate

**HUMAN SERVICES**

**(a)**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Administration Manual  
Prepaid Health Care Services; Title XIX  
Eligibles**

**Readoption: N.J.A.C. 10:49-10.4 through 10.10**

**Adopted Amendments: N.J.A.C. 10:49-10.1 through 10.3**

**ADOPTIONS**

**HUMAN SERVICES**

Proposed: April 2, 1984 at 16 N.J.R. 675(a).  
Adopted: May 17, 1984 by George J. Albanese, Commissioner, Department of Human Services.  
Filed: May 18, 1984 as R.1984 d.211, **without change**.  
Authority: N.J.S.A. 30:4D-7a, b, c, d and 42 CFR 434.  
Effective Date of Readoption: May 18, 1984.  
Effective Date of Concurrent Amendments: June 4, 1984.  
Expiration Date Pursuant to Executive Order 66(1978): May 18, 1989.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text** of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:49-10.4 through 10.10.

**Full text** of the amendments to the readoption follows.

**SUBCHAPTER 10. PREPAID HEALTH CARE SERVICES: TITLE XIX ELIGIBLES**

10:49-10.1 Definitions

“Federally qualified HMO” means an HMO that has been determined by the Public Health Service (PHS) to be a qualified HMO under section 1310(d) of the PHS Act.

“Health Maintenance Organization” (HMO) means a public or private organization organized under State law that:

- 1. Is a federally qualified HMO; or
- 2. Meets the State plan’s definition of an HMO.

“Nonrisk” means that the contractor is not at financial risk for changes in the cost or utilization of services provided for in the beginning of the contract period. Under a nonrisk contract, the State agency may make retroactive adjustment in the manner specified by federal regulation (42 CFR 434.2, entitled Definitions).

“Prepaid health plan (PHP) means an entity that provides medical services to enrolled recipients, under a contract with the Medicaid agency and on the basis of prepaid capitation fees, but does not qualify as an HMO.

“Risk” or “underwriting risk” means the possibility that a contractor may incur a loss because the cost of providing services may exceed the payments made by the agency to the contractor for services covered under the contract.

10:49-10.2 Criteria for contracting with the Department

- (a) (No change.)
- (b) The contractor must also comply with the federal regulations governing HMOs or PHPs, as currently exist or hereinafter may be amended. The federal regulations governing prepaid health care services may be found in the Code of Federal Regulations at 42 CFR 434. A copy of this particular section of the federal regulations may be obtained from:

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

10:49-10.3 Benefits

(a) Rules on the scope of benefits are:

1. The Division shall be responsible for providing all Title XIX benefits to enrolled beneficiaries. This means that any service or item normally provided under the New Jersey Medicaid Program (Title XIX) must be provided to enrollees if it is not covered under the terms of the contract with the HMO or PHP. The same limitations, such as prior authorization and medical necessity, are still applicable for Title XIX services provided outside the contract.

2. The benefits available under a nonrisk contract are those services and/or items that are specified in the contract.

3. The benefits available under a risk contract are those services and/or items that are specified in the contract.

4. Pursuant to federal regulations (42 CFR 434.21), risk comprehensive contracts are risk contracts for furnishing comprehensive services, which must include inpatient hospital services, and any of the following services, or any three or more of the following services or groups of services:

- i. Outpatient hospital services.
- ii. Other laboratory and x-ray services.
- iii. Skilled nursing facility services, early and periodic screening, diagnosis and treatment (EPSDT), and family planning.
- iv. Physicians’ services.
- v. Home Health services.

(b) Responsibilities of the Contractor

- 1. [2.] (No change in text.)
- 2. [3.] (No change in text.)
- 3. [4.] (No change in text.)

i. (No change in text.)

(c) [6.] Limitations on services

- 1. [i.] (No change in text.)
- 2. [ii.] No change in text.)
- 3. [iii.] (No change in text.)

(d) [7.] Exclusions: The following are not covered services:

- 1. [i.] (No change in text.)
- 2. [ii.] (No change in text.)
- 3. [iii.] (No change in text.)
- 4. [iv.] (No change in text.)
- 5. [v.] (No change in text.)
- 6. [vi.] (No change in text.)
- 7. [vii.] (No change in text.)
- 8. [viii.] (No change in text.)
- 9. [ix.] (No change in text.)

(e) [(b)] Availability of service rules are:

- 1. (No change in text.)
- 2. (No change in text.)
- 3. (No change in text.)
- 4. (No change in text.)

**(a)**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Manual for Physicians Services Procedure Code Manual**

**Readoption: N.J.A.C. 10:54-3**

**HUMAN SERVICES**

**ADOPTIONS**

Proposed: March 19, 1984 at 16 N.J.R. 485(a).  
 Adopted: May 11, 1984 by George J. Albanese, Commissioner Department of Human Services.  
 Filed: May 14, 1984 as R.1984 d.206, **without change**.  
 Authority: N.J.S.A. 30:4D-6a(3), (5)b, (7), (8), (9), (10), 7 and 7b.  
 Effective Date: May 14, 1984.  
 Expiration Date Pursuant to Executive Order 66(1978): May 14, 1989.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text** of the readoption may be obtained from:  
 Administrative Practice Officer  
 Division of Medical Assistance  
 and Health Services  
 CN-712  
 Trenton, New Jersey 08625

A copy is also on file with:  
 The Office of Administrative Law  
 88 East State Street  
 Trenton, New Jersey 08625

**(a)**

**DIVISION OF MEDICAL ASSISTANCE  
 AND HEALTH SERVICES**

**Prosthetic and Orthotic Services Manual  
 Prosthetic and Orthotic Procedure Code  
 Lists**

**Adopted Repeal: N.J.A.C. 10:55-3.1**  
**Adopted New Rule: N.J.A.C. 10:55-3.1**

Proposed: April 2, 1984 at 16 N.J.R. 678(a).  
 Adopted: May 17, 1984 by George J. Albanese, Commissioner, Department of Human Services.  
 Filed: May 18, 1984 as R.1984 d.212, **with substantive changes** not in violation of N.J.A.C. 1:30-3.5.  
 Authority: N.J.S.A. 30:4D-6b(6), (12), 7 and 7b.  
 Effective Date: June 4, 1984.  
 Expiration Date Pursuant to Executive Order 66(1978): June 4, 1989.

**Summary of Public Comments and Agency Responses:**

Comments were submitted by Jerome S. Kessler, President, Prosthetic and Orthotic Society of New Jersey, and signed by several members of the Society. In general, the Society was supportive of the proposal as a whole because it granted a fee increase and utilized common terminology for both Medicare and Medicaid. The Society did request that the fees associated with certain procedures be increased, especially with respect to the headings "Dorrance Hooks" and "casting." The Divi-

sion's response was to increase the fees for Dorrance Hooks based on the catalog price list that was attached to the comments. It should be noted fees for these items were not increased in the original proposal.

The Division also added additional procedure codes and corresponding fee schedules to cover casting procedures for other parts of the body. The Division had not previously covered this as a separate item.

Comments were also submitted by Carella, Byrne, Bain and Gilfillan representing the New Jersey Pedorthic Society. In general, the Pedorthic Society supported the fee increase but was concerned that the listings for shoes and shoe appliances that were included with the original proposal were inconsistent with the codes for shoes listed under the Orthotic Procedures. The Division's response is to delete these codes from the rule. All providers, whether prosthetists, orthotists, or shoe dealers, will continue to use the existing shoe codes and be reimbursed accordingly. The Division plans to revise this listing in a subsequent proposal.

**Summary of Changes Between Proposal and Adoption:**

Most of the procedure codes, descriptions, and fee schedules remained intact and were not changed on adoption. The following is a list of codes that were changed, mainly in response to the comments received.

Procedure Code(s)	Nature of Change
6353	This was increased from \$945.00 to \$1,050.00
6362, 6383, 6401, 6447, 6515, 6516	These are stump socks. The fee was increased from \$7.00 each to \$11.00 each.
6474 through 6492	These are Dorrance Hooks. They were increased from \$80.00 to approximately \$150.00. (This is an average figure. A specific fee has been assigned to each hook model.)
6565, 6566	The fees for standard knee bearing joints were reversed. The unilateral joint (6565) will be reimbursed at \$105.00; the bilateral joint (6566) will be reimbursed at \$112.00.
6644, 6939	The fee for labor was increased to \$35.00 per hour.
6735 through 6749	This section is entitled "casting." The Division did not previously pay for this item separately. The proposal contained only four codes and procedures. This list was expanded to cover 11 other procedures. A fee has been assigned to each code.
6768	This fee was raised from \$400.00 to \$550.00. Since this is a molded orthosis, it should be more than the non-molded item (Code 6769).
6466	This code was restored to its current amount of \$150.00.
6517	This code was reduced to \$200.00 to remain below the Medicare rate. Pursuant to federal

**ADOPTIONS**

**HUMAN SERVICES**

6834 through 6836  
6932 through 6936

regulations, Medicaid may not pay more than the reasonable charge under Medicare (42 CFR 447.304).

These codes pertaining to shoes are being deleted. Providers will continue to use the schedule of shoes and shoe appliances that are currently in effect.

**Full text** of the adopted rule is not reproduced here, and will not be reproduced in the New Jersey Administrative Code. A copy of the complete list of procedure codes, narrative description, and corresponding fee schedule was submitted as part of the adoption, and may be reviewed at:

Division of Medical Assistance and Health Services  
Quakerbridge Plaza, Bldg. 7  
Quakerbridge Road  
CN 712  
Trenton, NJ 08625  
or

Office of Administrative Law  
88 East State Street  
Trenton, NJ 08625;

In addition, a copy of the adoption may be obtained by contacting Henry W. Hardy, Esq., Administrative Practice Officer, at the Division address listed above. Prosthetic and Orthotic providers will receive a newsletter with the manual pages containing the new procedure codes and fee schedules.

**(a)**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Long Term Care Services Manual Authorization Process**

**Adopted Amendment: N.J.A.C. 10:63-1.6**

Proposed: November 21, 1983 at 15 N.J.R. 1917(a).  
Adopted: May 17, 1984 by, George J. Albanese, Commissioner Department of Human Services.  
Filed: May 18, 1984 R. 1984 d.210, **with substantive changes** not in violation of N.J.A.C. 1:30-3.5.

Authority: N.J.S.A. 30:4D-6a(4)(a), b(14), 7 and 7b.

Effective Date: June 4, 1984.

Expiration Date Pursuant to Executive Order 66(1978):  
March 20, 1989.

**Summary of Public Comments and Agency Responses:**

One comment was submitted by Dennis R. Hett, Executive Director, New Jersey Association of Non-Profit Homes for the Aging. He requested that there be an alternative means of notifying the Medicaid District Office (MDO) if the hospital transfer form was not available. Therefore, the rule was amended to allow a PA-4 form to be submitted if the hospital transfer form was not available. The PA-4 form could be completed by the attending physician who is treating the patient in a long term care facility (LTCF).

**Summary of Changes Between Proposal and Adoption:**

In addition to the change noted above, the phrase "guaranteed authorization period" was deleted. The Division has required evidence of medical necessity for a particular level of long term care from the date of a patient's admission to an LTCF. The LTCF will be reimbursed at a rate commensurate with the patient's level of care.

Both the inclusion of the PA-4 form and the exclusion of a "guaranteed authorization period" are consistent with federal regulations which require that a physician certify for each applicant or recipient that skilled (SNF) or intermediate care (ICF) services are or were needed (42 CFR 456.260 and 360).

An LTCF that submits the correct documentation within the specified time frames will be reimbursed. This concept has always been the basis for Division policy when paying for services in an LTCF.

**Full text** of the adoption follows (additions to the proposal shown in boldface with asterisks **\*thus\***; deletions from the proposal shown in brackets with asterisks \*[thus]\*).

10:63-1.6 Authorization process

(a) If a Medicaid recipient has been prior authorized for admission, the LTCF must submit a Notification from Long-Term Care Facility of Admission or Termination of a Medicaid Patient, Form MCNH-33 (Exhibit #7) to the MDO serving the County where the LTCF is located, within two working days of admission.

(b) If a Medicaid recipient did not require prior authorization for admission and was admitted directly from an approved general hospital, or a Class "A" special hospital, or a New Jersey Title XIX certified psychiatric hospital after a 3 day inpatient stay, the LTCF must submit an MCNH-33 form (Exhibit #7) along with a copy of the Patient Information Transfer form, (Exhibit #30) **\*or its equivalent, PA-4 form (Exhibit #28)\*** to the MDO serving the county where the LTCF is located, within two working days of admission.

(c) If a LTCF fails to notify the MDO of the admission of a Medicaid eligible recipient by submission of an MCNH-33 (Exhibit #7) and a hospital information transfer form (Exhibit #30) **\*or its equivalent, PA-4 form (Exhibit #28)\*** within **\*[the]\* 30 days \*[guaranteed authorization period]\***, the time between the day of admission and the date of assessment may not be authorized for payment.

(d)-(j) (No change.)

# INSURANCE

## (a)

### REAL ESTATE COMMISSION

#### Rules and Regulations Salespersons License and Educational Requirements

#### Adopted Amendments: N.J.A.C. 11:5-1.2, 1.27 and 1.28

Proposed: March 19, 1984 at 16 N.J.R. 489(a).

Adopted: May 15, 1984 by Division of New Jersey Real Estate Commission, Daryl Bell, Director.

Filed: May 21, 1983 as R.1984 d.218 **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. 45:15-9; 45:15-10; 45:15-16 and 45:15-17.

Effective Date: June 4, 1984.

Expiration Date: Pursuant to Executive Order 66(1978): November 7, 1988.

#### Summary of Public Comments and Agency Responses:

A public conference was held on February 28, 1984; real estate educators, industry members and the public were invited to attend.

Comments at the meeting centered around three questions. First, someone questioned the need for the increase in class hours. This was discussed at length and it was concluded that the increase was a matter of legislation and the Commission was increasing the depth of coverage in the syllabus to upgrade the salespersons expertise to meet the higher standards demanded by todays business climate.

The second concern revolved around the lack of specific course time allocated to mathematics. Commission responded with support of other participants that mathematics is an integral part of many sections of the syllabus and should not be considered as a separate section. Also the new legislation changes basic education requirements from eighth grade or its equivalent to 12th grade or its equivalent, which provides more such skills.

A third concern was voiced by representatives of colleges and universities with regard to their allocating credit hour values for successful course completion. Commission response was provided in regulation N.J.A.C. 11:5-1.27(j) as amended, providing for five credit hours.

Written comments were requested. No written comments were received.

**Full text** of the adoption follows (additions to the proposal shown in boldface with asterisks **\*thus\***; deletions from the proposal shown in brackets with asterisks **\*[thus]\***).

11:5-1.2 Salesperson's license; age limit

(a) No salesperson's license shall be issued to any person who has not attained the age of 18 years.

(b) Every applicant for licensure as a salesperson shall present with his/her application for licensure a certificate of satisfactory completion of a course of education in real estate subjects at a school approved by the Commission as prescribed under N.J.S.A. 45:15-10.1(a) and N.J.A.C. 11:5-1.28 and N.J.A.C. 11:5-1.27, unless waived by the Commission in accordance with the provisions of N.J.S.A. 45:25-10.2.

(c) An applicant must apply for and request the issuance of a salesperson's license not later than one year after the date of successful completion of the prescribed course. Any person who fails to apply for the issuance of salesperson's license within the one year period shall be required to retake and successfully complete the prescribed course in real estate and the examination.

(d) All applications for salesperson shall be submitted with satisfactory evidence of a high school education or equivalency. Satisfactory evidence shall include, but not be limited to, a photocopy of a high school diploma or transcript.

(e) On and after June 1, 1984 every applicant shall present with his/her application for licensure examination evidence of satisfactory completion of a course of education in real estate subjects prescribed under N.J.S.A. 45:15-10.1(A) and Sections 27 and 28 of this Subchapter, unless waived by the Commission in accordance with the provisions of N.J.S.A. 45:15-10.2. Holders of a current school certificate which bears an issue date within one year as defined by (c), above, will be permitted to take the salesperson's exam and secure a license, provided said certificate is in compliance with (c), above.

(f) Subsection (e) of this regulation shall not apply to any applicant who has obtained a waiver of educational requirements pursuant to N.J.S.A. 45:15-10.2.

#### 11:5-1.27 Educational requirements for salespersons and brokers in making applications for licensure examination

(a) To establish an applicant's satisfactory completion of the educational requirements prescribed in N.J.S.A. 45:15-10.1, all applicants who apply for a salesperson's or broker's license shall present with their application evidence of satisfactory completion of a course of education in real estate subjects in accordance with the requirements of said Act and within the meaning of the rules and regulations applicable thereto.

(b) The course of education in real estate subjects to qualify an applicant for licensure examination for a salesperson's license shall consist of a minimum of 75 hours and for a broker's license a minimum of 90 hours in the areas of study at a school approved by the Commission as meeting the standards of responsible ownership, administration, curriculum, instruction and physical facilities specified hereinafter.

(c) No person shall receive credit for satisfactory completion of the prescribed 90 hours broker's course, unless that person was the holder of a salesperson's license at the time of enrollment in said course.

(d) "Hour" means a period of 50 minutes of actual classroom instruction. The time allotted by any school for a final examination, 50 minutes or more in duration, covering real estate subjects shall not be applicable toward the minimum hours of course study unless prescribed in approved course of study.

(e) The **\*educational\*** provisions of this rule and regulation shall not apply to the following applicants for licensure examinations:

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1. Applicants for licensure examination for either a salesperson's or broker's license made by certain disabled veterans pursuant to the provisions of N.J.S.A. 45:15-11;

2. Any applicant who has held a real estate broker's license issued by another state and actively engaged in the real estate business for two years or more immediately preceding date of application, provided, that the commission shall determine that the **\*applicant's\*** experience is substantially equivalent to **\*[such educational requirements pursuant to the provisions of]** **\*the current educational requirements for licensure\*** **(\*N.J.S.A. 45:15-9; N.J.S.A. 45:15-10. 1B and N.J.A.C. 11:5-1.3 \*)**;

3. Attorneys-at-law admitted to the practice in the State of New Jersey;

4. An applicant who has satisfactorily completed a course of education in real estate subjects in any accredited institution of higher education; provided, however, that the Commission shall determine that the course of education is substantially equivalent to the educational requirements prescribed herein and courses were completed within one year of such request.

(f) The salesperson's course of 75 hours shall include:

1. Property rights (9 hours);
2. Contracts and other property instruments (12 hours);
3. Leases and landlord-tenant relations (6 hours);
4. Mortgages **and other liens** (12 hours);
5. Business opportunity sales (2 hours);
6. The law **\*s** of agency (12 hours);
7. Appraising (2 hours);
8. License Act and regulations (9 hours);
9. Other states **\***, **federal\*** and municipal laws and regulations (5 hours);
10. Salesperson duties and pitfalls in the real estate business (3 hours);

11. Quizzes and **\*final\*** examination **\*[s]\*** (3 hours);

(g) The broker's course of 90 hours shall include:

1. Review of salesperson's course and additional terminology (12 hours);
2. Review of contracts and other property instruments (3 hours);
3. Advanced finance (8 hours);
4. Real estate investments (6 hours);
5. Zoning (4 hours);
6. Subdivisions and developments (8 hours);
7. Property taxes and tax appeals (3 hours);
8. Appraisals and evaluations (9 hours);
9. Urban redevelopment (4 hours);
10. Property management and landlord-tenant relations (5 hours);
11. Tax implications or real estate transactions (5 hours);
12. Closing settlement problems (3 hours);
13. License law, civil rights law, regulations anti-trust laws (20 hours).

(h) A complete syllabus for the salesperson and broker courses shall be maintained at the offices of the Real Estate Commission and be open to the public for inspection.

(i) All course hours are suggested and may be modified at the discretion of the director of the approved school subject to written notice to and written approval by the Real Estate Commission.

(j) For purposes of the Real Estate Commission, the salesperson's course shall be equivalent to five credits and the broker's course shall be equivalent to six credits.

11:5-1.28 Approved schools; requirements

(a) The following regulations are applicable to schools seeking approval to conduct a course of education in real estate subjects as prescribed under N.J.S.A. 45:15-10.1(A) and (B) and N.J.A.C. 11:5-1. 27.

(b) The Commission shall require any school in making application to submit certain documents, statements and forms prior to approval, which shall form the basis for the Commission's judgment whether to approve or grant a hearing upon request when approval would be denied to conduct a school in the best interests of the general public. Application for approval to conduct a school in real estate courses is to be made on Form A as prescribed by the Commission.

(c) Colleges and universities approved as such by the State Department of Education shall be presumed to be of good moral character and responsible sponsors of a course of education in real estate subjects.

(d) All other sponsors of a proposed or existing school, and in the case of a corporation, firm or limited partnership, each member or each stockholder, officer or director of a corporation, who would have an interest or be connected with the program of education to conduct real estate courses, shall be at least 18 years of age with a background of good moral character, including the absence of any conviction for the certain crimes, or other like offense or offenses, specified under the provisions of N.J.S.A. 45:15-12.1. Each sponsor, member, stockholder, officer or director embraced in this paragraph shall complete Form D and shall furnish letters of reference from responsible persons with information relating to such person's integrity, character and responsibility.

(e) Applications for school approval, except from accredited colleges and universities, and schools operated by boards of education, shall be accompanied by a surety bond (Form F suggested) as issued by an insurance company authorized to do business in this State, conditioned for the protection of the contractual rights of real estate students enrolled in such school in an amount computed in accordance with the following formula:

1. The sum of:

i. The maximum number of students to be enrolled in the school's broker courses at any one time during the calendar year as set forth in the certification submitted pursuant to (f) below, multiplied by the amount of tuition for brokers' course; plus

ii. The maximum number of students to be enrolled in the school's salesperson courses at any one time during the calendar year as set forth in the certification submitted pursuant to (f) below, multiplied by the amount of tuition for salespersons' course.

2. However, if the amount computed in accordance with the prescribed formula is less than \$10,000, the amount of the bond shall be not less than \$10,000.

(f) The director of each school required to submit a surety bond as set forth in (e) above, shall submit with initial and renewal applications, on a form prescribed by the Commission, an affidavit setting forth the maximum number of students to be accepted for enrollment in the school's broker and salesperson courses at any one time during the forthcoming year of operation, and the maximum number of students actually accepted for enrollment in the school's broker and salesperson courses at any one time during the preceding year of operation. The director shall include in the affidavit an explanation for any decrease in enrollment figures.

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(g) If such school is the owner of the premises to be utilized, then it shall furnish to the Commission an affidavit setting forth the names of the true owners, book and page and county where deed is recorded. Where premises are leased, then such school shall furnish a copy of the lease and a receipted statement executed by the owner or lessor that all rent has been paid for the term of course of instruction for which it seeks approval.

(h) Where a school is to be conducted in the name of a corporation, then a certified copy of said certificate of incorporation shall accompany the application. Where a school is to be conducted under a trade name, whether sole proprietorship, firm, partnership, or limited partnership, then a true copy of the certificate of trade name or articles of the limited partnership as filed in the office of the county clerk, shall accompany the application. A school shall not apply to itself either as part of its name or in any manner, the designation of "College" or "University", unless it, in fact, meets the standards and qualifications and has been approved by the State Agency having jurisdiction.

(i) The administration requirements are as follows:

1. Each application for school approval shall designate an individual as director of the school, who shall be in responsible charge of all its operations and the specific course of education to be conducted.

2. Such director shall file with Commission Form C, and also letters from previous employers showing previous experience in educational administration or supervision or other activities related to education and possessing experience in these fields of at least three years.

3. In the case of a college or university, the head of the real estate department shall be conclusively presumed to meet the foregoing requirements. This presumption shall also apply to the director of any existing school, who has acted in said capacity for the past three years and written evidence thereof is filed with the Commission.

(j) The maximum teaching load per teacher or instructor shall not exceed the ratio of one teacher or instructor to sixty students per class. Each course of instruction herein provided shall be under the supervision of an instructor qualified as provided for herein who shall be present in the classroom at all sessions. Additional instructors or guest speakers may be utilized for instruction with respect to given subjects provided that not more than twenty-five percent (25%) of the prescribed respective instruction is done by persons other than the instructor in whom overall responsibility is vested.

(k) Each staff member shall:

1. In the case of a college or university, have qualified as an instructor or professor in subjects dealing with, or related to, real estate and such other required subjects as are to be taught; or

2. Have actively practiced as an attorney at law for a minimum of five years in the areas of study he proposes to teach; or

3. Hold a degree as evidence of having majored in real estate from an accredited college or university; or

4. Hold a degree from an accredited college with at least two years of teaching experience and possess a minimum of 200 classroom hours in the areas of study he proposes to teach; or

5. Be a licensed real estate broker in the State of New Jersey within a minimum of five years of experience in the areas of study he proposes to teach.

NOTE: The above requirements shall not apply to any guest speaker as heretofore provided. Individuals qualifying

within requirements 1 to 5 above shall file Form "E", together with evidence of past experience in the area of study proposed to be taught.

(1) Every school, except any correspondence schools approved by the Commission, shall have and maintain facilities meeting the following standards:

1. The premises, equipment and facilities of the school shall comply with all local, city, county and State regulations, such as fire codes, building and sanitation codes. A certificate from proper authority covering these requirements shall accompany application for school approval.

2. A certificate applicable to fire safety based upon the maximum number of students which may be accommodated shall be procured from the proper authority and accompany application for school purposes.

3. There shall be adequate space, seating, equipment and instructional material. Facilities are subject to inspection by one or more representatives of the Commission prior to approval or subsequent thereto during regular school hours.

**LAW AND PUBLIC SAFETY**

**(a)**

**DIVISION OF MOTOR VEHICLES**

**Commercial Drivers' Schools  
Licensing Regulations**

**Adopted Amendments: N.J.A.C. 13:23**

Proposed: February 6, 1984 at 16 N.J.R. 209(a).

Adopted: April 19, 1984, by Clifford W. Snedeker, Director of the Division of Motor Vehicles.

Filed: May 21, 1984 as R.1984 d.216, 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. 39:12-4.

Effective Date: June 4, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): June 4, 1989.

**Summary of Public Comments and Agency Responses and Reasons for Changes:**

The substantive changes provide that (1) an applicant for a renewal of a drivers' school license submit proof of compliance with zoning ordinances, building codes, etc. only if the application for renewal reflects a change of business address, and (2) only instructors licensed after July 1, 1984, complete the National Safety Defensive Driving Program; instructors presently licensed are not required to complete the Defensive Driving Program.

Opportunity to be heard with regard to the proposal was invited via notice published in the previously cited edition of the New Jersey Register. The record of the proceeding is located at the Office of the Director, Division of Motor Vehi-

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cles, 25 South Montgomery Street, Trenton, New Jersey 08666, and may be inspected by making an appointment with the Secretary to the Director.

Written comments were received from the Driving School Association of New Jersey and the Driving School for Young Adults.

Both commentators object to the proposed amendment to N.J.A.C. 13:23-2.2(e)(7) which increases the amount of the surety bond required to be filed with an application for a drivers' school license from \$5,000.00 to \$25,000.00. The Division of Motor Vehicles rejects this position as not in the public interest; persons contracting for driving lessons with a licensed drivers' school will be more fully protected by the increased amount of the surety bond.

The Driving School Association objects to the proposed amendment to N.J.A.C. 13:23-2.2(e)(8) which requires proof that business locations comply with State and local zoning ordinances, building codes, fire codes, health codes etc. This objection is predicated on the Association's belief that such a provision will cause commercial drivers' schools "undue expense or harrassment to comply with codes intended for heavy commercial operations." The Division rejects this position as untenable. State and local ordinances apply independently of the commercial drivers' school regulations. The amendatory provision requires proof of compliance so that the Division of Motor Vehicles may consider such fact in making a determination to issue the drivers' school license.

The Driving School Association recommends the retention of the existing rule (N.J.A.C. 13:23-2.8) which provides for the denial of a drivers' school license if the principal place of business or branch office is within 1,500 feet of a Division of Motor Vehicles facility. The amendatory language empowers the Director to consider the proximity of the place of business to Division of Motor Vehicle facilities in determining to issue a drivers' school license. The amendatory language is sufficiently broad to limit potential abuses.

The Driving School Association also recommends the retention of the current rule (N.J.A.C. 13:23-2.9(b)) relating to change of business location. The concerns of the Association are met by the proposed amendments to N.J.A.C. 13:23-2.2(e)(8) and 13:23-2.10(b) which require compliance with State and local ordinances and codes.

The Driving School Association objects to the proposed amendment to N.J.A.C. 13:23-2.10 which removes the prohibition against conducting a drivers school business from a trailer. Again, the objections of the Association are met by the proposed amendments to N.J.A.C. 13:23-2.2(e)(8) and 13:23-2.10(b) relating to State and local ordinances and codes.

The Driving School Association objects to the proposed amendments to N.J.A.C. 13:23-2.11 and 13:23-2.13 which delete the existing rules relating to the minimum square footage and minimum business hours for a principal place of business and branch office. The Division of Motor Vehicles does not believe that minimum square footage and business hour requirements serve the public interest. These concerns are met by requiring that licensed commercial drivers' schools comply with applicable State and local ordinances which specifically foster and protect the public safety.

The Driving School Association objects to the proposed amendment to N.J.A.C. 13:23-2.14 which provides that the principal place of business and branch offices are to be managed by a person having at least two years teaching experience with a commercial driving school. The Association's position that one person can manage the principal place of business and branch offices is correct and the proposed amendment is

not intended to require separate managers for branch offices. The Driving School for Young Adults objects to the two-year teaching experience requirement of this proposal. The Division of Motor Vehicles is of the opinion that this is a minimum requirement for managing personnel.

The Driving School Association objects to the proposed amendment to N.J.A.C. 13:23-2.31(f) pertaining to refunds for lessons which are not provided after a student is licensed as a driver. The refund provisions apply whenever a student terminates instruction after being licensed as a driver.

The Driving School Association recommends the retention of the current rule (N.J.A.C. 13:23-2.32) which requires instructors to enforce the prohibition against practice driving on roadways used for State driving tests. The amendatory language, which is less restrictive, requires instructors to inform students of the practice driving prohibition.

The Driving School Association's comments relating to the proposed amendment to N.J.A.C. 13:23-3.9 concerning instructors' completion of the National Safety Defensive Driving Program have been addressed by the substantive change to this proposal which will require only newly licensed instructors to complete said program.

The Driving School for Young Adults recommends that N.J.A.C. 13:23-1.1 be amended to include within the definition of "drivers' school" public, private, and/or parochial secondary schools which offer driver education courses as part of adult programs and charge fees for such instruction. The Division of Motor Vehicles rejects this recommendation as inconsistent with the legislative intention as expressed in N.J.S.A. 39:12-1 and 39:3-13.1 that driver education courses conducted in secondary schools not come within the definition of a commercial "drivers' school."

The Driving School for Young Adults recommends deletion of the proposed amendment to N.J.A.C. 13:23-2.24 which requires a drivers' school to post with the Division of Motor Vehicles a list of all fees charged by the school and which further provides that proposed changes in fees shall be effective upon notice in writing to the Division of Motor Vehicles. The Division rejects this recommendation. This proposal is intended to benefit consumers by prohibiting fee increases unless the Division of Motor Vehicles is notified thereof in writing.

The Driving School for Young Adults recommends that the proposed amendment to N.J.A.C. 13:23-2.28(a)(5) include a provision requiring that a motor vehicle be equipped with a dual brake as a condition for issuance of the school vehicle identification certificate. Dual control brakes are already provided for in N.J.A.C. 13:23-2.28(a)(1).

The Driving School for Young Adults recommends that the phrase "within this State" be deleted from N.J.A.C. 13:23-3.3. This recommendation is outside the scope of the proposed amendment.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks \*thus\*; deletions from proposal indicated in brackets with asterisks \*[thus]\*).

## SUBCHAPTER 1. DEFINITIONS

## 13:23-1.1 Words and phrases defined

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

"Branch office" means an approved location where the business of the drivers' school is conducted, other than the principal place of business.

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“Director” means the Director of Motor Vehicles in the Department of Law and Public Safety in the State of New Jersey.

“Drivers’ school” means the business of giving instruction, for compensation, in the driving of motor vehicles and motorcycles. The words “instruction in the driving of motor vehicles and motorcycles” shall include classroom and/or behind the wheel training. This definition shall not be taken to include instructions which are given in public, private, parochial or secondary schools.

“Fraudulent practices” include, but are not limited to, any conduct or representation tending to give the impression that a license to operate a motor vehicle or motorcycle or any other class of license, registration or service granted by the Director of Motor Vehicles, in the Department of Law and Public Safety, may be obtained by any means other than those prescribed by law; the furnishing or obtaining a license of any class, registration or service by illegal or improper means; or the requesting, accepting, exacting or collecting money for furnishing or obtaining a license of any class, registration or service by illegal or improper means.

“Person” means an individual, corporation or partnership.

“Place of business” means a designated location at which the business of a drivers’ school is being conducted.

“Principal place of business” means the location designated by the applicant, and approved by the Director, as the primary facility of the drivers’ school.

“Telephone answering service” means the location of a telephone: used only for the purpose of answering telephone inquiries pertaining to the drivers’ school services. A telephone answering service is not to be considered a branch office, and the location and/or address, of a telephone answering service shall not be advertised if it differs from that of a licensed location.

### SUBCHAPTER 2. DRIVERS’ SCHOOLS

#### 13:23-2.1 Licenses

(a) Every person proposing to engage in the business of conducting a drivers’ school shall be licensed by the Director, prior to engaging in such business.

(b) A license will not be issued until at least one instructor has secured an instructor’s license, and at least one motor vehicle has been approved for drivers’ school use.

(c) A license, either initial or renewal, will not be issued until compliance with the conditions in this subchapter has been effected.

#### 13:23-2.2 Applications; contents

(a) Application is to be made on a form prescribed by the Director. These forms may be obtained from Bureau of Certificate of Ownership, Title Transfers and Duplicates, Division of Motor Vehicles, 137 East State Street, Trenton, New Jersey 08666. Renewal applications must be submitted for approval and issuance at least ten days prior to the expiration date of the current license.

(b) A license fee of \$250.00 must accompany the original application. In the event the application is withdrawn or denied, \*[:]\* \$225.00 will be returned to the applicant.

(c) When an application is made by an individual, it must be signed and sworn to by each individual. In the case of partnership, the application may be signed and sworn to by any one partner. In the case of a corporation, the application must be signed and sworn to by the president and attested to by the secretary.

(d) Individual applicants, partners and corporate officers are required to submit a fingerprint record along with an application for an initial license. The Director, in his discretion, may require fingerprint records to be submitted by applicants for renewal licenses.

(e) Every initial application must be accompanied by the following supplementary documents:

1. In the case of a corporation, a certified copy of a certificate of incorporation, and copy of the corporation resolution authorizing the corporation to engage in the business of operating a driver school;

2. Samples of each \*[and every]\* contract form to be used by the school;

3. Samples of all forms of receipts to be used by the school;

4. A schedule of all services to be performed by the school;

5. Copies of all forms used by the school, which are to be delivered to the students;

6. Three photographs of the applicant or of the partners or principal officers where the applicant is a partnership or corporation taken not more than 30 days prior to the date of the application.

7. A noncancelable surety bond in the amount of \$25,000.00; and

8. Proof of compliance with all State and local zoning ordinances, building codes, fire codes, health codes and any other applicable ordinances and codes, on a form prescribed by the Director.

#### 13:23-2.3 License fee; term

(a) The annual fee for the initial license is \$250.00; the fee for the renewal license is \$100.00.

(b) The license is valid for the calendar year.

#### 13:23-2.4 Display of license

(a) The original license is to be conspicuously displayed in the licensee’s principal place of business.

(b) The license shall not alter, delete from, add to, or in any manner cover any portion of the license.

#### 13:23-2.5 Nontransferability of license

(a) In the event of any change of ownership or interest in the business, application for a new license must be filed with the Director. This shall include any sale of more than 25 percent of capital stock of a corporation. In the event of a sale of less than 25 percent of the capital stock it shall not be necessary for the licensee to pay a new fee to the Director.

(b) The Director must be notified in writing immediately when agreement is entered into to transfer ownership of the business \*or\* any interest therein. The Director may, in his discretion, permit continuance of the business by the licensee \*[:]\* pending processing of the application made by the person to whom the business, or interest therein, is to be transferred. The licensee \*[:]\* shall request in writing the Director’s permission to continue the business pending the processing of the application.

(c) The existing license and copies thereof, all instructors’ certificates issued thereunder, and all other documents issued in connection with the driver school must be surrendered before a license will be issued to the new owner.

#### 13:23-2.6 Lost, mutilated or destroyed licenses

(a) In the event a license, or duplicate thereof, is lost, mutilated or destroyed, a duplicate will be issued upon proof of the facts, and upon payment of \$3.00 and, in the case of mutilation, upon surrender of such mutilated license. Such

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proof shall be submitted in the form of an affidavit indicating:

1. The date the license, or duplicate thereof, was lost, mutilated or destroyed; and,

2. The circumstances involving the loss, mutilation or destruction of the license, or duplicate thereof.

### 13:23-2.7 Surrender of license

(a) A license may be surrendered for cancellation, or deposit for safe-keeping, at the Bureau of Certificate of Ownership, Title Transfers and Duplicates of the Division of Motor Vehicles.

(b) In all such cases the licensee is required to state, in writing, the reason for such surrender or deposit.

### 13:23-2.8 Location of business

(a) No licensee shall conduct his business at such location or in such manner as to give the appearance to the public that the business has some official connection with a Division of Motor Vehicle facility or the premises of an authorized motor vehicle agent. In making this determination the Director may consider the proximity of the place of business to any building in which motor vehicle registrations or driver licenses are issued to the public, the proximity of the place of business to the location where driving tests are conducted by the Division of Motor Vehicles, the trade name under which the licensee conducts business, the nature of any signs or advertisements used by the licensee and any other factor which tends to give the impression that the licensee has some official connection with any officer or agent of the Division of Motor Vehicles.

(b) The location shall be a building, office or portion of a building in an area zoned for commercial or business use and owned or leased for the use of the commercial driving school.

### 13:23-2.9 Change of location

A drivers' school may not change its principal place of business or branch office without prior approval of the Director.

### 13:23-2.10 Locations prohibited, compliance with State and local ordinances and codes

(a) No license shall be issued for a drivers' school where the place of business is conducted from a liquor store, a bar, tent, temporary stand, temporary address or through the exclusive facilities of a telephone answering service.

(b) Every applicant for an initial **\*driver school license\*** or a renewal **\*[driver school license]\* \*thereof which reflects a change of business address\*** shall submit proof satisfactory to the director that the principal place of business and each branch office complies with all State and local zoning ordinances, building codes, fire codes, health codes and any other applicable ordinances and codes.

### 13:2.11 (Reserved)

### 13:23-2.12 Sign requirements

The principal place of business and branch offices must be identified by a permanent sign, clearly readable from a distance of not less than 100 feet, with letters not less than five inches high, and the name of the drivers' school upon it.

### 13:23-2.13 Business hours

(a) The hours during which a drivers' school is open to the public for service, must be filed with, and approved by the Director and prominently displayed on the front door or front

window of the licensed principal place of business and/or branch offices of the drivers' school.

(b) Every licensee shall maintain a telephone answering service for each regular working day or any portion of each regular working day during which the principal place of business or branch office is not open to the public.

### 13:23-2.14 Office personnel

(a) The licensed principal place of business and branch offices of a drivers' school shall be managed by responsible personnel having at least two years teaching experience with a commercial driving school.

(b) The names and addresses of such personnel must be filed with the Director.

### 13:23-2.15 (No change in text.)

### 13:23-2.16 Branch office removal or discontinuance

(a) A branch office may not be moved to a new location without prior approval of the Director.

(b) (No change.)

### 13:23-2.17 Branch office requirements

(a) A branch office must meet all of the requirements of the licensed principal place of business.

(b) A branch office must be identified as a branch office by a permanent sign, which indicates the location of the licensed principal place of business and which is reasonably visible to the general public.

(c) A branch office must be within 15 miles of the main classroom facility operated by the drivers' school, or within 15 miles of a classroom facility approved for use of the branch office.

### 13:23-2.18 (No change in text.)

### 13:23-2.19 Record types, entries and corrections

Every licensee shall maintain the records specified in this subchapter in a business-like manner with all entries to be made in ink. Corrections shall be made by drawing a single line through the error and making a new entry. Only standard abbreviations are to be used.

### 13:23-2.20, 2.21 (No change in text.)

### 13:23-2.22 Contract file

(a) (No change.)

(b) All contracts shall be consecutively numbered so as to agree with the permanent book of registry, and shall contain the following:

1. The name and address of the school. If the school is conducted under a trade name or is operated by a corporation, partnership or association, the contract must contain the name of the individual owner, or such of the names of the officers of the corporation, association, or members of the partnership as the Director may require.

2.-3. (No change.)

4. The type of car on which the instruction is to be given, showing clearly whether the student is to be taught in a car equipped with automatic transmission or standard manual gear shift.

5.-6. (No change.)

7. All fees charged for every other service agreed to be provided by the drivers' school.

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### 13:23-2.23 Receipts file

- (a) (No change.)
- (b) The receipt form shall contain:
  - 1.-4. (No change.)
  5. The signature of the student or other person making payment on behalf of the student;
  6. (No change.)

### 13:23-2.24 Posting of fees with the Division

A drivers' school shall post with the Division of Motor Vehicles a list of all fees charged by the school in the operation of its business. Any proposed change in established fees shall not take effect until the Division is notified thereof in writing.

### 13:23-2.25 Loss, mutilation or destruction of records

- (a) The loss, mutilation or destruction of any records which a drivers' school is required to maintain, under this subchapter, must be reported immediately to the Director by affidavit, stating:
  - 1.-3. (No change.)

### 13:23-2.26 Retention of records

All records must be maintained at the principal place of business for a period of three years, during which period they shall be subject to the inspection of the Director or any employee of the Division of Motor Vehicles, at any time during reasonable business hours.

### 13:23-2.27 School vehicle identification certificate

- (a)-(b) (No change.)
- (c) The fee for each school identification certificate shall be \$5.00. The certificate shall be valid until suspended or revoked.

### 13:23-2.28 Conditions for issuance of certificate

- (a) A school vehicle identification certificate will not be issued unless and until:
  1. (No change.)
  2. The licensee has filed with the Director evidence of liability insurance, in a company authorized to do business in this State, in the amount of at least \$250,000 because of bodily injury to, or death of, any one person in any one accident and subject to said limit for any one person, to a limit of at least \$500,000 because of bodily injury to, death of, two or more persons in any one accident, and to a limit of \$50,000 because of damage to, or destruction of, property of others in any one accident. The drivers' school shall furnish evidence of such insurance coverage on a form supplied by the Division of Motor Vehicles. This form shall stipulate that such insurance may not be cancelled or terminated, except upon 30 days prior written notice to the Director of Motor Vehicles at Trenton, New Jersey. In the event of cancellation or expiration of such insurance, such vehicle may not thereafter be used for drivers' school purposes, and the school vehicle identification certificate shall terminate automatically and must be surrendered the Director.
  - 3.-4. (No change.)
  5. Such vehicle is equipped with inside and outside \*[or]\* rear view mirrors for both student and instructor.

### 13:23-2.29 Sign displayed on vehicles

- (a) Vehicles, while being used for driving instructions, must have displayed conspicuously thereon a sign stating "Student Driver".

(b) The sign shall have a background and letters of contrasting colors. The letters shall be not less than three inches in height and of a stroke of not less than 1/4 inch. Letters may be of a reflectorized material and shall be white, amber or yellow in color.

(c) The sign must be visible to both front and rear \*[; in letters not less than three inches in height. Letters may be of a reflectorized material, basically white, amber or yellow in color]\*.

### 13:23-2.30 Advertising

(a) Advertising by drivers' schools must conform to the following:

1. Schools must not publish, advertise or intimate that license is guaranteed or assured upon completion of instructions.

2. (No change.)

3. Advertisement such as "no charge for road test failures" is prohibited.

4. The letters and numerals of any sign, advertisement or combinations of two or more signs, used as part of the same message relating to drivers' school activities, shall be of such size so that the letters and numerals in the name of the drivers' school may not be smaller than the letters and numerals in the remainder of the text.

5. The drivers' school may use, on forms, contracts and similar documents, or in advertising, the phrase, "This school is licensed by the State of New Jersey".

6. The use of the word "State", in any sign or other medium of advertising, except as permitted in (a)5 above, is prohibited.

7. A drivers' school shall not advertise the address of any location other than the licensed principal place of business, or a licensed branch office.

8. The drivers' school shall not advertise any name or combination of names, or abbreviation of name, other than the trade name by which the driver's school is licensed to do business by the Director of Motor Vehicles and which appears on the driver school wall license.

9. A drivers' school shall not solicit business, or cause business to be solicited in its behalf, or display or distribute any advertising material in such a manner as to give the impression that the business has some official connection with the Division of Motor Vehicles or an authorized motor vehicle agent. This paragraph shall not be construed to prohibit drivers' schools from appearing at drivers' test locations with vehicles which contain the name, address and telephone number of the drivers' school, and any other sign(s) or identification which may be required by this chapter or N.J.S.A. 39:12.

(b) All advertisements and public representations sponsored, procured, utilized, published, endorsed, presented or otherwise disseminated by, at the direction or on behalf of a drivers' school shall be based on fact and shall not be false, deceptive or misleading in any manner whatsoever.

(c) Any advertisement through any media which cannot be changed, deleted or withdrawn within a period of one week or less, including classified telephone directory advertisement, shall require the approval of the Director or his designee prior to printing. The full copy of such advertisement must be submitted to the Director in writing.

### 13:23-2.31 Contracts

(a) A person shall not be given lessons, lectures, tutoring or any other service relating to instructions in motor vehicle or motorcycle operation, unless and until a written contract, in a

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form approved by the Director and containing that information as outlined in N.J.A.C. 13:23-2.22 has been signed and executed, both by the drivers' school and by the student contracting for lessons.

(b) The carbon copy of such contract must be given to the student and the original thereof must be retained by the school in its duplicate contract file.

(c) (No change.)

(d) Each school must file and maintain with the Director a list of those persons authorized or empowered to execute contracts on behalf of the school. A completed signature record form must be filed with the Director, for each person authorized to sign contracts for the school. The school must notify the Director in writing whenever any name is removed from the list of those persons empowered to execute contracts on behalf of the school.

(e) A school shall not agree to give unlimited lessons, nor shall any school represent or agree to give instruction until the license is obtained, or give free lessons, or a premium or discount, if a license is not obtained. The student may rescind the contract within 24 hours of execution, and upon such rescission shall receive a refund \*[or]\* \*for\* any lessons or services not provided.

(f) The term "no refund" is not permitted in contracts. Schools may substitute the following: "This school will not refund any tuition or part of tuition if the school is ready, willing and able to fulfill its part of the agreement prior to the student's being licensed to operate a motor vehicle in New Jersey".

1. Upon such licensure, refunds shall be granted for lessons paid for but \*[ot]\* \*not\* provided.

### 13:23-2.32 Practice driving

Practice driving is prohibited on the grounds or roadways used for State driving tests. Instructor shall inform students of the prohibition contained in this section.

### 13:23-2.33 Learner permits

A licensee is required to ascertain, prior to giving behind the wheel instructions or presenting the student for a driving test, that a student is in possession of a valid driver examination permit properly validated for practice driving, or a valid driver's license.

### 13:23-2.34 Requirements at driving test

(a) Applicants appearing for the driving test, with vehicles for which vehicle identification certificates have been issued, or vehicles required to have such certificates, shall be accompanied by:

1. A New Jersey licensed driver who has in his or her possession a valid New Jersey instructor's license or a New Jersey authorized agent identification.

2. (No change.)

### 13:23-2.35 Employees of drivers' schools

A drivers' school shall not knowingly employ any person as an instructor, agent or in any other capacity whatever, who has been convicted of a crime.

### 13:23-2.36 Authorized agents; cards

(a) The school owner may appoint, with the approval of the Director, authorized agents for the sole purpose of acting as an accompanying driver for the school's students who are en route to a driver qualification center for the purpose of taking the driving test portion of the driver examination. The

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Director may issue an "Authorized Agent" identification card when the following procedures and requirements have been followed and met:

1.-3. (No change.)

4. Applicant must have a driving record satisfactory to the Director;

(b) The fee for the authorized agent certificate shall be \$5.00 and the certificate shall be valid for two calendar years. The Director may suspend any authorized agent identification card upon conviction of a crime, violation of this chapter or other good cause.

(c) Upon severance of employment, the school owner is to collect the authorized agent identification card and surrender it to the Bureau of Certificate of Ownership, Title Transfers and Duplicates of the Division of Motor Vehicles, Trenton, New Jersey, 08666.

13:23-2.37 (No change in text.)

### 13:23-2.38 Revocation, suspension and refusal to renew license

The Director, or any employee of the Division of Motor Vehicles deputized by him, may suspend or revoke a drivers' school license, or refuse to issue a renewal of that license, for any reason or reasons as outlined in N.J.S.A. 39:12-1 et seq. or for failure to comply with any of the provisions of this subchapter promulgated by the Director, after due notice in writing thereof, in accordance with the provisions of N.J.S.A. 39:12-1 et seq.

## SUBCHAPTER 3. INSTRUCTORS OF DRIVERS' SCHOOLS

13:23-3.1 and 3.2 (No change in text.)

### 13:23-3.3 Standards for license issuance

Instructor's licenses will not be issued to any person unless that person is the possessor of a New Jersey driver's license, and has held a license permitting him to drive within this State for at least the last three consecutive years, and who has complied with the other requirements contained in this subchapter.

13:23-3.4 (No change in text.)

### 13:23-3.5 Instructor's license fee

The instructor's license is valid for the calendar year and the fee for the initial license shall be \$75.00 and the fee for the annual renewal thereof shall be \$30.00.

### 13:23-3.6 Carrying instructors license

The instructor's license must be carried by the instructor at all times while giving driving instructions, or when accompanying an applicant for a driver's license to the driving test portion of the license examination conducted by the Division of Motor Vehicles.

### 13:23-3.7 Lost, mutilated or destroyed licenses

(a) Should a license be lost, mutilated, or destroyed, a duplicate license will be issued upon proof of the facts and payment of a fee of \$3.00 and, in the case of a mutilated license, the surrender of such license.

(b) (No change.)

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13:23-3.8 Surrender of instructor's license

An instructor's license must be surrendered to the Division of Motor Vehicles immediately upon termination of an instructor's services with, or by, any drivers' school designated on such license. Where the services of an instructor are terminated by one or more of the schools designated on the instructor's license, the endorsement certificate for each school so terminating the services of the instructor must be returned to the Division of Motor Vehicles immediately. It shall be the responsibility of the drivers' school to return the instructor's license or certificate of endorsement to the Bureau of Certificate of Ownership, Title Transfers and Duplicates of the Division of Motor Vehicles upon termination of an instructor's services with the school.

13:23-3.9 Special tests

(a) An applicant for an instructor's license will be required to submit to special law-knowledge, driving tests and screening of visual acuity, and may be required to submit additional proof of his qualifications as an instructor.

(b) If application is made for an instructor's license by a person who was the holder of an instructor's license within a period of one year prior to the date of such application, the Director may waive the law-knowledge and driving tests and vision screening.

(c) All instructors **\*licensed after July 1, 1984\*** shall be required to complete the National Safety Defensive Driving Program. Evidence of having completed such program shall be filed with the Bureau of Certificate Ownership, Title Transfers and Duplicates of the Division of Motor Vehicles. Instructors **\*[licensed after July 1, 1983,]\*** shall submit such evidence **\*[within six months after being licensed as a commercial instructor. Instructors licensed prior to July 1, 1983, shall submit evidence by July 1, 1984]\*** **\*prior to renewal of the initial instructors license.\***

13:23-3.10 (No change in text.)

13:23-3.11 Conduct of instructors

(a) (No change.)

(b) Instructors will conduct themselves in accordance with the provisions of N.J.A.C. 13:23-2.37.

13:23-3.12 Revocation, suspension and refusal to renew instructor's license

(a) The Director, or any employee of the Division of Motor Vehicles deputized by him, may suspend or revoke an instructor's license, or refuse to issue a renewal thereof, for any of the reasons outlined in N.J.S.A. 39:12-1 et seq. or for failure to comply with any of the provisions of this subchapter promulgated by the Director, after due notice in writing thereof, in accordance with the provisions of N.J.S.A. 39:12-1 et seq.

(b) The Director may suspend or revoke an instructor's license or may refuse to issue to issue an instructor's license or a renewal thereof, if such instructor or applicant for instructor's license shall have accumulated nine or more points by reason of conviction for violations of the Motor Vehicle Law.

**SUBCHAPTER 4. DRIVERS' SCHOOL CLASSROOMS**

13:23-4.1 Classroom facilities

(a) (No change.)

(b) A minimum of six hours of classroom instruction must be offered to each student enrolled in any commercial drivers' school. This offer shall be made to each student at the time a contract is signed for instructions in the operation of motor vehicles or motorcycles.

(c) The primary classroom facility of each drivers' school may not be more than 15 miles from the principal place of business or branch office of the school. A school may establish classrooms farther than 15 miles from the principal place of business **\*or\*** branch office with prior written approval of the Division of Motor Vehicles.

(d) The facilities maintained for classroom instruction may be used by one or more drivers' schools. Whenever the facilities maintained for classroom instruction are used by more than one school, a schedule shall be filed with the Director of Motor Vehicles setting forth the day and time each school will provide classroom instructions in the facility.

13:23-4.2 Classroom accommodations

(a) The classroom facility will be subject to inspection and approval by the Director and must have the following accommodations:

1. (No change.)

2. Adequate lighting, heating, ventilation and toilet facilities for both men and women;

3.-5. (No change.)

13:23-4.3 Classroom equipment

(a) Each classroom must be equipped with a sound projector and traffic safety films, or slide projector and traffic safety slides, and/or a video tape device.

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

**(a)**

**NEW JERSEY RACING COMMISSION**

**Thoroughbred Racing: Licensing  
Standardbred Racing: Licensing; Officials;  
Starting**

**Notice of Correction: Executive Order No.  
66(1978) Expiration Date, N.J.A.C.  
13:70-4, 13:71-7, 13:71-8, and 13:71-17**

An error appears in the April 2, 1984 New Jersey Register at 16 N.J.R. 742(a) concerning the expiration date of N.J.A.C. 13:70-4, 13:71-7, 13:71-8, and 13:71-17. The Executive Order No. 66(1978) Expiration Date should read **March 19, 1989**.

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**(a)**

**NEW JERSEY RACING COMMISSION**

**Thoroughbred Rules: Entries and Subscriptions**

**Readoption: N.J.A.C. 13:70-6**

Proposed: April 2, 1984 at 16 N.J.R. 690(a).  
Readopted: May 17, 1984 by Harold G. Handel, Executive Director, New Jersey Racing Commission.  
Filed: May 18, 1984 as R.1984 d.213, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: May 18, 1984.

Expiration Date pursuant to Executive Order 66(1978):  
May 18, 1989.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 13:70-6.

**(b)**

**NEW JERSEY RACING COMMISSION**

**Harness Racing: Application for Driver's License**

**Adopted Amendment: N.J.A.C. 13:71-7.25**

**Adopted Repeal: N.J.A.C. 13:71-7.26**

Proposed: April 2, 1984 at 16 N.J.R. 691(a).  
Adopted: May 17, 1984 by Harold G. Handel, Executive Director, New Jersey Racing Commission.  
Filed: May 18, 1984 as R.1984 d.214, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: June 4, 1984.

Expiration Date Pursuant to Executive Order No. 66(1978): March 19, 1989.

Summary of Public Comments and Agency Responses:  
**No comments received**

Full text of the adoption follows.

13:71-7.25 Application for driver's license

(a) (No change.)

(b) Every applicant for a license to drive a harness horse at a race meeting licensed by the Commission shall, in addition to any other requirements mentioned herein:

1. Be at least 16 years of age;
2. Submit evidence of good moral character;

3. Have a minimum of 20-40 vision in one eye, corrected, according to certification by a licensed optometrist, or ophthalmologist. All drivers must be examined at least biannually by one of the aforementioned doctors. A proof of such examination must be submitted with the license application;

4. Furnish a completed application form;

5. When requested, submit evidence of physical and mental ability and/or submit to a physical examination;

6. When requested, submit to a written examination at a designated time and place to determine his qualification to drive and his knowledge of racing and the rules.

7. Submit evidence of ability to drive in a race and, if a new applicant, this must include the equivalent of one year's experience.

(c) Any applicant who has complied with the requirements of (a) and (b) above, may be eligible for a license in New Jersey in the following categories:

1. (f) (Fair) A License valid for fair meetings. Drivers holding a license valid for fairs only who have driven at fairs must demonstrate an ability to drive satisfactorily before they will be granted a (Q) license valid for qualifying races.

2. (Q) (Qualifying) A license valid for fairs and a license for qualifying races at pari-mutuel meetings with the approval of the Presiding Judge. The Presiding Judge shall make a report to the United States Trotting Association relating to the performance of such a driver in a qualifying race. Drivers holding a qualifying license must demonstrate an ability to drive satisfactorily before a Presiding Judge before they will be granted a (P) Provisional license

3. (P) (Provisional) A license valid for fairs and for pari-mutuel meetings subject to satisfactory performance and with the permission of the Racing Association. In cases where drivers are Provisional (P), it shall be noted on the program. Drivers holding a provisional license will not be considered for advancement to an "A" (full) license until he or she has qualified in one of the three following categories:

i. Had at least one year's driving experience while holding a "P" (Provisional) license plus 25 satisfactory pari-mutuel starts in the calendar year prior to application;

ii. Or had less than one year's driving experience while holding a "P" (Provisional) license but with at least 50 satisfactory pari-mutuel starts and the written approval from a licensed pari-mutuel Presiding Judge.

iii. Or made 25 satisfactory starts at extended pari-mutuel or Grand Circuit meetings in the two calendar year period preceding date of application provided he or she has had at least 50 satisfactory fair starts.

iv. In all cases, an individual must have demonstrated professional competence at all times and a Presiding Judge, licensed by a Racing Commission, must have submitted a satisfactory written report certifying to such performance.

4. (A) (Full) A full license for all meetings.

5. (V) (Probationary) A Probationary license indicating that the driver has been guilty of rule violations and has been warned against repetition of such violations.

(d) In the event any person is involved in an accident on the track, the Commission may order such person to submit to a physical examination and such examination must be completed within 30 days from such request, or his license may be suspended until compliance therewith.

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### THE COMMISSIONER

#### Commercial and Apartment Conservation Service Program

#### Adopted New Rule: N.J.A.C. 14A:22

Proposed: February 21, 1984 at 16 N.J.R. 349(a).

Adopted: May 18, 1984 by Leonard S. Coleman, Jr.,  
Commissioner, Department of Energy.

Filed: May 21, 1984 as R.1984 d.215, **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. 52:27F-11g and q.

Effective Date: June 4, 1984.

Operative Date: August 1, 1984.

Expiration Date pursuant to Executive Order No. 66  
(1978): June 4, 1989.

#### Summary of Public Comments and Agency Responses:

The Department received several comments concerning public utility intervention in the free market by providing energy audits from professional engineering organizations and contractor groups. The Department considers energy audits to be an important aspect of the energy conservation process. However, NJDOE recognizes that utility intervention in the free market raises questions of fair competition. In order to balance these factors amendments have been made to ensure that issues of fair competition are addressed. Specifically, N.J.A.C. 14A:22-3.8(b), 14A:22-3.9(d), 14A:22-6.1, 14A:22-6.3 and 14A:22-6.4.

One individual suggested language which would encourage the use of private sector firms by utility companies to perform energy audits. The Department believes that it is generally more cost effective to use outside contractors rather than utility personnel to perform audits. Therefore, N.J.A.C. 14A:22-6.1(c) was added in response to this comment and N.J.A.C. 14A:22-6.1(d) was added to ensure competition to the public utility's bidding process for selecting auditing firms.

Many individuals expressed a concern over utility involvement in the areas of auditing and design, traditionally the province of professional engineers. In response, the Department added a requirement that each audit report include a statement informing customers that additional assistance with respect to auditing services can be obtained from professional firms.

Testing and certification of energy auditors was an area of concern to individuals. Generally, individuals urged the use of a comprehensive test so that knowledge and skills required to make an accurate determination of auditor competence were addressed. One professional engineering society volunteered to aid the Department in the formulation of the test. The Department will develop such a test and will utilize these resources as necessary in formulating the test.

Others commented that professional engineers should not be subject to the same test requirements as non-professionals. The Department believes that some form of objective evaluation is a necessary precondition to participating in CACS. Auditors should be capable of performing the required energy audit services. However, the Department recognizes that many of the persons who have been tested or evaluated as a precondition to participating in other NJDOE programs involving the performance of similar audited, possess the requisite skills. For this reason the Department will "grandfather" New Jersey certified Technical Assistance Analysts and Certified Energy Managers into the program until the operative date of the CACS regulations. Thereafter, all persons will be required to be tested.

Other individuals expressed a concern about utility supply and installation of products by virtue of this access to the CACS audit results. Although the proposed rule did not permit such supply and installation, the adopted rule expressly prohibits utilities from forwarding audit results to their marketing offices and prohibits auditors from recommending to the customer the names of any contractor or supplier.

One individual pointed to the discriminatory disqualification process as it pertained only to Building Heating Suppliers. Auditors are now included in the disqualification procedure. The Department has added an additional ground for disqualification: bankruptcy and related similar financial instabilities. Although this ground is implicit in the "other reasons" provisions (N.J.A.C. 14A:22-7.3 and 7.4), the Department felt that the conditions should be expressly stated.

The Department received a comment on the language contained in N.J.A.C. 14A:22-6.2 which permitted an auditor to be tested to conduct a portion of the audit. This provision did not sanction the use of multiple auditors, but pertained to the building heating supplier's ability to conduct an analysis of the heating unit. As one individual suggested, multiple auditors cannot fulfill the intent of this program. Therefore, N.J.A.C. 14A:22-6.2 was changed to clearly reflect the interaction of the building heating supplier and the auditor.

Utility companies and others took exception to the definition of "commercial building." Some individuals suggested setting the New Jersey standard at twice the United States Department of Energy use guidelines. Others recommended that New Jersey maintain the Federal limitations. The Federal energy use standards are minimum and the NJDOE considers them to be too low to adequately deliver audits to the New Jersey commercial sector.

However, the Department has reassessed its original definition based upon the comments received and NJDOE's analysis and set the limitation of 4,500 MMBTU use annually. This figure should adequately serve the majority of small to medium sized commercial customers in New Jersey. In addition, in order to ensure that audits are delivered only to small and medium sized commercial customers, the Department has added to the definition of "commercial building" the further requirement that the business be a "small business" as prescribed by the Small Business Administration. In order to facilitate and standardize computations to arrive at the annual usage, the Department added a list of conversion factors.

Individuals also questioned the wisdom of providing audits to customers free of charge. It was suggested that a free audit would attract a large number of customers to the program merely because it was free of charge. Individuals expressed the opinion that interested customers would be willing to make some nominal payment for audit services. The Department has re-evaluated the cost issue and set a nominal payment schedule based upon the size of the facility.

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In addition, the Board of Public Utilities has approved, by Order dated May 11, 1984, a fee schedule based on the size of the buildings to be audited. The Department agrees that such charges will encourage only those persons who are truly interested in the Program to request audits and has amended the regulations to reflect the Board's action.

Since the utility is now permitted to charge for audit services, the Department has added additional provisions permitting separate charges for audit services on the utility bill; payment with the utility bill; and preventing utility or building heating supplier from terminating service for non-payment for audit services. These provisions were included to facilitate billing and payment for the audit services while ensuring that a utility or supplier would not use failure to pay as a pretext for terminating service.

One individual suggested that the program required an environmental impact statement. Since these regulations are adopted under the Department's authority, an environmental statement per se is not required. The Department did complete the social and economic impact statements required by the Administrative Procedure Act and the Office of Administrative Law. In the event that the environmental impact statement for the USDOE CACS Program is desired, USDOE should be contacted.

The requirement that each utility furnish a monthly list of new customers and a copy of the audit report to NJDOE was questioned. This was required by the Department as a monitoring procedure to ensure that new customers were receiving copies of program announcements. It will not be changed. Similarly, the requirement that the Department receive a copy of each audit report is necessary for proper monitoring of the program and will remain the same.

One individual asked the reason why NJDOE had not specified the types of program literature to be used in CACS. The Department believes that most program literature should be developed as the CACS program progresses. At this point, the program is new and it is difficult to assess the informational needs completely. The Department is currently developing a booklet on tenant conservation and will develop other literature as demand dictates.

Some individuals also objected to the requirement that customers provide their tax rates in order to obtain a ten-year cash flow analysis for program measures over \$500.00. The Department cannot perform the cash flow computation without the tax rate. However, because some customers might not wish to provide such information to a utility, the Department has made this requirement optional at the customer's request. In the event that customers wish to have the cash flow analysis performed as part of the audit, they will have to provide the rate; it will not be required in other instances.

A comment was made that financing information should not accompany the audit report because it was an unnecessary expense, considering the cost of preparation and distribution. The financing information is generic to several NJDOE programs and is prepared by the Department as a matter of routine. As such, it does not significantly contribute to program costs. In addition, the information is useful to customers who wish to finance the purchase of measures recommended in the CACS audit report. Therefore, the information will be included within the audit report.

One person commented on the restrictions on fuel-switching contained in the proposal and suggested that the prohibition against fuel-switching reduced the opportunity for replacing old equipment with new more efficient equipment. The individual suggested that fuel switching should be evalu-

ated in certain instances (replacing absorption air conditioners with electric air conditioning equipment and replacing conventional water heaters with electric point of use water heaters). The Department agrees and has included these changes in the adopted regulations.

The proposed regulations require a completion rate of not less than two percent of eligible customers per year. One individual stated that there are no means available for predicting program response rates and that such targets should not be set. The Department, in a program similar to CACS (known as CLIENTS) achieved a 1.875 percent response rate as of October 1983 with a minimal promotion effort. Based upon the Department's satisfactory experience in the CLIENTS and other outreach efforts, the NJDOE is confident of obtaining a higher response rate for CACS and achieving the targeted two percent completion rate. Therefore, the requirement will be retained in the adopted regulation.

The Department added text clarifying the fact that advertising and other information not relevant to the CACS program would not be permitted in the program announcement. The Department believes that such provisions are necessary to ensure that the CACS informational materials serve simply as a source of generic information to customers concerning the availability and benefits of energy audits.

The Department also made a number of technical and language changes, such as adding the words "kerosene" and "coal" in certain places where they were inadvertently omitted (for example, in the definition of "energy conservation measure") and adding a definition of MMBTU to the adopted regulations.

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

## CHAPTER 22

## COMMERCIAL AND APARTMENT CONSERVATION SERVICE PROGRAM

## SUBCHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

## 14A:22-1.1 Scope and Purpose

(a) The rules in this chapter constitute the Commercial and Apartment Conservation Service ("CACS") Program.

(b) The purpose of the CACS Program is to encourage the installation of energy conservation measures and renewable resource measures in existing apartment buildings and commercial buildings by customers of covered utilities and building heating suppliers.

## 14A:22-1.2 Definitions

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

"Air conditioner efficiency maintenance" means periodic cleaning or replacement of air filters and cleaning of coils on forced-air cooling systems.

"Air conditioner replacement" means an air conditioner which replaces an existing air conditioner \*[of the same fuel type]\* and which reduces the amount of fuel consumed due to an increase in efficiency.

"Apartment building" means a structure which is used for residential occupancy, was completed on or before June 30,

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1980, contains five or more apartments and any of the following: a central heating or a central cooling system; or a central meter for the heating or cooling system.

“Automated energy control system” means devices and associated equipment which regulate the operation of heating, cooling, or ventilating equipment based on time, inside and/or outside temperature or humidity, or utility load management considerations in order to reduce energy demand and/or consumption.

“BPU” means the New Jersey Board of Public Utilities.

“Buildings” means both apartment buildings and commercial buildings.

“Building heating supplier” means any person engaged in the business of selling No. 2, No. 4, or No. 6 heating oil, \*coal,\* kerosene, or propane to eligible customers.

“Caulking” means the sealants, putty, glazing compounds, or other pliable materials used to reduce the passage of air and moisture by filling in small gaps including:

1. At fixed joints on a building;
2. Underneath baseboards inside a building;
3. In exterior walls at electric outlets;
4. Around pipes and wires entering a building;
5. Around vents and exhaust fans in exterior walls; and
6. At any point where two different types of building material meet.

“CES” means the Department’s Office of Community and Educational Services.

“Commercial and Apartment Conservation Service Program” or “CACS” means the program contained in this chapter.

“Commercial building” means a structure:

1. Which was completed on or before June 30, 1980;
2. Which is used primarily for carrying out a business (including a non-profit business) or for carrying out the activities of a \*[state or]\* local government;
3. Which is not used primarily for the manufacture or production of products, raw materials, or agricultural commodities; \*[and]\*
4. Which is not a Federal building\*[\*]\* \*;

**\*5. Which has not had a Technical Assistance Energy Audit under the Institutional Conservation Program or a computer generated energy audit under the CLIENTS Program;**

**6. For which the average annual use of energy for calendar year 1980 (or the latest twelve month period for which information is readily available) was less than 4,500 MMBTUS; and**

**7. Is a small business to which final standards under 13 CFR Part 121, “Small Business Size Standards” apply.**

“Conversion factors” means the following factors that are to be used to determine the eligibility of a commercial building for a program audit:

1. Electricity	0.003412
2. Natural gas	0.100000
3. Distillate	0.138690/gallon
4. Residual	0.149690/gallon
5. Propane	0.095475/gallon
6. Coal	24 500000/shot ton
7. Purchased Steam	01.000000/1,000 lbs.
8. Kerosene	0.120000/gallon*

“Covered utility” means in any calendar year a public utility which during the second preceding calendar year had either:

1. Sales of natural gas for purposes other than resale which exceed 10 billion cubic feet; or
2. Sales of electric energy for purposes other than resale which exceed 750 million kilowatt hours.

“Department” means the New Jersey Department of Energy.

“Destratification fan” means a device which, by virtue of its design, will cause the air within a conditioned space to be distributed in a manner that will minimize the temperature gradient within that conditioned space.

“Efficient use of shading” means the use of existing shades, drapes, awnings and related methods:

1. To block sunlight from entering a building in the cooling season;
2. To allow sunlight to enter a building during the heating season; or
3. To cover windows at night during the heating season.

“Eligible customer” means a person who:

1. Is the owner or tenant of a commercial building or the owner (or the owner’s agent) of an apartment building to whom the covered utility sells electricity or natural gas and who is the utility’s customer of record; or

2. Is the owner or tenant of a commercial building or the owner (or the owner’s agent) of an apartment building which uses No. 2, No. 4, or No. 6 heating oil, kerosene, \*coal\* or propane.

“Energy audit” or “program audit” means an on-site evaluation of a commercial building or apartment building by qualified utility personnel \*[or]\* \*and\* participating building heating suppliers during which the applicability of program measures and operations and maintenance procedures will be evaluated. Applicable operations and maintenance procedures will be detailed to the customer and general cost, saving, payback estimates will be discussed. Any program measures found applicable to the building will have specific cost, saving and payback estimates calculated and provided to the eligible customer. All estimates will be provided to the eligible customer within 30 calendar days of the energy audit.

“Energy conservation measure” means the following in a commercial building or apartment building:

1. Air conditioner replacement;
2. Automatic energy control systems;
3. Caulking;
4. Destratification fan;
5. Energy recovery systems;
6. Furnace/boiler or utility plant and distribution system modifications;
7. Insulation;
8. Lighting systems replacement or modification;
9. Passive solar space heating-cooling;
10. Solar domestic hot water systems;
11. Solar replacement swimming pool heater;
12. Weatherstripping;
13. Window-door system modification; and
14. Any other installation or modification of an installation designated by the Department which is designed to reduce the consumption of natural gas, electricity, oil, \*[or]\* propane \*coal or kerosene\* in apartment buildings and commercial buildings.

“Energy operation and maintenance procedures” means:

1. Air conditioner efficiency maintenance;
2. Efficient use of shading;
3. Furnace efficiency maintenance and adjustments;
4. Plugging infiltration leaks;
5. Reduction in amount of conditioned space;
6. Sealing leaks in pipes and ducts;
7. Steam distribution system maintenance;
8. Temperature raising in summer;
9. Temperature reduction in winter;

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10. Water flow reduction in showers;

11. Water temperature reduction; and

\*[13.]\* \*12.\* Any other low or no-cost procedure designated by the Department which is designed to reduce the consumption of natural gas, electricity, oil, \*[or]\* propane\*, kerosene, or coal\* in apartment buildings and commercial buildings and does not require the installation of an energy conservation measure.

"Energy recovery system" means devices designed to recover waste energy from sources such as refrigeration or air conditioning equipment for some useful purpose such as heating water.

"Furnace efficiency maintenance and adjustment" means cleaning and combustion efficiency adjustments of gas\*, propane, coal, kerosene\* or oil-fired furnaces/boilers (including burners), periodic cleaning or replacement of air filters on forced-air heating systems including heat pumps, lowering the bonnet or plenum fan thermostat setting on a gas or oil-fired furnace if appropriate and turning off the pilot light on a gas furnace during the summer.

"Furnace/boiler or utility plant and distribution system modification" means installation of any of the following devices or components:

1. "Intermittent pilot ignition device" ("IID") which means a device which, when installed in a gas-fired furnace or boiler, automatically ignites the pilot or burner and replaces a continuously burning pilot light.

2. "Flue opening modification" ("Vent damper") which means an automatically operated damper installed in a gas-fired or oil-fired furnace or boiler which:

i. Is installed downstream from the drafthood; and

ii. Conserves energy by substantially reducing the flow of heated air through the chimney when the furnace is not in operation.

3. "Replacement oil burner" which means a device which is an integral part of an oil-fired furnace or boiler including the combustion chamber and which atomizes the fuel oil with air, ignites the mixture, and, owing to its design, achieves a reduction in the oil used over that used by the oil burner that it replaces.

4. "Replacement gas burner" which means a device designed for installation in an existing gas-fired boiler which uses fan and control mechanisms to supply and control combustion air to achieve an optimal fuel-to-air ratio for maximum gas combustion efficiency and which, because of its design, achieves a reduction in the gas used from the amount of gas used by the device which it replaces.

5. "Replacement furnace or boiler" which means a furnace or boiler, including a heat pump which replaces an existing furnace or boiler of the same fuel type and provides reduced fuel consumption due to higher energy efficiency of the system.

6. "Distribution system modification" which means modification to an energy distribution system and associated components that increases the energy efficiency, including:

i. Improved pipe or duct routing to reduce pressure drop and/or heat losses; or

ii. Point of use water heaters\*. \* [of the same fuel type.]\*

"Insulation" means a material of the following types that is primarily designed to resist transmission in one of the following ways:

1. "Ceiling insulation" which means a material primarily designed to resist heat flow which is installed between the conditioned area of a building and an unconditioned attic. Where the conditioned area of a building extends to the roof,

the term "Ceiling insulation" also applies to such materials used between the underside and upperside of the roof.

2. "Duct insulation" which means insulation installed on heating or cooling supply and return ducts in an unconditioned area of a building, such as the space above a dropped ceiling.

3. "Floor insulation" which means insulation that is installed between the lowest conditioned level of a building and a lower unconditioned level. For a structure with an open crawl space, the term "floor insulation" also means skirting to enclose the space between the building and the ground.

4. "Pipe insulation" which means insulation installed on:

i. Pipes and fittings carrying hot or cold fluids for space conditioning purposes; or

ii. Hot water pipes and fittings with continuous recirculating systems.

5. "Wall insulation" which means insulation installed within or on exterior walls or walls between conditioned and unconditioned areas of a building.

6. "Water heater insulation" which means insulation wrapped around the exterior surface of the water heater casing.

"Lighting systems replacement or modifications" means a device or action which reduces overall lighting energy consumption and/or demand while maintaining satisfactory lighting requirements, and includes the following:

1. Reducing lighting levels to levels cited in applicable Department rules and may include installing task lighting and reducing overheat task lighting;

2. Controlling lamp operating time by limiting lighting operation to periods of area use, or installing of local manual switching, time control devices and space use sensing devices;

3. Replacing lamps with more efficient sources including, but not limited to, replacing of incandescent and fluorescent lighting with lumen-equivalent low energy lamps, replacing of old fluorescent lighting ballasts with new electronic ballasts, or replacing of any fixture type with one of greater lumens per watt efficiency such that total lighting demand can be reduced; and

4. Use of "daylighting" by automatically switching off electric lights in areas where satisfactory lighting levels can be maintained using either existing windows or skylights in a commercial building or a common area of an apartment building.

\*"MMBTU" means one million British Thermal Units.\*

"Passive solar heating and cooling system" means a system that makes the most efficient use, or enhances the use of natural forces, for heating or cooling a space by the means of conductive, convective, or radiant energy transfer including solar irradiation, wind, night-time coolness and include only the following:

1. "Thermosyphon air system" which means a passive solar day-time heater attached to the south-facing wall of a building which uses natural convection or a fan of low power to draw air from near the floor, expose the air to a solar-heated surface, and discharges reheated air near the ceiling, and which is able to be closed off from the conditioned area at night and on cloudy days.

2. "Solaria/sunspace system" which means an enclosed structure of glass, fiberglass, or similar transparent material attached to the south-facing wall of a structure which absorbs solar heat and utilizes air circulation to bring this heat into the building and which is able to be closed off from the structure at night and on cloudy days.

"Payback" means the amount of time needed to recover

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the cost of an investment in a program measure or energy conserving operation and maintenance procedure from the energy saved by that measure or procedure. All payback estimates shall use a simple payback calculation; cost of investment/energy savings from first year. All payback estimates shall be given in years.

“Plugging infiltration leaks” means:

1. Installing scrap insulation, or other pliable material in gaps around pipes, conduits, ducts, or other gaps which connect conditioned with unconditioned spaces; and
2. Adding weatherstripping around ceiling access doors or basement doors.

“Program announcement” means the information and offer of services required to be sent to every eligible customer by each covered utility in their service area pursuant to N.J.A.C. 14A:22-2.

“Program auditor” means any individual employed by a covered utility or building heating supplier or under contract with a covered utility or building heating supplier who meets all of the qualifications contained in N.J.A.C. 14A:22-7.2 and has successfully completed a Department auditor test for this program.

“Program measure” means energy conservation measures and renewable resource measures.

“Public utility” means any person engaged in the business of selling natural gas or electric energy or both to residential and commercial customers for use in apartment buildings and commercial buildings.

“Renewable resources measure” means the following measures in or with respect to apartment buildings or commercial buildings:

1. Solar domestic hot water systems;
2. Passive solar space heating and cooling; or
3. Solar replacement swimming pool heaters.

“Sealing leaks in pipes and ducts” means applying appropriate sealants to any leak in a heating or cooling duct that is located outside the conditioned space, tightening or plugging any leaking joints in hot water or steam pipes, and replacement of washers in leaking hot water valves.

“Solar domestic hot water system” means equipment designed to absorb the sun’s energy and to use this energy to heat water for use in a structure other than for space heating, and includes solar thermosiphon hot water heaters.

“Solar replacement swimming pool heater” means a device which is used solely for the purpose of using the solar energy to heat swimming pool water and which replaces a swimming pool heater that uses electricity, natural gas, and other fossil fuels.

“South-facing” means plus or minus 45 degrees of true south.

“Steam distribution system maintenance” means the visual inspection of the steam distribution system for the purpose of detecting steam leaks, ensuring that steam is not entering the condensate return lines, and returning all condensate to the boiler where practical and desirable.

“Temperature raising in summer” means raising the thermostat or other temperature control device for occupied space to as high a temperature as reasonable during the cooling season. The temperature of space that is not occupied may be allowed to rise further than that of occupied space.

“Temperature reduction in winter” means lowering the thermostat or other temperature control device for occupied space to as low a temperature as reasonable during the heating season. The temperature of space that is not occupied may be allowed to drop further than that of occupied space.

“Water flow reduction in showers and faucets” means reducing the hot water flow in showers, faucets, or other equipment as low as reasonable by the use of different methods.

“Water temperature reduction” means turning off the water heater or manually setting back the thermostat to as low a temperature as practical, consistent with the needs for hot water.

“Weatherstripping” means narrow strips of material placed over or in movable joints of windows and doors to reduce the passage of air and moisture.

Window and door system modification” includes the measures defined as follows:

1. “Storm window” which means a window or glazing material placed outside or inside a prime window, creating an air space to provide greater resistance to heat flow than the prime window alone.

2. “Thermal window” which means a window unit with improved thermal performance through the use of two or more sheets of glazing materials affixed to a window frame to create one or more insulated air spaces. It may also have an insulating frame and sash.

3. “Storm or thermal door” means:

- i. A second door, installed outside or inside a prime door, creating an insulating air space;
- ii. A door with enhanced resistance to heat flow through the glass area, constructed by affixing two or more sheets of glazing material;
- iii. A prime exterior door with an R-value of at least 2; or
- iv. A door that is designed to minimize air exchange during operation, including revolving doors and double doors with a foyer.

4. “Glazing heat gain/loss retardant” means devices such as insulated shades, drapes, or movable rigid insulation (awnings, external rollup shades) metal or fiberglass solar screening or heat absorbing films which significantly reduce winter heat loss and heat reflective films which significantly reduce summer heat gain through windows and doors.

**SUBCHAPTER 2. PROGRAM ANNOUNCEMENT**

**14A:22-2.1 Scope**

(a) The purpose of the annual program announcement is to acquaint all eligible customers of the respective covered utilities with the benefits and availability of energy audits performed by both the utility and the Department.

(b) The program announcement shall be in a form provided or otherwise directed and approved by the Department and shall be distributed commencing in June 1984 and annually thereafter. The program announcement may be cycled by the covered utilities by service area over not more than 90 consecutive days.

(c) Covered utilities shall provide sufficient numbers of program announcements and related promotional activities to achieve a yearly energy audit completion rate of not less than two percent of the eligible customers. In the event that the response to the program announcement and promotional activities exceeds two percent, utilities shall engage additional qualified personnel to service the demand in a timely manner. The program announcement and related promotional activities shall identify the Department as the lead agency of the CACS program. The covered utilities shall not unfairly discriminate among eligible customers in providing program audits.

(d) All costs of the program announcement and other promotional activities shall be borne by the covered utility.

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### 14:22-2.2 Contents and prohibitions

**\*(a)\*** Covered utilities shall notify eligible customers at least annually of the availability of energy audits. Such notification shall be made primarily as an enclosure, with a business reply card attached, in the customer's monthly billing envelope, or as an independent direct mail announcement in a form provided, directed or otherwise approved by the Department. Print, broadcast and/or billboard messages may also be used to reinforce or support direct mail announcements.

The notifications, announcements and messages shall be in the form provided, directed or approved by the Department.

**\*(b) The program announcement shall not include:**

**1. Any brand names or advertising for sale, installation or financing of CACS program measures or operation and maintenance procedures; or**

**2. Any information or products which are not CACS program measures or operation and maintenance procedures.\***

### 14A:22-2.3 New customers

(a) Each covered utility shall identify and provide a program announcement to each new customer within 60 days of commencing billable service.

(b) Covered utilities shall maintain computer records and provide for accessing such data for the purpose of identifying eligible customers and new customers and past audit data.

(c) Each covered utility shall furnish to the Department monthly a list in ZIP code sequence of all new customers to whom the program announcement was provided, and shall include the name of the individual to whom the announcement was directed in addition to the business name and address.

(d) Each covered utility shall inform each new customer in writing that upon request, the customer may receive at no charge a new program audit of a building which was previously audited under the CACS Program, instead of receiving the results of any past program audit of the customer's facility.

## SUBCHAPTER 3. PROGRAM SERVICES AND PROGRAM AUDITS

### 14A:22-3.1 Program services

(a) All covered utilities shall offer and provide upon request the following program services to all eligible customers:

1. A program audit of all applicable program measures in a form prescribed by the Department;

2. Financing information for program measures, at no charge;

3. Conservation literature in a form specified by the Department, at no charge.

(b) All covered utilities receiving requests for program audits from eligible customers shall record the requests and the arrangements made by the utility for the audit on an input form prescribed by the Department. All such records shall contain the following information, if available from the customer:

1. Name and address of the customer's place of business, or residence;

2. Date schedule for providing the energy audit and dates services were completed;

3. Type of fuel(s) used to heat and cool;

4. Time customer is available;

5. Contact for utility and physical plant data;

6. Building type, and principal use;

7. Media source from which they heard about the program;

8. Name of the customer's building heating supplier, if the building is heated with oil;

9. Names of the customer's utilities.

(c) The Department and the CES shall also receive requests for audits from eligible customers and shall record the same information required by (b) above.

### 14A:22-3.2 Arrangement of program audit

(a) If an eligible customer who heats with electricity or gas contacts the Department and requests a program audit, the Department shall refer that request to an appropriate covered utility.

(b) If an eligible customer who heats with oil\*, **coal, kerosene or propane\*** contacts the \*[department]\* **\*Department\*** and requests a program audit, the Department shall refer that request, except for that part which requires a heating unit analysis, to an appropriate covered utility. The Department shall determine whether the customer's heating supplier is a participating building heating supplier. If so, the Department shall refer the customer's request for a heating unit analysis to that participating building heating supplier. If the customer's \*[oil]\* **\*building heating\*** supplier is not participating, the Department shall choose a participating heating supplier located in the customer's geographic service area to perform the heating unit analysis part of the program audit. The Department shall make the selection in a random and non-discriminatory manner from the list of participating building heating suppliers who have registered with the Department.

(c) Upon receiving a referral from the Department each covered utility and participating building heating supplier shall promptly contact the eligible customer to arrange for an appointment to provide the applicable program audit or heating unit analysis.

(d) If a covered utility receives a request for a program audit from a customer who heats with oil, **\*coal, kerosene or propane\*** the utility shall record the same information required by N.J.A.C. 14A:21-3.1(b) and refer the request for a heating system analysis to the Department for review and referral.

### 14A:22-3.3 Timing and preconditions

(a) All covered utilities shall provide a program audit of eligible customer buildings to determine applicable program measures and their estimated costs, savings, and payback within 30 calendar days of receipt of a request or referral. If the demand for such services becomes too great, the utility must so notify the Department in writing and contact each eligible customer requesting the program audit within 30 days of the request or referral to set up an appointment and complete the program audit within 60 calendar days of the date of the request or referral. The covered utilities shall have an additional 30 calendar days from the date the audit is completed to deliver a final audit report to the eligible customer. A copy of each final audit report shall also be sent to the Department.

(b) All participating building heating suppliers shall provide \*[an oil-fired]\* **\*a\*** heating unit analysis to determine applicable program measures and their estimated costs, savings and paybacks within 30 days of a receipt of a request or referral. If the demand for such services becomes too great, the participating building heating supplier must so notify the Department in writing, and contact each eligible customer requesting such services within 30 days of the request or referral to set up an appointment and complete the analysis within 60 calendar days of the date of the request or referral.

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(c) No covered utility or participating building heating supplier shall discriminate unfairly among eligible customers participating in the CACS Program.

### 14A:22-3.4 Energy conserving operations and maintenance procedures

(a) As part of the program audit each covered utility shall provide a list of energy conserving operations and maintenance procedures which shall consist of basic energy conservation opportunities appropriate for apartment buildings and commercial buildings. The auditor shall:

1. Determine the applicability of each energy conserving operation and maintenance procedure;
2. Explain each of the applicable energy conserving operation and maintenance procedures to the eligible customer;
3. Explain the importance of completing applicable energy conserving operations and maintenance procedures before any program measure is installed; and
4. Provide savings estimates stated in dollars.

(b) The energy conserving operations and maintenance procedures shall consist of the following:

1. Air conditioner efficiency maintenance;
2. Efficient use of shading;
3. Furnace efficiency maintenance and adjustments;
4. Plugging infiltration leaks;
5. Reduction in amount of conditioned space;
6. Steam distribution system maintenance;
7. Temperature raising in summer;
8. Temperature reduction in winter;
9. Water flow reduction in showers and faucets;
10. Water temperature reduction; and
11. Any other energy conserving operation and maintenance procedure which the Department determines appropriate.

### 14A:22-3.5 Program measures

(a) The structural and heating and cooling unit analysis shall determine the applicability of the following energy conservation measures:

1. Air conditioner replacement;
2. Automatic energy control systems;
3. Caulking;
4. Destratification fans;
5. Energy recovery systems;
6. Furnace/boiler or utility plant and distribution system modifications;
7. Insulation;
8. Lighting systems replacement or modification;
9. Passive solar space heating/cooling;
10. Solar domestic hot water systems;
11. Solar replacement swimming pool heater;
12. Weatherstripping;
13. Window door system modifications; and
14. Any other measure which the Department determines is appropriate.

(b) If an eligible customer heats with oil, **\*coal, kerosene or propane\*** a participating building heating supplier shall perform the **\*[oil-fired]\*** heating unit analysis of that unit, pursuant to N.J.A.C. 14A:22-3.2(b).

(c) The applicability of renewable resource measures shall be determined by the auditor at the time of the energy audit.

### 14A:22-3.6 Applicability of program measures

(a) Every auditor shall use the program audit to determine which program measures are applicable for each building

type. The auditor shall make the final determination of the applicability of a program measure.

(b) A program measure is applicable if:

1. The program measure is not already present or in good condition and the potential exists to save energy or reduce energy demand in the building by installing same. In the event that a less efficient device performing the same function as a program measure is already present in the building, replacement with the applicable program measure shall be recommended.

2. Installation of the measure is not a violation of State, Federal or local law or regulations.

3. With respect to energy recovery systems, the building uses at least 50 gallons of service hot water per day; or has a space heating load exceeding 500 KBTU per day; and has refrigeration equipment with a total average daily waste heat discharge exceeding 75 KBTU.

4. With respect to furnace flue opening modifications, the furnace combustion air is taken from a conditioned area.

5. With respect to ceiling insulation, the difference between the R-value of any existing insulation and the program measure level is R-11 or more.

6. With respect to lighting system modification to use daylighting, any electric lighting fixtures are located within 15 feet of an existing window or skylight in a commercial building, or within 15 feet of an existing window or skylight in common areas of an apartment building.

7. With respect to passive solar thermosyphon air heating systems, the building has a south-facing wall free of major obstruction to sunshine during the heating season.

8. With respect to solar domestic hot water systems, the building consumes more than 80 gallons of hot water per day and has access to a site clear of major obstructions to solar radiation which allows solar collectors to be oriented south-facing.

9. With respect to solarium/sunspace systems, the apartment building has existing balconies, patios, or available adjacent ground area on the south-facing wall. Solarium/sunspace systems shall not be applicable to commercial buildings.

10. With respect to solar swimming pool heater replacements, the pool uses electricity or other nonrenewable energy for heating.

11. With respect to window heat gain retardants, the building has glass on the south, east, or west sides where those sides are exposed to sunlight.

12. With respect to pipe and duct insulation, hot water pipes and heating and cooling ducts which extend through unconditioned spaces.

13. With respect to destratification fans whenever the ceiling height of a conditioned space within a building equals or exceeds ten feet; and the measured or estimated temperature gradient between the three foot level and ceiling level exceeds 1 degree Fahrenheit per foot.

### 14A:22-3.7 Cost, savings and payback estimates

(a) The auditor shall calculate costs, savings and payback estimates for all applicable program measures. These shall:

1. Be based upon calculation procedures and estimates of cost of installation and materials, using current construction industry standards and guides approved by the Department; and

2. Be based upon adequate measurements taken during the program audit including, actual measurements and inspections of the building shell, space heating, space cooling and water heating equipment.

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(b) All costs, savings and payback estimates for gas-fired heating units shall be based upon an evaluation of the unit's seasonal efficiency, and shall include a measurement of the unit's steady state efficiency.

(c) All cost, savings and payback estimates for oil-fired heating units shall be based upon the unit's seasonal efficiency, and shall include measurement of the unit's steady state efficiency. The evaluation shall be conducted pursuant to N.J.A.C. \*[14A:21-3.1]\* **\*14A:22-3.1, and in accordance with the procedures set forth in N.J.A.C. 14A:3-3.5.\***

(d) All costs, savings and payback estimates for solar hot water systems shall be based upon the following information, which shall be disclosed to the eligible customer:

1. Square feet of collector;
2. Collector characteristics, including glazing materials and other collector materials;
3. Storage system, if needed, including capacity of storage;
4. Appropriate freeze protection;
5. Estimated per cent of the water heating load to be met by solar energy; and
6. Site preparation needed.

(e) All costs, savings and payback estimates for applicable passive solar space heating and cooling systems shall be based upon the following information which shall be disclosed to the eligible customer:

1. The applicable system;
2. The estimated per cent of the heating load to be met by the system;
3. The approximate dimensions of such a system; and
4. The collection storage characteristics, including the recommended heat capacity of storage.

(f) All costs, savings and payback estimates for solar hot water systems, passive solar heating and cooling systems and replacement solar swimming pool heaters shall have the following disclosure conspicuously placed on the audit results:

“THE COST, SAVINGS AND PAYBACK ESTIMATES YOU RECEIVE ARE BASED ON SYSTEMS WHICH MAY BE DIFFERENT FROM THE ONES YOU PURCHASE. ALSO, THESE ESTIMATES WERE NOT DETERMINED USING ACTUAL CONDITIONS BUT USING SIMULATED MEASUREMENTS. THEREFORE, THE COST, SAVINGS AND PAYBACKS WE HAVE ESTIMATED MAY BE DIFFERENT FROM THOSE WHICH ACTUALLY OCCUR.”

**14A:22-3.8 Results of the program audit**

(a) Upon completion of the program audit, the covered utility shall provide the results to each eligible customer who receives a program audit, and to the Department within 30 calendar days after the site visit. The program audit results shall be in a form prescribed by the Department. The auditor shall leave a telephone number which the eligible customer may call to review the audit results.

(b) Program audit results shall include the following:

1. The following disclosure, conspicuously placed:

“THE PROCEDURES USED TO MAKE THESE ESTIMATES ARE CONSISTENT WITH NEW JERSEY DEPARTMENT OF ENERGY CRITERIA FOR APARTMENT AND COMMERCIAL BUILDING ENERGY AUDITS. HOWEVER, THE ACTUAL INSTALLATION COSTS YOU INCUR AND THE ENERGY SAVINGS YOU REALIZE FROM INSTALLING THESE MEASURES

MAY BE DIFFERENT FROM THE ESTIMATES CONTAINED IN THIS AUDIT REPORT. ALTHOUGH THE ESTIMATES ARE BASED UPON MEASUREMENTS OF YOUR BUILDING, THEY ARE BASED ON ASSUMPTIONS WHICH MAY NOT BE TOTALLY CORRECT FOR YOUR BUILDING. TOTAL SAVINGS FROM THE INSTALLATION OF MORE THAN ONE PROGRAM MEASURE WILL PROBABLY BE LESS THAN THE SUM OF SAVINGS OF EACH MEASURE INSTALLED INDIVIDUALLY.”

2. Energy consumption data for each fuel type stated in energy units, **\*MM\*** Btus and dollars;

3. A description of the building including but not limited to information concerning level of occupancy, schedule of operating hours, and size in square feet.

4. An inventory and description of the building components and equipment affecting energy consumption;

5. An estimate of the total costs (material and labor) expressed in dollars, of installation by an installer of each applicable program measure addressed in the program audit;

6. An estimate of the savings expressed in dollars, and **\*MM\*** Btus which would occur during the first year from installation of each applicable program measure addressed in the program audit;

7. An estimate of payback expressed in years for installation of each applicable program measure addressed in the program audit;

8. **\*[A]\* \*At the customer's option and provided that the customer consents to provide the tax information specified in v. below, a\*** ten-year cash flow analysis for every energy conservation measure costing over \$500.00. The analysis shall include:

- i. Pretax savings;
- ii. Investment and operating cost differences;
- iii. Pretax cash flow;
- iv. Tax depreciation difference; and
- v. Customer's annual tax rate.

9. Written information explaining the standards for credit applications and loan applications, the availability of financial assistance through lenders and methods of evaluating vendor proposals.

**\*10. The following statement:**

**“THIS ENERGY AUDIT REPORT IS ONLY THE FIRST STEP IN YOUR EFFORTS TO REDUCE ENERGY CONSUMPTION IN YOUR FACILITY. THE NEW JERSEY ENERGY SERVICE MARKET IS COMPOSED OF HUNDREDS OF PROFESSIONAL ENGINEERING FIRMS THAT MAY ASSIST YOU IN A MORE SPECIFIC ANALYSIS OF YOUR FACILITY AND PROVIDE THE NECESSARY DESIGN FOR THE INSTALLATION OF VARIOUS COST-EFFECTIVE ENERGY CONSERVATION MEASURES. TO OBTAIN THE NAMES OF PROFESSIONAL ARCHITECT OR ENGINEERING FIRMS IN YOUR AREA CONTACT:**

**The Consulting Engineers Council  
Morris Avenue  
Springfield, New Jersey 07081;**

**The New Jersey Society of Professional Engineers  
226 West State Street  
Trenton, New Jersey 08608;**

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New Jersey Association of Energy  
Engineers  
P.O. Box 241  
Bloomfield, New Jersey 07003; or

The New Jersey Society of Architects  
1000 Route 9  
Woodbridge, New Jersey 07095\*

### 14A:22-3.9 Prohibitions

(a) No auditor shall provide costs, savings or payback estimates resulting from the installation of any product or measure which is not a program measure.

(b) No auditor shall unfairly discriminate in recommendations of program measures.

(c) No auditor shall recommend, select or provide information about any contractor or supplier\*[, if such recommendations unfairly discriminates among contractors and suppliers]\*.

**\*(d) No auditor shall forward audit results to any utility marketing office.\***

## SUBCHAPTER 4. FINANCING ASSISTANCE

### 14A:22-4.1 Services provided

(a) Upon request by an eligible customer, each covered utility shall promptly provide services to arrange financing for the purchase and installation of any program measure. These services shall include:

1. Written information explaining the standards for credit applications, loan applications, the availability of financial assistance through lenders and methods of evaluating vendor proposals.

i. Such written information shall be distributed by each covered utility to all eligible customers who receive\*s\* an audit, or upon request by any eligible customer. Such written information shall be in a form prescribed by the Department.

2. Telephone assistance available through the covered utility by a toll-free number. The toll-free number shall be placed conspicuously on all lists and written information distributed.

3. In-person assistance about the selection of lenders, shopping for loans and filling out loan applications provided by trained personnel who shall be available in at least one specified location during normal business hours and/or at several locations during designated hours.

### 14A:22-4.2 Prohibitions

(a) When providing any arranging of services, no covered utility shall recommend, select, or provide information about any lender if such recommendation would unfairly discriminate among lenders.

(b) No covered utility shall provide any arranging services for any measure which is not a program measure.

## SUBCHAPTER 5. PAYMENTS

### 14A:22-5.1 Payments

(a) \*[All program services, including the program audit, shall be provided free of charge to any eligible customer, except as provided in (b) below;]\*

**\*Eligible customers shall be charged for energy audits, as established by Order of the Board of Public Utilities (May 11, 1984), according to the following fee schedule:**

1. \$25.00 for commercial buildings up to 5,000 square feet and apartment buildings of 5 to 50 units;

2. \$50.00 for commercial buildings 5,001 to 25,000 square feet and apartment buildings of 51 to 100 units;

3. \$75.00 for commercial buildings 25,001 or more square feet and apartment buildings of 101 units or more;

4. No charge for non-profit, local government and housing authority buildings; and

5. The maximum allowable fee charged by a utility audit contractor to a utility shall be no more than \$600. Any covered utility may request a waiver of the maximum allowable fee for audits which are in excess of \$600.00 from the Department and the BPU.\*

(b) If an eligible customer receives a program audit that includes an analysis of an oil-fired heating unit by a participating building heating supplier, the building heating supplier shall charge no more than \$10.00. Such fee may be paid by the Department.

**\*(c) When billing a customer for costs, pursuant to (a) above, each covered utility and building heating contractor shall identify the charges and list them separately on every bill rendered for this service.**

**(d) Each covered utility shall allow eligible customers to include payments for those charges along with payments for their utility bill.**

**(e) No covered utility or participating building heating supplier shall terminate or otherwise restrict service or fuel to any eligible customer in the event that the customer fails to pay or defaults in payment for a program audit.\***

## SUBCHAPTER 6. AUDITOR QUALIFICATIONS AND TESTING

### 14A:22-6.1 General

(a) All auditors of program measures shall be qualified by the Department as to basic skills necessary to perform CACS Program energy audits. Each auditor shall take and pass a written test, prepared and administered by the Department, prior to being qualified to conduct audits. The Department may retest any or all auditors upon notice as audit procedures change, or for good cause as determined by the Department.

(b) Any building heating supplier who has previously passed a Department approved \*audit\* test and has been qualified by the Department may apply for and receive a waiver of the auditor qualification for testing. Any building heating supplier may apply for and receive a waiver of qualification testing standards if such person submits written proof which, in the opinion of the Department, establishes that the person has sufficient training in conducting testing and analysis of program measures applicable to oil-fired heating units.

(c) Any professional engineer who has been previously certified by the Department as an approved Technical Assistance Analyst or Certified Energy Manager as of the \*[effective]\* \*operative\* date of this chapter may apply for and receive a waiver of the auditor qualification for testing.

**\*(d) Covered utilities shall subcontract CACS energy audits in order to deliver better and less expensive service. Each utility in their requests for proposal shall make public announcements of the requests for services, and the contract(s) for energy auditing services shall be based upon appropriate qualifications, reasonable price and overall merit of the proposal(s). In developing bid specifications, advertising for bids and awarding contracts and subcontracts covered utilities shall give due consideration to participation by small businesses and minority-owned businesses. The covered utilities shall furnish the Department evidence of compliance with the above requirements.\***

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### 14A:22-6.2 Qualifications of auditors

(a) Persons conducting a program audit shall individually or collectively have the following qualifications:

1. A general understanding of the three types of heat transfer and the effects of temperature and humidity on heat transfer;

2. A general understanding of commercial building and apartment building construction terminology and components;

3. A general knowledge of the operation of the heating and cooling systems in apartment buildings and commercial buildings;

4. The capability to conduct the program audit, including:

i. Knowledge of all operations and maintenance procedures to be audited;

ii. Ability to determine appropriate program measures;

iii. A proficiency in the pertinent auditing procedures for each applicable program measure;

5. A working ability to calculate steady-state efficiency and seasonal efficiency of the furnace and boiler;

6. An understanding of the nature of solar energy and its commercial and apartment building applications including:

i. Insulation;

ii. Shading;

iii. Heat capture and transport; and

iv. Heat transfer for hot water and space heating.

7. **\*[Auditors]\* \*Building heating suppliers\*** may be qualified to conduct a specific part of the audit and shall be tested accordingly.

## SUBCHAPTER 7. BUILDING HEATING SUPPLIERS

### 14A:22-7.1 Participation

Building heating suppliers may participate in the CACS Program to the extent provided by this subchapter.

### 14A:22-7.2 Requirements for participation

To be eligible to participate in the CACS Program, a building heating supplier shall notify the Department in writing of his intention to participate **\*in the program, of his compliance with N.J.A.C. 14A:22-7.4\*** and agree to comply with all applicable requirements of this chapter.

### 14A:22-7.3 Voluntary withdrawal

Any participating building heating supplier may voluntarily withdraw from the CACS Program upon 30 days written notice to the Department. However, any building heating supplier who so notifies the Department shall continue to comply with all requirements for participation and extend all benefits due to all eligible customers who have requested an oil-fired heating unit analysis prior to the effective date of withdrawal.

### 14A:22-7.4 **\*Qualification and\* \* [D]\* \*d\*isqualification**

(a) The Department **\*shall not qualify a building heating supplier pursuant to N.J.A.C. 14A:22-7.2 and \* [may]\* \*shall\*** disqualify any building heating supplier from participating in the program.

(b) Grounds for disqualification include, but are not limited to the following:

1. Violation, within three years prior to the date of application, of any laws governing the conduct of occupations or professions regulated by the state(s) in which the applicant does business;

2. Violation of the Federal Organized Crime Control Act of 1970 or conviction for fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice or any other offense indicating lack of business integrity or honesty by the applicant, or if the applicant is a corporation, partnership, or business entity;

3. Violation of any Federal or State antitrust statutes, or the Federal Anti-Kickback Act;

4. Violations of any laws governing hours of labor, minimum wage standards, discrimination in wages or child labor;

5. Any other cause affecting the responsibility of a building heating supplier of such a serious and compelling nature as may be determined by the Department to warrant disqualification, including such conduct as may be prescribed by law or regulation even though such conduct has or may not be prosecuted as a violation of such law or regulation; or

**\*6. Bankruptcy, insolvency or other conditions affecting financial integrity, capabilities of performance;\***

**\*[6.]\* \*7.\*** Failure to fully comply with all applicable requirements of this chapter.

### 14A:22-7.5 Procedures for disqualification

(a) Any building heating supplier whom the Department plans to disqualify from participating in the program shall receive written notice from the Department of the disqualification and the grounds therefor at least 30 days before such disqualification.

(b) The Department shall allow the building heating supplier to respond in writing to the allegations contained in the notice. All such responses must be received by the Department no later than 30 days after receipt of the proposed agency action. Disqualification from participation shall constitute final agency action.

(c) A building supplier who has been disqualified by the Department may file a request for reconsideration after one year. The request for reconsideration shall be accompanied by a statement under oath setting forth substantial and appropriate grounds for reconsideration which shall be supported by documentary evidence. Substantial and appropriate grounds include, but are not limited to:

1. Newly discovered material evidence that the Department erred in its previous decision;

2. Reversal of a conviction of an offense or civil judgment which formed the basis of the Department's previous decision, on material grounds;

3. Actual change of ownership or control; and

4. Elimination of the causes for which disqualification occurred.

(d) The Department shall review the request for reconsideration and shall, within 45 days of its receipt, notify the building heating supplier of its decision whether to allow the building heating supplier to continue to participate in the CACS Program.

## SUBCHAPTER 8. REPORTING AND RECORDKEEPING

### 14A:22-8.1 Reporting; covered utilities

(a) Each covered utility shall submit the following information in writing to the Department on June 1, 1984 and annually thereafter through June 1, 1980 for the twelve month period ending the preceding April 1:

1. Number of audits requested by building type;

2. Estimated utility direct and indirect costs;

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3. Whether the utility is engaged in financing, installing or supplying any program measures or renewable resource measures and a description of the program(s).

4. The approximate number of eligible customers and, if available, the percentage of those customers for whom the utility is the primary heating fuel supplier;

5. The number of eligible customers who have requested:

i. Program audits; and

ii. Loans arranged;

6. The number and function of employees assigned to the program including part-time employees;

7. The program budget;

8. Such other information as the Department may require.

(b) Each covered utility shall submit the following information in writing to the Department on the 10th of each month beginning June, 1984 following information for the preceding month:

1. The number of audits requested by fuel type;

2. The number of audits completed within 30 days;

3. The number of audits completed within 60 days;

4. The number of audits cancelled;

5. The amount and types of program literature distributed;

6. The media sources used;

7. Such other information the Department may require.

### 14A:22-8.2 Reporting: Participating building heating suppliers

(a) Each participating building heating supplier shall submit the following information in writing to the Department on June 1:

1. The number of oil-fired heating unit analyses performed and the cost to the customer and the building heating supplier; and

2. Other such information as the Department may require.

### 14A:22-8.3 Recordkeeping: Covered utilities

(a) Each covered utility shall keep the following records for the periods indicated and shall make them available to the United States Department of Energy and the Department upon request:

1. The name and address of each eligible customer who receives a program audit, which shall be kept for ten years from the date of the program audit;

2. A copy of the data collected during the audit and a copy of the estimates of the costs and savings presented to the customer, which shall be kept for ten years from the date of such request;

3. A copy of all requests furnished by eligible customers for heating unit analyses which shall be kept for ten years from the date of such a request;

4. The amount and cost of fuel purchased each month or other billing period for the twelve months prior to and following each program audit for each eligible customer, which shall be kept for two years from the date of such program audit; and

5. The names of the individuals who have met the qualification criteria for auditors, which shall be updated within a reasonable period of time following each implementation of the qualification procedures.

### 14A:22-8.4 Recordkeeping: Participating building heating suppliers

(a) Each participating building heating supplier shall keep the following records for the periods indicated and shall make them available to the United States Department of Energy and the Department upon request:

1. The name and address of each eligible customer who receives \*[an oil-fired]\* \*a\* heating unit analysis as part of a program audit, which shall be kept for ten years from the date of the heating unit analysis;

2. A copy of the data collected during the heating unit analysis and a copy of the estimates of costs and savings presented to the customer, which shall be kept for ten years from the date of the heating unit analysis;

3. A copy of all requests furnished by eligible customers for heating unit analysis which shall be kept for ten years from the date of such requests;

4. If the participating building heating supplier supplies the fuel, the amount and cost of fuel purchased each month or other billing period for the 12 months prior to and following each heating unit analysis for each of its own eligible customers participating in the program, which shall be kept for two years from the date of such heating unit analysis.

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### AERONAUTICS

#### Airport Safety Improvement Aid

#### Adopted New Rule: N.J.A.C. 16:56

Proposed: April 2, 1984 at 16 N.J.R. 694(a).

Adopted: May 10, 1984 by James A. Crawford, Assistant Commissioner for Transportation Services and Planning.

Filed: May 16, 1984 as R.1984 d.207, **with substantive changes** not requiring further public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29, 6:1-44 and "Airport Safety Act of 1983" P.L. 1983, c.264, July 11, 1983.

Effective Date: June 4, 1984.

Expiration Date under Executive Order 66(1978): June 4, 1989.

#### Summary of Public Comments and Agency Responses:

One comment was received during the comment period. Commentor was Utility Contracts Association of New Jersey, Inc., P.O. box 434, 40 Brunswick Avenue, Edison, N.J., 08818.

#### Comment

"This association, numbering 440 firms active throughout the state, suggests that these proposed regulations include the requirement that any applicant or local sponsor follow provisions of New Jersey Local Public Contracts Law on any projects. Such provision can be inserted in Subchapter 12 or 13.

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Such a provision carries considerable safeguards to the public regarding contracts which will be funded under this loan or grant program. The provisions regarding, New Jersey Local Public Contracts Law has been utilized by the NJDOT in the other state aid programs in recent years."

### Response

The Department concurs with the suggestion made by the Utility Contractors Association of New Jersey and has caused new text to be added in Subchapter 13.

The Department therefore proposes to adopt the rule with minor additions not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***).

## CHAPTER 56 AIRPORT SAFETY IMPROVEMENT AID

### SUBCHAPTER 1. DEFINITIONS

#### 16:56-1.1 Definitions

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

"Aeronautical Facility" means, any landing strip, airport, seaplane base or heliport. The facility includes all property, paving, appliances, structures, runways, taxiways, aprons, hangars, or safety equipment associated with the aeronautical activities conducted on the premises and property.

"Airport" or "Unrestricted Public Use Airport" means any aeronautical facility for the takeoff and landing of aircraft either publicly or privately owned that does not have restrictive covenants on operational use by the general public for reasons other than safety.

"Airport Safety Fund" means the special fund established by the "Airport Safety Act of 1983" to help finance improvements to air safety and travel.

"Applicant" or "Local Sponsor" means any person seeking or in receipt of funds from the Airport Safety Fund.

"Clear Zone" (Minimum standard) means a runway approach corridor that is 305 meters(1,000 feet) in length, 76 meters(250 feet) in width at the inner surface, and 137 meters(450 feet) in width at the outer surface. It establishes a 20/1 upward slope from the ground from its inner surface and is free of penetrating obstacles. The inner surface is collocated with the runway threshold for unpaved runways, or 61 meters(200 feet) before the runway threshold for paved runways.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation.

"Department" means the Department of Transportation.

"Director" means the Director of the Division of Aeronautics.

"Division" means the Division of Aeronautics.

"Person" means any corporation, company, association, society, firm, partnership, or joint stock company, as well as any individual, the State, and all political subdivisions of the State or any agencies or instrumentalities thereof.

"Project Concept" means a proposal for a project to improve air safety or the air transportation infrastructure made to any person by the Commissioner. All proposals are considered a matter of public record and may not be treated in a preferential manner at time of formal application.

"Rightful, fair, equal and uniform use" means the establishment and maintenance of policies and practices by an

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airport which insures allowance of unrestricted public use of an airport by the general public. This does not exempt, however, vendors of aeronautical services from the requirement to comply with the legitimate rules, regulations, contractual requirements, or other terms of use or access applicable to an airport.

"State Aid" means funds disbursed from the Airport Safety Fund for the purposes of this chapter.

### SUBCHAPTER 2. PURPOSE

#### 16:56-2.1 Purpose and General Policy

(a) The legislature has found that:

1. New Jersey's public use general aviation airports are an integral part of the State's transportation network and promote mobility and economic activities of common public benefit. These public use general aviation transportation facilities must be improved in order to realize their full benefit.

2. There is a need to improve general aviation airports, which require such improvements and equipment as radar, instrument landing aids and weather-reporting equipment to enable them to safely handle modern general aviation aircraft.

3. Many publicly owned general aviation airports are unable to obtain all of the federal funds available to them for airport development because they are unable to raise money for their local matching requirements.

4. Many privately owned public use general aviation airports which are essential to the State's economic development are in danger of conversion to non-aviation uses, and it is in the public interest to provide State assistance to preserve these airports, through acquisition or other means.

(b) The Commissioner of Transportation is therefore establishing programs:

1. To provide grants to publicly and privately owned unrestricted public use airports to obtain federal funds for airport assistance. The Commissioner is authorized to provide up to 50% of the required local match; except that the Commissioner is authorized to provide up to 100% of the required local match when he deems that an emergency situation exists.

2. To provide grants or loans to publicly owned and private unrestricted public use airports for safety projects, including but not limited to engineering, planning, construction and rehabilitation of lighting runways, aprons, airport approach aids and obstruction removals.

3. To provide grants or loans to publicly owned airports or counties or municipalities to acquire airports or lands, rights in land and easements, including aviation easements necessary for clear zones or clear areas, which are owned, controlled or operated, or to be owned, controlled or operated by municipalities, counties or other political subdivisions of this State.

4. To acquire lands or rights in lands adjacent to privately owned public use airports which are found necessary for airport or air safety purposes, and while retaining title to that land or right in land, the Commissioner may lease those lands or rights to airports or airport authorities for use in the furtherance of airport, air safety, or air transportation purposes. The Commissioner shall establish terms in any lease so as to protect the State's interest in the promotion of aviation and the State's investment in lands and property.

(c) Under these programs the Commissioner is to establish requirements to ensure that having received aid:

1. The airport will be owned or effectively controlled, operated, repaired and maintained adequately during the improvement's full useful life, for the benefit of the public.

2. In connection with the operation of the airport, during the improvement's full useful life, the public will not be de-

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prived of its rightful, fair, equal and uniform use of the airport.

3. The airport will adhere to State and federal laws and regulations. If an airport ceases operations or fails to continue to comply with the provisions of this chapter before the predetermined life of the financially assisted improvements, as the life is determined by the Commissioner at the time the financial assistance is granted, the State shall be reimbursed for the unused portion of the predetermined life and, if not fully reimbursed, the claim shall be a first lien on the airport property to the extent of the unpaid balance or subject to other penalty or liability.

4. If a county or municipality or other public body received financial assistance for acquisition of real property, that property shall not be sold or used for any non-aviation purpose without the approval of the Commissioner.

(d) In addition to accepting applications for aid from airport authorities, the Commissioner may, after having reviewed State needs and transportation infrastructure requirements, propose to interested parties concepts for airport improvement projects which the Commissioner deems to have potential merit. Any project concept proposed by the Commissioner shall be a matter of public record and be made available for persons wishing to inspect any of the conceptual recommendations. The furtherance of any conceptual recommendations of the Commissioner shall be made by the applicable local sponsors under the provisions of this chapter and may not receive preferential consideration over other applications for aid made under the provisions of this chapter.

(e) In the management of the "Airport Safety Fund" the Commissioner may institute budgeting, management and fund allocation procedures and practices so as to insure the solvency of the fund at all times and availability of funds for the various classes of aid available from the Airport Safety Fund. At any given time, the Commissioner may place a ceiling on the disbursement of any one class of aid within the fund so as to insure the availability of funds for any other class of aid, or to provide for sufficient resources to meet future or anticipated funding requirements.

(f) Under these programs of airport aid, it is the express intention of the Department to promote:

1. Good engineering practice in the design and construction of aeronautical facilities, current and future.
2. Site plan analysis at aeronautical facilities which considers both immediate needs and the potential for future site modification.
3. Comprehensive, coordinated, and cooperative planning and development of the State's air transportation resources.
4. Ongoing conformance with all rules and regulations, applicable to the design and operation of aeronautical facilities.
5. Exploration of alternative designs in the ongoing improvement of aeronautical facilities so as to maximize potentials for efficient use of resources.

### SUBCHAPTER 3. ELIGIBILITY

#### 16:56-3.1 Eligible facilities

(a) Airports eligible for aid under this chapter are those general aviation airports in New Jersey which are in operation and open to the general public without restriction as determined by the Division. Under "The Airport Safety Act of 1983" P.L. 1983 c.264, Newark International Airport located in the cities of Newark and Elizabeth, and Atlantic City Airport located in Egg Harbor, Hamilton and Galloway Townships are not general aviation airports under the provisions of

the act and hence not eligible for State airport aid or liable under the taxation provisions of the act.

(b) The following projects are eligible for consideration for funding under certain specific provisions of this chapter:

1. Runway construction.
2. Taxiway construction.
3. Runway overlays or rehabilitation.
4. Taxiway overlays or rehabilitation.
5. Runway and taxiway lighting.
6. Aeronautical and airport beacons.
7. Runway identification and approach lighting.
8. Electronic and visual aids to aircraft navigation.
9. Wind indicator devices.
10. Tree clearing.
11. Runway/Taxiway safety/security fencing.
12. Acquisition of interests in land for clear zone purposes.
13. Equipment dedicated to aircraft Crash/Fire/Rescue purposes.
14. Equipment dedicated to aircraft search and rescue purposes.
15. Runway obstruction removal and marking.
16. Public use (non-revenue generating) aprons.
17. Necessary airport engineering/planning/environmental studies.

(c) Airport and aviation safety projects other than those listed above may at the discretion of the Commissioner be considered for funding under the provisions of this chapter providing they are in conformance with the purposes of "The Airport Safety Act of 1983" and Title 6 and 27 of the New Jersey Statutes. The purpose of this paragraph is to allow a procedure for which applicants may apply for consideration for funding of a project which, while consistent with the provisions of applicable statutes, may not otherwise be referenced directly within this chapter.

(d) For the purposes of this chapter, the term "airports" may be used so as to mean any facility for the take-off and landing of aircraft, open to the general public. This includes public use heliports.

### SUBCHAPTER 4. CLASSIFICATION

#### 16:56-4.1 Classification of State aid

(a) There are three major classifications of State aid made available under the provisions of this chapter. These forms of aid are:

1. State grants for matching federal funds.
2. State airport safety improvement loans.
3. State airport safety improvement grants.

(b) The classification of aid established in (a) above are the three forms by which the State may disburse aid in the funding of improvements to the air transportation infrastructure and for the purposes of improvement of air and flight safety. Projects specifically eligible for consideration for funding under certain provisions of this chapter are identified in N.J.A.C. 16:56-3.1 of this chapter. Additionally, aid given or offered under N.J.A.C. 16:56-8.1 of this chapter shall also be disbursed in the form of one of the three classifications established in this section.

(c) State grants for matching federal funds are grants offered to eligible recipients of federal aid to airports for the purpose of assisting local sponsors in attracting federal funds for airport improvement. Grants for this purpose may be given or offered subject to the following parameters:

1. Routinely, the Commissioner may grant up to 50 percent of local sponsors share in a federally funded project.

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2. In an emergency situation, the Commissioner may grant up to 100% of the local sponsor's share in a federally funded project.

3. While there is no dollar limitation on the amount the Commissioner may grant in either 1. or 2. above, the Commissioner may not grant an amount exceeding 10 percent of a total project cost to a local sponsor matching federal funds.

(d) State airport safety improvement loans are 2 percent annual interest loans given or offered to an eligible local sponsor for the purpose of assisting local sponsors in funding the improvement of the air transportation infrastructure. Loans for this purpose may be given or offered subject to the following parameters:

1. Airport safety improvement loans are given or offered solely to fund the physical materials used in an airport project. Loans may not be used to fund engineering, planning, labor, or construction equipment rental/acquisition costs associated with an airport project.

2. Airport safety improvement loans are limited to an annual \$90,000 maximum disbursement to any eligible local sponsor (airport).

3. The improvements made using airport safety improvement loans shall be given a useful life of 10 years unless the plans and specifications for the improvement indicate to the satisfaction of the Commissioner that the time period should be greater or lesser than 10 years.

4. Airport safety improvement loans shall be repaid to the State in a time proportional to the useful life of the project it helps fund. A 10 year useful life would require that 10 percent of the principal amount of the loan be repaid to the State annually. A 20 year useful life, for example, would require that 5 percent of the principal amount of the loan be repaid to the State annually until such time that the debt to the State is retired.

5. Airport safety improvement loans may be used to fund only those materials actually used in the named project. Waste, rejected, spoiled, or excess materials not actually used in the as built construction may not be funded in any manner with State funds.

6. All airport safety improvement loans must be fully secured by property equity or other assets satisfactory to the Commissioner, or his representatives, so as to insure repayment to the State of financial aid it has rendered in its programs.

(e) State airport safety improvement grants are grants given or offered to an eligible recipient or local sponsor for the purpose of assisting in the funding of the improvement of the air transportation infrastructure or for the purpose of promoting air or flight safety. Grants for this purpose may be given or offered subject to the following parameters:

1. Airport improvement grants are given or offered only when no other form of aid rendered within the provisions of this chapter reasonably accommodates the requirements or conditions generally surrounding the application for aid, or its magnitude, scope, or general purpose.

2. Airport safety improvement grants are limited to an annual \$7,500 maximum disbursement to any eligible recipient.

3. Airport safety improvement grants may be developed or conditioned as to the specific provisions on a case by case basis by the Commissioner. The Commissioner may not, however, develop or offer a grant which funds operational costs or debt service financial needs of a project or eligible recipient of aid.

(f) The Commissioner, under disbursement of aid from the Airport Safety Fund, retains absolute discretion within the limits of the applicable statutes to determine thresholds of State participation in any project funded under the provisions of this chapter. Maximum thresholds and percent of State participation determinations in State funded projects may be made by the Commissioner on either a categorical or case by case basis. The Commissioner is further authorized to promulgate Departmental Policies, Procedures, and orders to aid in the implementation of the provisions of this chapter.

(g) These shall be absolute upper limits to the aid disbursed under this chapter. The purpose of these limits is to help ensure that there are sufficient resources available for State aid to the greatest number of eligible airports and that State resources for any one year are not expended on a limited few airport projects. The absolute upper limit to aid disbursed in any one calendar year to an airport are as follows:

1. The limit on State Airport Safety Improvement Grants is \$7,500.

2. The limit on State Airport Safety Improvement Loans is \$90,000.

3. The limit on State Grants for Matching Federal Funds is 10% of the total project cost.

### SUBCHAPTER 5. APPLICATION FOR MATCHING FUNDS

16:56-5.1 Application for receipt of State grants for matching federal funds

(a) Persons seeking state grants for matching funds may request application and agreement forms by writing to the following address:

Airport Safety Improvement Aid  
N. J. Department of Transportation  
1035 Parkway Avenue  
CN 600  
Trenton, New Jersey 08625

Re: Grants for Matching Federal Funds

(b) If the intended project is a construction or facility modification project the applicant shall:

1. Engage a professional engineer registered in the State of New Jersey to prepare construction plans and specifications and to provide construction engineering and inspection and material testing as required.

2. Provide certified maps, reports, construction plans and specifications and contract documents as may be required by the State.

(c) For construction or installation project the applicant shall further provide:

1. An "Application for New Aeronautical Facility License or Alteration" form DA-9A, including all required attachments.

2. A copy of the Federal Aviation Administration approved Airport Layout Plan.

3. Detailed construction plans and specifications of the project and materials used therein and a construction schedule. These submissions are to be prepared by the applicant's engineer.

4. Detailed cost sheets for the materials to be used in the project to include required as built quantities, material specifications and unit prices.

5. Completed application and agreement forms as provided by the Department.

6. Any other materials or information deemed necessary by the Department.

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(d) For aid applications requesting equipment for crash/fire/rescue or aid for necessary airport engineering/planning/environmental studies, the applicant shall submit the completed forms, provided by the Department and supply additional information as requested.

(e) The Commissioner may waive the requirement to submit specific maps, reports, or plans normally required for an aid application. The waivers may be granted only after written request to the Director of Aeronautics and formal written response to the applicant by the Director prior to submission of the completed application to the Division.

### SUBCHAPTER 6. APPLICATION FOR SAFETY IMPROVEMENT LOANS

#### 16:56-6.1 Application for receipt of State Airport Safety Improvement Loans

(a) Persons seeking State Airport Safety Improvement loans may request application and agreement forms by writing to the following address:

Airport Safety Improvement Aid  
N.J. Department of Transportation  
1035 Parkway Avenue  
CN 600  
Trenton, New Jersey 08625

RE: Airport Safety Improvement Loans

(b) If the intended project is a construction or facility modification project the applicant shall:

1. Engage a professional engineer registered in the State of New Jersey to prepare construction plans and specifications and to provide construction engineering and inspection and material testing as required.

2. Provide certified maps, reports, construction plans and specifications and contract documents as may be required by the Department.

(c) For construction or installation projects the applicant shall further provide:

1. An "Application for New Aeronautical Facility License or Alteration" Form DA-9A, including all required attachments.

2. A scaled drawing certified as accurate and bearing the raised seal of a New Jersey registered land surveyor, professional planner, or professional engineer. The drawing shall have the following features:

- i. Scale 1 inch = 400 feet;
- ii. Show true north;
- iii. Latitude and longitude;
- iv. Actual dimensional length, width, or runway(s) or landing area(s);
- v. Magnetic alignment or runway(s) or landing area(s);
- vi. Locations(s) use and height(s) of structures on or proposed on the facility;
- vii. Location(s) use and height(s) above grade of obstruction(s) in the area contiguous to the proposed facility within at least 3000 feet from the end of each runway or landing area and at least 1500 feet from each side of the centerline of the runway(s) or landing area(s).
- viii. Air traffic pattern superimposed on the drawing;
- ix. Facility property lines and municipal boundaries;
- x. Surface design location, and layout of the proposed improvement or alteration.

3. A legal deed or instrument verifying ownership including a narrative legal description of the metes and bounds of the airport property certified as accurate by a New Jersey registered land surveyor or professional engineer.

4. A statement or certificate from the appropriate governing body that the proposed facility or the construction, demolition, or modification of an existing facility as submitted in the application is not contrary to current zoning codes or ordinances. If the proposed facility or the construction, demolition, or modification of an existing facility is contrary to current zoning codes or ordinances, the applicant shall submit a statement detailing the conflict and explaining the need for the proposed facility alteration, together with copies of all relevant provisions of the pertinent zoning laws and applications which have been made for local zoning approval.

5. A completed copy of "Notice of Landing Area Proposal" or "Notice of Proposed Construction or Alteration" (FAA Forms 7480-1 or 1460-1 as it may be amended or superseded) at the same time it is forwarded to the federal authorities.

6. Detailed construction plans and specifications of the project and materials used therein and a construction schedule. These submissions are to be prepared by the applicant's engineer.

7. Detailed cost sheets for the materials to be used in the project to include required as built quantities, material specifications, unit prices and source vendors. These cost sheets to be prepared by the applicant's engineer.

8. Completed application and agreement forms as provided by the Department.

9. Any other materials or information deemed necessary by the Department.

(d) For aid applications requesting equipment for crash/fire/rescue or search and rescue purposes, the applicant shall submit the completed forms provided by the Department and supply additional information as requested.

(e) The Commissioner may waive the requirement to submit specific maps, reports, or plans normally required for an aid application. The waivers may be considered only after a written request to the Director of Aeronautics and formal written response to the applicant by the Director prior to submission of the completed application to the Division.

### SUBCHAPTER 7. APPLICATION FOR SAFETY IMPROVEMENT GRANTS

#### 16:56-7.1 Application for Receipt of State Airport Safety Improvement Grants

(a) Persons seeking State Airport Safety Improvement Grants may request application and agreement forms by writing to the following address:

Airport Safety Improvement Aid  
N.J. Department of Transportation  
1035 Parkway Avenue  
CN 600  
Trenton, New Jersey 08625

Re: Airport Safety Improvement Grants

(b) If the intended project is a construction or facility modification project the applicant shall:

1. Engage a professional engineer registered in the State of New Jersey to prepare construction plans and specifications and to provide construction engineering and inspection and material testing as required.

2. Provide certified maps, reports, construction plans and specifications and contract documents as may be required by the Department.

(c) For construction or installation projects the applicant shall further provide:

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1. An "Application for New Aeronautical Facility License or Alteration" Form DA-9A, including all required attachments.

2. A scaled drawing certified as accurate and bearing the raised seal of a New Jersey registered land surveyor, professional planner or professional engineer. The drawing shall have the following minimum features:

- i. Scale 1 inch = 400 feet;
- ii. Show true north;
- iii. Latitude and longitude;
- iv. Actual dimensional length, width, or runway(s) or landing area(s);
- v. Magnetic alignment of runway(s) or landing area(s);
- vi. Location(s) use and height(s) of structure on or proposed on the facility;
- vii. Location(s) use and height(s) above grade of obstruction(s) in the area contiguous to the proposed facility within at least 3000 feet from the end of each runway or landing area and at least 1500 feet from each side of the centerline of the runway(s) or landing area(s);
- viii. Air traffic pattern superimposed on the drawing;
- ix. Facility property lines and municipal boundaries;
- x. Surface design location, and layout of the proposed improvement and or alteration(s);

3. A legal deed or instrument verifying ownerships including a narrative legal description of the metes and bounds of the airport property certified as accurate by a New Jersey registered land surveyor or professional engineer.

4. A statement or certificate from the appropriate governing body that the proposed facility or the construction, demolition, or modification of an existing facility as submitted in the application is not contrary to current zoning codes or ordinances. If the proposed facility or the construction, demolition, or modification of an existing facility is contrary to current zoning codes or ordinances, the applicant shall submit a statement detailing the conflict and explaining the need for the proposed facility alteration, together with copies of all relevant provisions of the pertinent zoning laws and applications which have been made for local zoning approval.

5. A completed copy of "Notice of Landing Area Proposal" or "Notice of Proposed Construction or Alteration" (FAA Forms 7480-1 or 7460-1 as it may be amended or superseded) at the same time it is forwarded to the federal authorities.

6. Detailed construction plans and specifications of the project and materials used therein and a construction schedule. These submissions are to be prepared by the applicant's engineer.

7. Detailed cost sheets for the material to be used in the project to include required as built quantities, material specifications, unit prices, and source vendors. These cost sheets are to be prepared by the applicant's engineer.

8. Completed application and agreement forms as provided by the Department.

9. Any other materials or information deemed necessary by the Department.

(d) For aid applications requesting equipment for crash/fire/rescue, search and rescue purposes, or aid for necessary airport engineering/planning/environmental studies, the applicant shall submit the completed forms provided by the Department and supply additional information as requested.

(e) The Commissioner may waive the requirement to submit specific maps, reports, or plans normally required for an aid application. The waivers may be considered only after a written request to the Director of Aeronautics and formal

written response to the applicant by the Director prior to submission of the completed application to the Division.

### SUBCHAPTER 8. APPLICATION FOR EMERGENCY OR SPECIAL AID

#### 16:56-8.1 Application for emergency or special state airport safety aid

(a) In the event that an applicant is unable to meet the application deadlines of N.J.A.C. 16:56-13.1 of this chapter, or requests early consideration of an application, an applicant may petition the Commissioner for emergency aid under the provisions of this Chapter and section. An application filed for emergency aid may be processed in an expedited manner but within the normal application procedures processes to the greatest degree possible.

(b) An applicant petitioning the Commissioner for emergency aid shall comply with all the provisions of this chapter and submit with the application, a non-refundable fee of \$50.00. Any application for aid filed as an emergency application, but not selected for funding shall remain as an active application for a period of 9 months.

(c) An applicant whose project would not qualify under the definitions of eligible projects under N.J.A.C. 16:56-3.1, of this chapter may petition the Commissioner for Special Aid. A project may be considered for funding providing it is determined consistent with those aviation purposes which the Department is empowered to undertake under "The New Jersey Airport Safety Act of 1983" (P.L. 1983, c.264), Title 6 and Title 27. An application for Special Aid will be processed within the normal application procedures processes unless otherwise so determined necessary by the Commissioner.

(d) An applicant petitioning the Commissioner for Special Aid shall comply with all applicable provisions of this chapter and any other orders made by the Commissioner under any potentially non-standard application. An applicant shall submit with the application a non-refundable fee of \$50.00. An application for aid filed as a special application but not selected for funding shall remain as an active application for a period of 9 months.

(e) Funding for Special projects may not be made for projects which do not further the purposes of air or flight safety, the protection of the health and safety of the flying public, or the improvement or public acquisition of the infrastructure of airport operational areas open to the public for the takeoff and landing of aircraft. The State, under this chapter, may not fund projects which have the primary purpose of generating revenue for a local sponsor. This provision does not preclude, however, a local sponsor from charging equitable landing fees at an airport.

(f) At the discretion of the Commissioner, funding for Special projects may be made conditional upon any conditions of audit, bonding, or any other condition deemed necessary to insure protection and proper use of State resources.

### SUBCHAPTER 9. DEADLINES

#### 16:56-9.1 Deadlines for Applications for State aid

(a) Applications for State aid are considered on a quarterly basis. From the completed applications on file for any given calendar quarter, projects will be selected for State aid participation. Applications on file, but incomplete in any way, may be excluded from consideration for State funding in that calendar quarter.

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(b) The deadlines for applications for State aid for a calendar quarter are the close of the business day on the following dates:

1st Quarter - The 2nd Monday of January.

2nd Quarter - The 2nd Monday of April.

3rd Quarter - The 2nd Monday of July.

4th Quarter - The 2nd Monday of October.

(c) Should the deadline day of any calendar quarter for State aid occur on a legal holiday when State offices are closed, the deadline for applications shall be the close of the next business day.

(d) The Commissioner retains the right to consider applications for State aid which, although may be technically incomplete on the application deadline, may be made complete in a timely fashion. The decision to consider any application which may be determined incomplete at the application deadline time is made solely at the discretion of the Commissioner.

(e) Any application for aid made under the provisions of this chapter shall be considered, at the time of filing, a document(s) of public record and shall be made available to persons wishing to inspect applications for State aid. Any portion of an application which is requested to be withheld from public inspection may not be considered as part of the application as filed. Should a required portion of an application be requested to be held as confidential, that application shall be deemed incomplete and may not be further considered for funding.

### SUBCHAPTER 10. PROJECT SELECTION PROCESS AND CRITERIA

#### 16:56-10.1 Airport Aid Project Selection Process and Criteria Considered

(a) Following the closing date for the receipt of applications for State aid, all new applications for State aid will be reviewed by the Department to determine if those applications are complete. Applications found to be complete may be considered for funding. If, following the initial determination that an application is complete, it is found that additional information is necessary, the applicant shall provide that additional information so as to allow further consideration of the application.

(b) Following the closing date for receipt of applications, all applications filed within the past nine calendar months and found complete will be collected and considered for funding for that calendar quarter.

(c) The Director of Aeronautics shall review all applications to be considered for funding and evaluate those proposed projects in respect to applicable criteria for project funding, available State resources, current priorities for development of the air transport infrastructure, and significant environmental or economic factors.

(d) Within 60 days of the closing date for applications, the Director shall forward to the Commissioner the list of projects considered for funding that calendar quarter, and the list of those projects recommended by the Director to be funded from all projects considered. The recommendations of the Director are to be provided exclusively to the Commissioner for review. The Director may not otherwise release recommendations as they do not constitute a public commitment for Department action.

(e) Within 30 days of receipt of the lists of projects considered and projects recommended for funding, the Commissioner may order the preparation of offers for State aid from the projects selected by the Department for State funding.

The Commissioner may extend this 30 day period as he determines necessary to allow full project reviews.

(f) In extending an offer for State aid, the Commissioner may offer to fund a complete eligible project as proposed, or any percent or portion of a proposed project.

(g) An applicant for aid having received from the the Commissioner an offer for State aid has 14 days to respond by registered mail to indicate acceptance of the offer for State aid. Acceptance of an offer for State aid is nonbinding on an applicant until the completion of final contracts under the aid between the State and applicant. A lack of acceptance of State aid by an applicant within the 14 day response period will be considered as rejection of the State aid offer and terminates the application.

(h) In considering any application for aid, the Director and Commissioner shall give weight and consideration to the following criteria:

1. The common public benefit to be derived from the improvement.

2. The effect(s) of the project on both the local airport, and the overall system of airports.

3. Current State policy on transportation infrastructure improvement and economic development.

4. The impact of the project on the area surrounding the airport.

5. Availability of local funds for airport development.

6. The capture of federal funds.

7. Current and future demands for passenger service, based aircraft, and freight services.

8. Assuring that there is a viable network and reasonable distribution of services and safe facilities throughout the State.

(9) The extent to which the project would contribute to the welfare of the citizens of the State.

(i) In consideration of the various criteria applicable to the review of an application, the Commissioner reserves the right to evaluate the matrix of criteria in a manner which may take into account unique or special factors at any airport. Factors making an airport unique from any others may include the character of the market it serves, the type and use of based aircraft, the current or future role of the airport, nearby facilities offering similar services, or any other significant elements contributing to the character or utilization of the facility. To take into consideration special or unique factors, the Commissioner may evaluate criteria for individual applications giving differing weights to applicable criteria on a case-by-case basis.

(j) In evaluating applications for State aid, the Commissioner may establish Department internal review procedures, review committees, or any other administrative mechanisms sufficient to handle in an expeditious manner the responsibilities of the Department in these programs. The Commissioner is required, however, to maintain an ongoing record of the specific review mechanisms used for the consideration of airport aid applications and to make available to applicants an outline of the current applicable internal review procedures.

### SUBCHAPTER 11. COMMISSIONER'S POWER

#### 16:56-11.1 Discretion of the Commissioner in the selection of airport aid projects

(a) Unless otherwise restricted by law, the Commissioner has absolute discretion in the selection of airport aid projects and in the determination of funding levels, priorities, critical project selection criteria, project phasing, project design and specifications, and local sponsor performance criteria.

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(b) In the consideration of an airport aid project, the Commissioner may determine that a proposed project should be amended to accommodate available funding, applicable airport design criteria, anticipated use, or to better accommodate potential user needs. The Commissioner may offer State funding for a project whose specifications, terms, scope, or magnitude have been amended by either the Commissioner or by agreement of the Commissioner and the local sponsor.

(c) In the event that the Commissioner (or any representatives) confers with an applicant or local sponsor to amend a proposed project, the applicant or local sponsor is hereby put on notice that this process of consultation and amendment does not insure ultimate selection or granting of aid for that project.

(d) The Commissioner may withdraw, at any time, an offer to aid an applicant or airport sponsor in an airport project.

### SUBCHAPTER 12. STANDARDS, METHODS, TECHNIQUES AND DESIGNS

#### 16:56-12.1 Specifications of standards, methods, techniques, and designs acceptable in state funded projects

(a) The Commissioner reserves the right to specify or make determinations as to the standards, methods, techniques, designs and dimensional criteria acceptable in State funded airport aid projects.

(b) The Department may publish, as necessary, standard specifications for the construction of airport projects funded with State aid. The Department may also at its discretion establish, as necessary, site specifications for the construction of airport projects funded with State aid on a case by case basis.

(c) The Department in its promulgation of standards may consider, in an effort to control construction costs, the allowance of non-standard specifications or the use of on-hand or low cost materials or techniques for airport projects. When nonstandard specifications or low cost materials or techniques are used for airport project construction, the applicant or local sponsor assumes liability for the suitability and/or longevity of the applicable materials and/or techniques used.

### SUBCHAPTER 13. SPECIAL CONDITIONS

#### 16:56-13.1 Specification of special conditions or performance criteria in any State funded project.

(a) The Commissioner reserves the right to specify special conditions or performance criteria other than those outlined in this chapter on a site specific or project specific basis.

(b) Special conditions or performance criteria which may be attached as a condition of receipt of State aid may include by way of example, but not by way of limitation:

1. The sequencing or phasing of construction in a special manner.
2. The construction or demolition of other projects or structures.
3. The purchase of additional property.
4. The clearing of land.
5. Achieving a specified level of based aircraft or attraction of new facility users.
6. Completion of certain preventive maintenance procedures at specified intervals.
7. Maintaining a specified level of minimum available services.
8. Maintaining specified hours of service when the airport is both open and attended.

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9. Maintaining the general grounds and property of a facility in an orderly, efficient, and safe manner.

10. The acquisition of permits or licenses which may be necessary from other agencies.

**\*11. For those specific materials, professional services, or work purchased with State aid, compliance with the applicable provisions of the Local Public Contracts Law, N.J.A.C. 40A:11-1 et seq., is required.\***

(c) Special conditions or performance criteria which may be a binding condition of State aid may be outlined and specified within any contracts or agreements under the aid offering, letters or memorandums of agreement, any document, letter, site plan, or drawing relating to the aid project.

(d) Any failure to meet conditions or performance criteria under an airport aid project may result in the withdrawal of airport aid, disqualification from current or future aid consideration, or the declaration of an applicant or local sponsor to be in default of the terms of an airport aid contract(s). Any such action may result in further legal actions by the State as applicable under the Laws of New Jersey.

### SUBCHAPTER 14. AUDIT AND RECORD KEEPING REQUIREMENTS

#### 16:56-14.1 Audit and record keeping requirements for State funded projects

(a) General provisions for audit and record keeping requirements:

1. Each recipient of aid shall keep records as the Commissioner may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the aid, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and records as will facilitate effective audit.

2. The Commissioner or any duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient that are pertinent to aid received under this chapter, for the purpose of audit and examination. This includes progress audits at any time during the project.

3. To fulfill statutory and regulatory requirements each sponsor is required to establish and maintain an adequate accounting record for each individual project, which will allow the State to determine the allowability of costs incurred for the project.

4. Each sponsor shall maintain effective control over and accountability for all funds, property, and other assets. Sponsors shall adequately safeguard all assets and shall assure that they are used solely for authorized purposes.

5. Each sponsor shall establish procedures to minimize the time elapsing between the transfer of funds from the State and the disbursement by the sponsor, whenever funds are advanced by the State. Should this elapsed time exceed the standards of this chapter, the Commissioner may require the return of all interest earned on those payments made by the State.

6. The sponsor shall include in each contract, a clause which allows the Commissioner access to the contractor's records for purposes of accounting and audit.

(b) Retention of Records

1. Each sponsor shall obtain and retain, for a period of three (3) years after the date of the submission of the final State payment, documentary evidence such as invoices, cost estimates, appraisal reports and negotiation documents relat-

## TRANSPORTATION

ing to each item of project cost. These documents typically include, but are not limited to vendor's invoices; applicable purchase orders; receiving reports; inventory records; method of pricing; returns; production cost reports; weight tickets; physical inventories production cost accounts; final inspection report showing acceptance of the airport development performed under the project, and a record of disposition or correction of all unsatisfactory work, if any.

2. Each sponsor shall retain for a period of three (3) years after the date of the submission of the final State payment, evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

3. If audit findings have not been resolved, records shall be retained until the findings have been received.

### SUBCHAPTER 15. INSPECTION

#### 16:56-15.1 Inspection of State funded projects

(a) The Commissioner, Division and any State agency or person designated or authorized by the Commissioner has the absolute right to inspect without notice the sites, proposed sites, records, and any construction or materials relating to an airport aid project.

(b) Any inspection ordered by the Commissioner or conducted under his authority may include, but not by way of limitation, the reproduction and examination of records, the taking of samples applicable to site evaluation or project quantity control, the validation of metes and bounds, use of a site or project, or the assessment of any factor relevant to an airport aid project, application, or contracts and terms related to the airport aid process.

(c) Any denial of access to records, failure to produce records, or obstruction with an inspection may result in the withdrawal of aid, disqualification from current or future aid consideration, or the declaration of an applicant or local sponsor to be in default of the terms of an airport aid contract(s). Any such action may result in further legal actions by the State as applicable under the laws of New Jersey.

### SUBCHAPTER 16. PERFORMANCE REQUIREMENTS

#### 16:56-16.1 Performance requirements for persons receiving State airport safety improvement aid

(a) All persons receiving aid under the provisions of this chapter are bound to comply with all criteria, provisions, and terms of contract and/or agreement under the granting of that aid. Modification to the terms of any contract and/or agreement can be made only after the person in receipt of aid, or their legally assigned representative or successor, and the Department of Transportation.

(b) The Department of Transportation may allow by formal contract of reassignment, the transfer of the rights and obligations assumed by one person under an aid grant or loan to another person. An example of an instance would be, where an airport is sold and operates as an airport under a new owner. The Department may agree by contract to reassignment of the aid agreement to the new owner. The Department is not, however, obliged in any way to seek reassignment of any agreement or obligation.

(c) Failure to comply with the criteria, provisions and terms of contract or agreement under the granting of aid under this chapter by a person receiving aid is cause for the Commissioner to declare that person in default of the terms of aid and subject to the provisions of default.

## ADOPTIONS

(d) In the event of default of a person receiving State aid, the Commissioner may seek to reassign to another person by new contract the terms of agreement and obligation of the aid granted and declared in default.

### SUBCHAPTER 17. PAYMENT PROCEDURES

#### 16:56-17.1 Payment procedures

(a) Unless otherwise specified, by the Department, the following general procedures are to be used as the procedures for monetary transfers between the State and other persons. The procedures outlined hereafter apply to the following classes of transactions:

1. State Grants for Matching Federal Funds
2. State Airport Safety Improvement grants
3. State Airport Safety Improvement loans(disbursement)
4. State Airport Safety Improvement loans(repayment to the State)

(b) Prior to any disbursement of funds, the State reserves the right to conduct site inspections, tests, or review and audit records or accounts to validate to the satisfaction of the State that disbursement of funds is warranted.

(c) A person having received State aid under the purposes of this chapter, shall disburse those monies and make payments to outside vendors or services and materials properly invoiced under the applicable project within 10 calendar days.

(d) State grants for matching Federal funds:

1. Forward to the Department on the forms provided by the Department requests for matching funds along with signed completed copies of federal forms requesting reimbursement for airport aid projects as forwarded to the Federal Aviation Administration.

2. When the Federal Aviation Administration releases payments to the sponsor, the State may thereafter forward to the local sponsor its share of project participation to the local sponsor as provided for in its contractual assurances with the local sponsor.

(e) State Airport Safety Improvement Grants:

1. Forward to the Department on the forms provided by the Department the request for disbursement of State Airport Safety Improvement Grant monies. Attached to this request the person requesting funds shall attach valid copies of applicable vendor invoices for payment under the project in the manner prescribed by the Department. In the case of construction or installation projects at an airport, these invoices shall be certified by the project's engineer as accurate and properly invoicing the "as built" resources used in the project. In nonconstruction or installation projects, the person requesting funds shall attach valid copies of applicable vendor invoices for payments under a project. These invoices shall be certified by the local sponsor as accurate and properly invoicing the resources used in the project.

2. Upon receipt of all local certifications under a project, the State may thereafter forward payments for its share of a project to the local project sponsor as provided for in its contractual assurances with the local project sponsor.

(f) State Airport Safety Improvement Loans(disbursement)

1. Forward to the Department on the forms provided by the Department the request for disbursement of State Airport Safety Improvement Loan monies. Attached to this request the person requesting funds shall forward valid copies of applicable vendor invoices for payment under the project in the manner prescribed by the Department. In the case of construction or installation projects at an airport, these invoices shall be certified by the project's engineer as accurate and properly invoicing the "as built" resources used in the

## ADOPTIONS

project. Requests forwarded to the Department for monies shall be in increments of not less than 25% of the authorized State loan participation in the project.

2. Upon receipt of all local certifications under a project, the State may thereafter forward payments for its share of a project to the local project sponsor as provided for in its contractual assurances with the local project sponsor.

(g) State Airport Safety Improvement Loans (Repayment to the State)

1. A local sponsor having received a State Airport Safety Improvement Loan shall repay that loan to the State in the manner provided for in its contractual agreements with the State.

2. Unless otherwise provided for in its contractual relationship with the State, Airport Safety Improvement Loan repayments to the State shall be due on a quarterly basis on the First day of the months of March, June, September and December.

### SUBCHAPTER 18. LIABILITY

#### 16:56-18.1 Liability and penalties

(a) Any failure by a person, local sponsor, or recipient of aid to meet the conditions or performance criteria under an airport aid project may result in the withdrawal of airport aid, disqualification from current or future aid consideration, or the declaration of a recipient of aid to be in default of the terms of an airport aid contract(s).

(b) If a recipient of aid fails to continue to comply with the provisions of aid before the predetermined life of the financially assisted improvements, as the life is determined by the Commissioner, the State shall be immediately reimbursed for the unused portion of the predetermined life and, if not fully reimbursed, the claim shall be a first lien on the airport

## TRANSPORTATION

property to the extent of the unpaid balance. Additionally, the State may seek judgements to seize, attach, or place liens on the assets, or accounts of a recipient of aid declared in default.

(c) Any person who knowingly or willfully makes a misrepresentation or false statement in an application or violates the provisions of this Chapter shall be subject to the fines and penalties as provided by Title 6 of the New Jersey Statutes.

(d) Any license issued under the provisions of Title 6 of the New Jersey Statutes may be modified, suspended, or revoked as a result of established violations of any of the provisions of this Chapter, and may further subject the violator to the penalty provisions of Title 6.

### SUBCHAPTER 19. FUELS

#### 16:56-19.1 Fuels subject to taxation

(a) Under the taxation purposes of the "Airport Safety Act of 1983" P.L. 1983 c.264, approved July 11, 1983, it is hereby determined that "aircraft" and "turbine fuels" are fuels distributed to general aviation airports for the purpose of propulsion of aircraft through the air including, without limitation thereto, fuels known or sold as:

1. Grade 80 gasoline (Red).
2. Grade 100 gasoline (Green).
3. Grade 100 LL Gasoline (Low Lead) (Blue).
4. Grade 115 gasoline.
5. Jet A - kerosene, freeze point -40°C.
6. Jet A-1 - kerosene, with icing inhibitor, freeze point -50°C.
7. Jet B - Wide-cut turbine fuel, freeze point -50°C.
8. Jet B - Wide-cut turbine fuel with icing inhibitor, freeze point -50°C.

# MISCELLANEOUS NOTICES

## TREASURY-GENERAL

(a)

### DIVISION OF BUILDING AND CONSTRUCTION

#### Architect/Engineer Selection Notice of Assignments

The following assignments have been made:

DBC No.	PROJECT	A/E	CCE			
A721	Elevator Control System Upgrading Rossey Hall Jersey City State College Jersey City, NJ	Paulsen Associates	\$79,000	S176	DOT, Fernwood Complex Trenton, NJ Exterior Lighting Replacement Motor Vehicle Inspection Station	Rubio Associates \$18,000
H730	Dredge/Restore Gaede's Pond William Paterson College Wayne, NJ	Raimonidi Associates, P.A.	\$42,000	S165	Paramus, NJ Ramp Repair-Cape May & Camden Miscellaneous Paving-Deptford Entrance Road Improvements-Manahawkin Motor Vehicle Inspection Stations	Long Engineering & Surveying Co. \$32,760
C251	Repair Condensate Return Line Juvenile Medium Security Unit Yepsen Unit Bordentown, NJ	M. Benton & Associates	\$41,000	S169	Doors, Frames, Handicapped Hardware—Eatontown, Lodi, Rahway, Secaucus, Trenton, Wayne Masonry Wall Repairs—Rahway & Secaucus Motor Vehicle Inspection Stations	Dalim Sibdial Sau \$68,000
C250	Septic System Repair High Point Unit Youth Correctional Institution Annandale, NJ	Van Cleef Engineering Associates	\$15,000	S175	Paving Improvements Motor Vehicle Inspection Station Westfield, NJ	Bernard R. Berson & Associates \$25,600
H731	Renovations to Little Theatre Room 106 Hunziker Hall William Paterson College Wayne, NJ	Leslie M. Dennis & Son	\$42,000	S167	Additional Parking—Lawrenceville, Washington Water Line Installation—Bakers Basin Entrance Road Repair—Freehold Motor Vehicle Inspection Stations Driveway & Parking Improvements Middlesex County Day Training Center Avenel, NJ	Thomas Tyler Moore Associates \$46,000
A464	Power Supply for Computer Secretary of State State House Basement Trenton, NJ	Frank R. Holtaway & Son, Inc.	\$20,000	H729	Miscellaneous Site Work, Sidewalks, Landscaping William Paterson College Wayne, NJ	Schoor, DePalma & Gillen, Inc. \$43,000
H736	Repairs to Athletic Field House Ramapo State College Mahway, NJ	Goldberg-Koeppel, P.A.	\$34,000	H737	Study-Central Chilling Unit-Life Hall, Humidification System—Sprague Library Montclair State College Upper Montclair, NJ	Jansen & Rogan, Engrs. \$2,000 Study
T160	Repair/Paint Elevated Water Storage Tank	Lippincott Eng. Associates	\$60,000			



**OTHER AGENCIES**

	Competitive Proposals	
Empire Energy Systems, Inc.	\$4,985 Lump Sum	
M. Bodin & Associates	\$8,250 Lump Sum	
Technical Associates, Inc.	\$9,680 Lump Sum	

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**OTHER AGENCIES**

**(a)**

**CASINO CONTROL COMMISSION**

**Petition for Rulemaking  
Amend Definition of Cash Equivalents  
N.J.A.C. 19:45-1.1**

**Petitioner: The Claridge Hotel and Casino**

Authority: N.J.S.A. 5:12-69(c), 52:14B(f) and 1:30-3.6.

**Take notice** by petition filed pursuant to N.J.S.A. 5:12-69(c), 52:14B-4(f) and N.J.A.C. 1:30-3.6 and received by the Commission on April 18, 1984, the Claridge Hotel and Casino requests that the Commission approve for publication regulations amending the definition of cash equivalents to include checks drawn on bank accounts maintained by licensed casino/hotel facilities.

Claridge Hotel and Casino's statement of reasons for this petition follows:

The Claridge asserts that checks drawn on the bank accounts of casino licensees have the same negotiable characteristics of the instruments contained in N.J.A.C. 19:45-1.1 The distinguishing mark of these instruments is the presence of a financial institution as a third party whose stability and credit worthiness guarantee the negotiable quality of the instrument. The Claridge submits that checks drawn on the bank accounts

**ADOPTIONS**

of casino licensees have the same indicia of credit worthiness as the instruments in N.J.A.C. 19:45-1.1. The stability and credit worthiness a licensed casino facility imparts, guarantees payment of their own checks at least equal to the guarantees financial institutions explicitly afford the cash equivalents in N.J.A.C. 19:45-1.1.

After due notice, this matter will be scheduled for a hearing by the Casino Control Commission in accordance with N.J.S.A. 5:12-69(c).

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**(b)**

**CASINO CONTROL COMMISSION**

**Petition for Rulemaking  
Insurance Wagers**

**N.J.A.C. 19:47-2.9**

Petitioners: Harrah's Associates and Marina Associates.

Authority: N.J.S.A. 5:12-69(c) and N.J.S.A. 52:14B-4(f).

**Take notice** that on May 3, 1984 petitioners filed a petition with the Casino Control Commission requesting an amendment to N.J.A.C. 19:47-2.9, concerning insurance wagers.

Specifically, petitioners are requesting an amendment to the present requirement that insurance wagers may not exceed one-half of the amount staked on the player's initial wager. Petitioners wish to amend N.J.A.C. 19:47-2.9 to provide that "in the event the one-half insurance wager results in an amount involving \$0.25 or \$0.75, the insurance bet may exceed half the player's initial wager by \$0.25." Petitioners state that this amendment would "facilitate a rounded betable unit on that wager", and would preclude the existence of situations where coins, rather than gaming chips must be used to comply with the regulations.

After due notice, this petition will be considered by the Casino Control Commission in accordance with the provisions of N.J.S.A. 5:12-69(c).

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# 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.

## 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 July 9, 1981.**

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
<b>ADMINISTRATIVE LAW-TITLE 1</b>				
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)
1:1-3.2	Placement of case on inactive list	15 N.J.R. 1399(a)	R.1983 d.515	15 N.J.R. 1939(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)
1:1-9.7	Interlocutory review	15 N.J.R. 1399(b)	R.1983 d.517	15 N.J.R. 1939(b)
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)
1:1-12.4	Notice of opportunity to intervene or participate	15 N.J.R. 1400(a)	R.1983 d.516	15 N.J.R. 1939(c)
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)
1:16.5	Final decisions; orders of remand	15 N.J.R. 1400(b)	R.1983 d.550	15 N.J.R. 2032(a)
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)
1:2-2	Readopted: Conference hearing rules	16 N.J.R. 94(a)	R.1984 d.117	16 N.J.R. 707(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)
1:2-3	Readopted: Hearings on the papers	16 N.J.R. 95(a)	R.1984 d.118	16 N.J.R. 707(b)
1:2-3.1	Correction: MV cases and "hearings on the papers"	15 N.J.R. 68(a)	R.1983 d.86	15 N.J.R. 1243(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)
1:6A-5.2	Special Education hearings: record keeping	15 N.J.R. 1402(a)	R.1984 d.9	16 N.J.R. 238(a)
1:6A-5.3	Special Education Program: appeals of ALJ decisions	15 N.J.R. 978(a)	R.1983 d.358	15 N.J.R. 1467(a)
1:6A-5.3	Special Education hearings: transfer of record	16 N.J.R. 408(a)	R.1984 d.203	16 N.J.R. 1196(a)
1:20	Representation fee hearings before PERC Appeal Board	14 N.J.R. 862(a)	R.1983 d.305	15 N.J.R. 1243(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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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)

**AGRICULTURE-TITLE 2**

2:1-2	Readopted: Department organizational rules	15 N.J.R. 1538(a)	R.1983 d.528	15 N.J.R. 1939(a)
2:2-1	Animal Health: readopted Reportable Diseases	15 N.J.R. 1202(a)	R.1983 d.448	15 N.J.R. 1753(a)
2:2-2	Readopted: Brucellosis Control and Eradication	15 N.J.R. 1203(a)	R.1983 d.411	15 N.J.R. 1647(a)
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(a)	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)
2:2-3	Animal Health: readopted Tuberculosis Control and Eradication	15 N.J.R. 1203(b)	R.1983 d.449	15 N.J.R. 1753(b)
2:2-4	Readopted: Swine Disease Control	15 N.J.R. 1204(a)	R.1983 d.450	15 N.J.R. 1753(c)
2:2-10	Repealed: Duplicate poultry and turkey rules	15 N.J.R. 1204(b)	R.1983 d.451	15 N.J.R. 1753(d)
2:3.1	Readopted: Livestock and Poultry Importations	15 N.J.R. 1205(a)	R.1983 d.452	15 N.J.R. 1754(a)
2:3-1.8	Livestock: prior import permits	15 N.J.R. 1290(a)	R.1983 d.455	15 N.J.R. 1754(b)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R.1982 d.237	14 N.J.R. 833(a)
2:3-4	Correction: Livestock for Immediate Slaughter			15 N.J.R. 1876(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)
2:5-3	Poultry quarantine and embargoes	15 N.J.R. 2048(a)	R.1984 d.59	16 N.J.R. 518(a)
2:5-4	Area quarantine for avian influenza	Emergency	R.1983 d.585	15 N.J.R. 2176(a)
2:6	Readopted: Biological Products for Diagnostic and Therapeutic Purposes	15 N.J.R. 1205(b)	R.1983 d.453	15 N.J.R. 1754(c)
2:7	Readopted: Poultry and Turkey Improvement Plans	15 N.J.R. 1206(a)	R.1983 d.454	15 N.J.R. 1754(d)
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)
2:32-2.17, 2.32, 2.36	Sire Stakes Conditions	16 N.J.R. 297(a)	R.1984 d.161	16 N.J.R. 1069(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)
2:68-1	Commercial feeding stuffs: Association standards	15 N.J.R. 583(a)	R.1983 d.325	15 N.J.R. 1372(a)
2:69	Readopted: Commercial Fertilizers and Soil Conditioners	15 N.J.R. 1206(b)	R.1983 d.412	15 N.J.R. 1647(b)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R.1982 d.236	14 N.J.R. 833(e)
2:71-1	Readopted: Quality of Individual Shell Eggs	15 N.J.R. 1050(a)	R.1983 d.394	15 N.J.R. 1574(a)
2:71-2	Readopted: Grades of Fruits and Vegetables	15 N.J.R. 1051(a)	R.1983 d.395	15 N.J.R. 1574(b)
2:71-2.28	Fruits and vegetables: rates for inspection services	15 N.J.R. 462(a)	R.1983 d.312	15 N.J.R. 1245(a)
2:72-1.1	Readopted: Bonding Requirement of Commission Merchants, Dealers, Brokers, Agents	15 N.J.R. 1051(b)	R.1983 d.369	15 N.J.R. 1574(c)
2:73-2	Readopted: State Seal of Quality for eggs	15 N.J.R. 584(a)	R.1983 d.313	15 N.J.R. 1245(b)
2:74-1	Readopted: Controlled Atmosphere Storage for Apples	15 N.J.R. 1052(a)	R.1983 d.397	15 N.J.R. 1574(d)
2:76-1	Agriculture retention and development	15 N.J.R. 2086(a)	R.1984 d.58	16 N.J.R. 518(b)
2:76-2	Agricultural management practices	16 N.J.R. 95(b)	R.1984 d.84	16 N.J.R. 707(c)
2:85-1	Repealed: Agricultural Preserve Demonstration Program	15 N.J.R. 371(a)	R.1983 d.169	15 N.J.R. 889(a)

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**BANKING-TITLE 3**

3:1-2.21	New Capital stock savings and loan associations	16 N.J.R. 174(a)	R.1984 d.119	16 N.J.R. 870(a)
3:1-10	Readopted: Restrictions on Real Property Transactions	16 N.J.R. 2(a)	R.1984 d.63	16 N.J.R. 520(a)
3:6-2.1	Readopted: Approved Depositories for Security Funds Investments	15 N.J.R. 1974(a)	R.1984 d.14	16 N.J.R. 238(b)
3:6-3	Readopted rules on Executive Officers and loan policy	16 N.J.R. 475(a)	R.1984 d.188	16 N.J.R. 1196(b)
3:11-5	Bank investments and domestic operating subsidiaries	15 N.J.R. 1787(a)	R.1984 d.69	16 N.J.R. 520(b)
3:11-8.1	Savings banks investment securities	15 N.J.R. 2087(a)	R.1984 d.38	16 N.J.R. 365(a)
3:22-1.4	Premium finance agreement disclosure	16 N.J.R. 298(a)	R.1984 d.194	16 N.J.R. 1196(c)

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**CIVIL SERVICE-TITLE 4**

4:1-2.1	"Based salary" defined	14 N.J.R. 679(a)	R.1982 d.331	14 N.J.R. 1089(a)
4:1-5	Commission Review and Appeals: readopted Hearing Rules	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
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	Readopted: Examinations and Applications	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(a)
4:1-8.3	Notice of examinations	15 N.J.R. 726(a)	R.1983 d.307	15 N.J.R. 1245(c)
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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
4:1-12	Readopted: Certification and Appointment rules	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(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)
4:1-15.2	Lateral title change	14 N.J.R. 940(b)	R.1983 d.340	15 N.J.R. 1372(a)
4:1-16.13	Request for reemployment (local)	15 N.J.R. 272(b)	R.1982 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)
4:1-20.9	Tuition aid program (State)	15 N.J.R. 274(a)	R.1983 d.306	15 N.J.R. 1264(a)
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)
4:2-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
4:2-6.8	Repealed: (see 4:1-10)	15 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)
4:2-7.1	Title reevaluation requests and appeals (State)	15 N.J.R. 1290(b)	R.1984 d.73	16 N.J.R. 521(a)
4:2-8.1, 8.9	Readopted: (see 4:1-8)	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(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)
4:2-12.5, 12.7, 12.8	Readopted: (see 4:1-12)	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(a)
4:2-15.2	Repealed: (see 4:1-15.2)	14 N.J.R. 940(b)	R.1983 d.340	15 N.J.R. 1372(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)
4:2-18.4, 18.5, 18.6	Flexitime, work hours, alternative workweek (State)	15 N.J.R. 373(a), 374(a)	R.1984 d.46	16 N.J.R. 422(a)
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)
4:2-20.9	Repealed (see 4:1-20.9)	15 N.J.R. 274(a)	R.1983 d.306	15 N.J.R. 1246(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)
4:3-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
4:3-6.7	Repealed: Modification of sheriff's officer series	15 N.J.R. 820(b)	R.1983 d.419	15 N.J.R. 1650(a)
4:3-6.9	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R.1983 d.496	15 N.J.R. 83(a)
4:3-8.2	Repealed: County welfare board promotion rule	15 N.J.R. 1788(b)	R.1984 d.152	16 N.J.R. 1070(a)
4:3-8.2, 8.3, 8.7, 8.8	Readopted: (see 4:1-8)	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(a)
4:3-10.1	Notice of repeal			15 N.J.R. 1965(b)
4:3-12.7, 12.8	Readopted: (see: 4:1-12)	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:6	Overtime Committee Rules	14 N.J.R. 1126(a)	R.1983 d.158	15 N.J.R. 801(b)

(Title 4, Transmittal 16 dated June 21, 1982)

**COMMUNITY AFFAIRS-TITLE 5**

5:3-2.1	Rooming house licensure: nonpublic records	15 N.J.R. 1152(a)	R.1983 d.433	15 N.J.R. 1758(a)
5:3-2.1	Nonpublic records: rental assistance applications	15 N.J.R. 1910(a)	R.1983 d.643	16 N.J.R. 128(a)
5:10	Readopted: Hotel and Multiple Dwellings rules	15 N.J.R. 727(a)	R.1983 d.629	16 N.J.R. 128(b)
5:10-1.3	State-local cooperative housing inspection	15 N.J.R. 1054(a)	R.1983 d.389	15 N.J.R. 1575(c)
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)
5:10-1.4, 1.6	Row house and retirement community fire safety	15 N.J.R. 1054(b)	R.1983 d.388	15 N.J.R. 1576(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, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R.1982 d.253	14 N.J.R. 910(a)
5:11	Readopted with amendments: Relocation Assistance and Eviction rules	16 N.J.R. 175(a)	R.1984 d.127	16 N.J.R. 870(b)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R.1983 d.59	15 N.J.R. 330(b)
5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R.1983 d.59	15 N.J.R. 330(b)
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)
5:13-1.1, 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)
5:22-1.4	Residential tax exemptions: additions and improvements	15 N.J.R. 586(a)	R.1983 d.258	15 N.J.R. 1094(b)
5:23	Readopted: Uniform Construction Code	14 N.J.R. 1247(a)	R.1983 d.144	15 N.J.R. 803(c)
5:23-1.4, 2.23	UCC: Certificate of continued occupancy	16 N.J.R. 179(a)	R.1984 d.120	16 N.J.R. 873(a)
5:23-1.4, 4.5, 4.19	UCC: record keeping and standard forms	15 N.J.R. 1789(a)	R.1983 d.611	16 N.J.R. 45(b)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-3.8A	Products violating the Uniform Construction Code	15 N.J.R. 587(a)	R.1983 d.296	15 N.J.R. 1247(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
5:23-4.8	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)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(e)
5:23-4.14	UCC: on-site inspection; fees	15 N.J.R. 1406(a)	R.1983 d.642	16 N.J.R. 129(a)
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)
5:23-4.20, 5.5, 5.9	UCC: department fees; licensing	15 N.J.R. 1911(a)	R.1983 d.641	16 N.J.R. 129(b)
5:23-4.20, 5.12	Uniform Construction Code fees	15 N.J.R. 1406(a)	R.1983 d.548	15 N.J.R. 2033(b)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(e)
5:23-4.26	Construction boards of appeal	15 N.J.R. 2088(a)	R.1984 d.54	16 N.J.R. 424(a)
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)
5:23-6.1, 6.2	UCC: Technical standards for fire suppression systems	16 N.J.R. 180(a)	R.1984 d.121	16 N.J.R. 874(a)
5:23-6.2, 6.3, 6.5	UCC: solar facilities tax exemption	15 N.J.R. 1977(a)	R.1984 d.25	16 N.J.R. 238(c)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R.1982 d.386	14 N.J.R. 1210(a)
5:26-2.3, 3.1, 3.2, 3.4, 4.1-4.4, 5.2, 6.3, 9.1, 10.1, 10.2, 11.1	Planned real estate development full disclosure	15 N.J.R. 1055(a)	R.1983 d.446	15 N.J.R. 1758(b)
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	Planned real estate development registration fees	15 N.J.R. 1059(a)	R.1983 d.370	15 N.J.R. 1468(a)
5:26-8.7	Planned real estate developments: annual audits	15 N.J.R. 1408(a)	R.1983 d.576	15 N.J.R. 2154(a)
5:27-1.5	Certificate of occupancy for boarding house change of use	15 N.J.R. 821(a)	R.1983 d.342	15 N.J.R. 1468(b)
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, 1.9	State-contracted community residences	16 N.J.R. 181(a)	R.1984 d.154	16 N.J.R. 1071(a)
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)
5:27-2.1	Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-3.5	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)
5:27-11.7	Boarding house residents: home energy assistance payments	15 N.J.R. 1622(a)	R.1983 d.628	16 N.J.R. 130(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)
5:30	Readopted: Local Finance Board rules	15 N.J.R. 463(b)	R.1983 d.277	15 N.J.R. 1180(a)
5:30	Correction: Local Finance Board rules	15 N.J.R. 463(b)	R.1983 d.277	15 N.J.R. 1373(b)
5:36	Readopted: Grant rules for Handicapped Persons' Recreational Opportunities Act (recodified as 5:51)	15 N.J.R. 1305(a)	R.1983 d.443	15 N.J.R. 1759(a)
5:38	Federal Aid Project Notification rules	15 N.J.R. 1494(a)	R.1983 d.488	15 N.J.R. 1858(a)
5:42	Repealed (see 5:38)	15 N.J.R. 1494(a)	R.1983 d.488	15 N.J.R. 1858(a)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R.1982 d.272	14 N.J.R. 912(b)
5:70	Congregate Housing Services Program for aged	15 N.J.R. 179(a)	R.1983 d.607	16 N.J.R. 46(a)
5:70	Correction: effective date of Congregate Housing Services Program	15 N.J.R. 179(a)	R.1983 d.607	16 N.J.R. 434(a)
5:80-2	Private investment in HFA-financed housing	15 N.J.R. 1208(a)	R.1984 d.130	16 N.J.R. 875(a)
5:80-3.1	HFA housing projects: maximum family income	15 N.J.R. 1212(a)	R.1983 d.470	15 N.J.R. 1860(a)
5:80-5	Housing Finance Agency: transfer of ownership interests	15 N.J.R. 822(a)	R.1983 d.315	15 N.J.R. 1373(c)
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	Ombudsman for Institutionalized Elderly: administrative rules	16 N.J.R. 476(a)	R.1984 d.168	16 N.J.R. 1072(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 17 dated June 21, 1982)

**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)
6:2-1.1-1.20	Appeals to State Board	15 N.J.R. 1977(b)	R.1984 d.122	16 N.J.R. 878(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)
6:3-1.10	Standards for determining seniority	15 N.J.R. 1409(a)	R.1983 d.563	15 N.J.R. 2034(a)
6:3-3	Readopted: Withdrawal from Limited Purpose Regional School Districts	15 N.J.R. 728(a)	R.1983 d.368	15 N.J.R. 1468(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
6:8-1.1, 3.4, 3.8 4.2, 4.6	Statewide testing program	15 N.J.R. 979(b)	R.1983 d.458	15 N.J.R. 1759(b)
6:11-4	Readopted: Types of Teaching Certificates	15 N.J.R. 1154(a)	R.1983 d.492	15 N.J.R. 1860(b)
6:11-4	Teacher certification: correction			15 N.J.R. 2034(b)
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)
6:11-3.12, 4.7	Hiring coaches for interscholastic athletics	15 N.J.R. 1152(b)	R.1983 d.493	15 N.J.R. 1860(c)
6:11-4	Readopted: Types of Teaching Certificates	15 N.J.R. 1154(a)	R.1983 d.492	15 N.J.R. 1860(b)
6:11-4	Teacher certification: correction			15 N.J.R. 2034(b)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R.1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R.1982 d.269	14 N.J.R. 914(a)
6:20-2.10	Local districts: petty cash fund	15 N.J.R. 982(a)	R.1983 d.491	15 N.J.R. 1861(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)
6:20-4.1, 4.2	Tuition for private schools for handicapped	15 N.J.R. 730(a)	R.1983 d.369	15 N.J.R. 1469(a)
6:21-1.4	Useful life of school buses	15 N.J.R. 982(b)	R.1983 d.457	15 N.J.R. 1760(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	Readopted: Special Education rules	15 N.J.R. 732(a)	R.1983 d.348	15 N.J.R. 1470(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	Readopted: Physical Education and Athletics Personnel rules	16 N.J.R. 303(a)	R.1984 d.192	16 N.J.R. 1197(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R.1982 d.486	15 N.J.R. 84(c)
6:29-6.3	Hiring coaches for interscholastic athletics	15 N.J.R. 1152(b)	R.1983 d.493	15 N.J.R. 1860(c)
6:39-1.1-1.4	Statewide testing program	15 N.J.R. 979(b)	R.1983 d.458	15 N.J.R. 1759(b)
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)
6:69-1	Repealed: public library construction	15 N.J.R. 1410(a)	R.1983 d.564	15 N.J.R. 2034(c)
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	14 N.J.R. 1248(b)	R.1983 d.71	15 N.J.R. 440(a)
<b>(Title 6, Transmittal 18 dated June 21, 1982)</b>				
<b>ENVIRONMENTAL PROTECTION-TITLE 7</b>				
7:1-3	Interim Environmental Cleanup Responsibility Rules	16 N.J.R. 151(a)	R.1984 d.81	16 N.J.R. 523(a)
7:1A-2.3, 2.4, 2.5, 2.8, 2.9, 2.12, 2.13, 2.14, 2.18, 2.20, 2.35	Water Supply bond Loan rules	15 N.J.R. 1307(a)	R.1983 d.534	15 N.J.R. 1940(a)
7:1A-2.4	Application period for Water Supply Rehabilitation Loans			16 N.J.R. 568(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)
7:1D-1	Emergency water projects: allocation of costs	15 N.J.R. 117(a)	R.1983 d.639	16 N.J.R. 130(b)
7:1E-App. A	List of hazardous substances—Part V	Emergency	R.1984 d.8	16 N.J.R. 158(a)
7:1G	Loan procedures: water supply interconnections	14 N.J.R. 1012(a)	R.1983 d.425	15 N.J.R. 1650(b)
7:1G-2.4	Application period for Water Supply Interconnection Loans			16 N.J.R. 568(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)
7:11	Sanitary Landfill Facility Contingency Fund	15 N.J.R. 1213(a)	R.1983 d.571	15 N.J.R. 2034(d)
7:2	Readopted: State Park Service rules	15 N.J.R. 822(b)	R.1983 d.320	15 N.J.R. 1373(d)
7:2	State Park Service rules	15 N.J.R. 983(a)	R.1983 d.464	15 N.J.R. 1760(b)
7:6	Readopted: Boating Regulations	15 N.J.R. 1799(a)	R.1983 d.640	16 N.J.R. 131(a)
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)
7:6-7.1, 7.2, 7.4, 7.6	Obtaining title to abandoned vessels	15 N.J.R. 1411(a)	R.1983 d.503	15 N.J.R. 1861(b)
7:7	Coastal Permit Program rules	15 N.J.R. 2090(a)	R.1984 d.164	16 N.J.R. 1073(a)
7:7A-1	Repealed (see 7:7)	15 N.J.R. 2090(a)	R.1984 d.164	16 N.J.R. 1073(a)
7:7A-1.13	Correction to Code: Wetlands maps			14 N.J.R. 1403(a)
7:7A-1.13	Wetlands maps in Atlantic County	15 N.J.R. 119(a)	R.1983 d.335	15 N.J.R. 1374(a)
7:7A-1.13	Wetlands maps in Cumberland County	15 N.J.R. 119(a)	R.1983 d.401	15 N.J.R. 1576(b)
7:7A-1.13	Wetlands maps in Cape May County	14 N.J.R. 1330(a)	R.1983 d.402	15 N.J.R. 1576(c)
7:7A-1.13	Correction: Expiration date of wetlands maps			15 N.J.R. 1654(a)
7:7A-1.13	Wetlands maps in Middlesex County	15 N.J.R. 386(a)	R.1983 d.535	15 N.J.R. 1941(a)
7:7D-1, 2	Repealed (see 7:7)	15 N.J.R. 2090(a)	R.1984 d.164	16 N.J.R. 1073(a)

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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)
7:9-10	Repealed: Duplicative review of Pinelands and coastal area sewerage installation	15 N.J.R. 1155(a)	R.1983 d.432	15 N.J.R. 1654(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)
7:10	Readopted: Safe Drinking Water Act rules	15 N.J.R. 592(a)	R.1983 d.244	15 N.J.R. 1019(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)
7:11-2.10, 2.13	Sale of water from D/R Canal and Spruce Run/Round Valley	15 N.J.R. 1311(a)	R.1984 d.109	16 N.J.R. 708(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)
7:12-1.2, 1.3, 1.6	Shellfish-growing water condemnations	15 N.J.R. 2103(a)	R.1984 d.42	16 N.J.R. 365(b)
7:12-1.7	Closure of shellfish harvesting areas	Emergency	R.1984 d.134	16 N.J.R. 929(a)
7:12-2.7	Hard clam relay: Special Permits Program	Emergency	R.1984 d.66	16 N.J.R. 558(a)
7:12-2.7	Hard clam relay: Special Permits Program	16 N.J.R. 558(a)	R.1984 d.199	16 N.J.R. 1199(a)
7:12-2.9, 2.12	Correction: Shellfish transplant and processing programs	15 N.J.R. 595(a)	R.1983 d.249	15 N.J.R. 1761(a)
7:13	Flood hazard area rules	15 N.J.R. 2104(a)	R.1984 d.201	16 N.J.R. 1201(a)
7:13-1.11	Readopted: Delineated Floodway rules	15 N.J.R. 839(a)	R.1983 d.321	15 N.J.R. 1374(b)
7:13-1.11	Recodified as 7:13-7	15 N.J.R. 2104(a)	R.1984 d.201	16 N.J.R. 1201(a)
7:13-1.11(b)5	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(b)31	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(d)42	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(b)6	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(c)2	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(c)27	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(d)48	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(d)48	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(d)1	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(c)28	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(d)42	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(c)29	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(b)10	Floodway delineations in Ocean-Monmouth counties	14 N.J.R. 1189(a)	R.1983 d.197	15 N.J.R. 894(a)
7:13-1.11(d)47	Floodway delineations along Mill Brook in Montvale	15 N.J.R. 989(a)	R.1983 d.405	15 N.J.R. 1576(d)
7:13-1.11(c)	Floodway delineations in Mercer County	14 N.J.R. 1132(a)	R.1983 d.462	15 N.J.R. 1761(b)
7:13-1.11(d)45	Floodways along the Raritan River	15 N.J.R. 659(a)	R.1983 d.463	15 N.J.R. 1761(c)
7:13-1.11(b)	Flood hazard area delineations in Monmouth County	15 N.J.R. 198(a)	R.1983 d.569	15 N.J.R. 2039(a)
7:13-1.11(d)11, 12	Floodway delineation along Rockaway Creek, Hunterdon County	16 N.J.R. 5(a)	R.1984 d.108	16 N.J.R. 711(a)
7:13-1.11(d)50	Floodway delineation along Third River in Clifton	15 N.J.R. 1412(a)	R.1984 d.131	16 N.J.R. 881(a)
7:13-1.11(c)30	Delineated floodways for Delaware Bay tributaries	15 N.J.R. 1541(a)	R.1984 d.200	16 N.J.R. 1224(a)
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)
7:14-4.4	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:14-8	Water pollution control: readopted civil penalty assessment rules	16 N.J.R. 181(a)	R.1984 d.189	16 N.J.R. 1225(a)
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-1.2, 1.9	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R.1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-4.2, 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-4.4, 4.7, 6.1, 6.2, 6.15	Hazardous waste land disposal	15 N.J.R. 1997(a)	R.1984 d.198	16 N.J.R. 1230(a)
7:14A-4.5	Hazardous waste management: interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:14A-4.5	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:14A-4.6	Hazardous waste management	16 N.J.R. 306(a)	R.1984 d.202	16 N.J.R. 1261(a)
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-10.1, 10.5	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)
7:14A-13.1, 13.2, 13.5-13.9	NJPDES: local control over dischargers	15 N.J.R. 1059(b)	R.1984 d.133	16 N.J.R. 882(a)

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7:15	Water quality management planning and implementation process	15 N.J.R. 765(b)	R.1984 d.110	16 N.J.R. 712(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)
7:19-4	Diversion assessment and payment for public water supply	15 N.J.R. 276(a)	R.1983 d.400	15 N.J.R. 1577(a)
7:20A	Water diversion for agriculture and horticulture	14 N.J.R. 1249(a)	R.1983 d.562	15 N.J.R. 2154(b)
7:20A-1.3, 2.2, 2.7-2.11, 2.19, 2.21, 2.22	Water diversion for agriculture and horticulture	15 N.J.R. 2122(a)	R.1984 d.107	16 N.J.R. 719(a)
7:25-2	Use of Wildlife Management Areas	15 N.J.R. 840(a)	R.1983 d.336	15 N.J.R. 1374(c)
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	Readopted: Endangered, Nongame and Exotic Wildlife rules	16 N.J.R. 97(b)	R.1984 d.132	16 N.J.R. 889(a)
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)
7:25-5	1983-1984 Game Code	15 N.J.R. 771(a)	R.1983 d.302	14 N.J.R. 1247(b)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R.1982 d.429	14 N.J.R. 1366(c)
7:25-6	1984-85 Fish Code	15 N.J.R. 1217(a)	R.1983 d.542	15 N.J.R. 1942(a)
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 in Atlantic Coast section	15 N.J.R. 1413(a)	R.1983 d.541	15 N.J.R. 1943(a)
7:25-7.13	Vetoed amendment: crab dredging in Atlantic Coast section	15 N.J.R. 1413(a)	R.1983 d.541	16 N.J.R. 535(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	Penalties for harvesting undersized clams	15 N.J.R. 1220(a)	R.1983 d.461	15 N.J.R. 1762(a)
7:25-11	Recodified under 7:25-4	16 N.J.R. 97(b)	R.1984 d.132	16 N.J.R. 889(a)
7:25-11.1, 20.2	Endangered species and status of nongame species	15 N.J.R. 1623(a)	R.1983 d.638	16 N.J.R. 131(b)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R.1982 d.393	14 N.J.R. 1213(a)
7:25-12.1	Preservation of sea clams	15 N.J.R. 1414(a)	R.1983 d.567	15 N.J.R. 2039(b)
7:25-12.1	Correction: expiration date of sea clam rules	15 N.J.R. 1414(a)	R.1983 d.567	16 N.J.R. 47(a)
7:25-14	Crab pots	15 N.J.R. 388(b)	R.1983 d.291	15 N.J.R. 1181(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)
7:25-15.1	Relay of hard clams	Emergency	R.1983 d.519	15 N.J.R. 1959(a)
7:25-15.1	Relay of hard clams	Emergency	R.1984 d.65	16 N.J.R. 560(a)
7:25-15.1	Relay of hard clams	16 N.J.R. 186(a)	R.1984 d.165	16 N.J.R. 1086(a)
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)
7:25-20	Recodified under 7:25-4	16 N.J.R. 97(b)	R.1984 d.132	16 N.J.R. 889(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, 1.2, 2.1, 2.3-2.5	Oyster dredging and management	15 N.J.R. 990(a)	R.1983 d.351	15 N.J.R. 1473(a)
7:25A-1.2	Sale of licensed oyster vessel	15 N.J.R. 1415(a)	R.1983 d.591	15 N.J.R. 2158(a)
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)
7:25A-3.1	Oyster seed beds	15 N.J.R. 1415(b)	R.1983 d.568	15 N.J.R. 2040(a)
7:25A-3.1	Oyster seed bed rules: expiration date	15 N.J.R. 1415(b)	R.1983 d.568	16 N.J.R. 367(a)
7:25A-4	Oyster cultch program	15 N.J.R. 1416(a)	R.1983 d.590	15 N.J.R. 2159(a)
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)
7:26-1.1, 1.4	Hazardous waste management: interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:26-1.1, 1.4, 1.6, 1.8	Readopted: certain solid and hazardous waste rules	15 N.J.R. 2017(a)	R.1984 d.40	16 N.J.R. 367(b)
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)
7:26-1.4	Hazardous waste: gas cylinder facility exemption	15 N.J.R. 390(a)	R.1983 d.350	15 N.J.R. 1474(a)
7:26-1.4	Solid waste classifications	15 N.J.R. 660(a)	R.1983 d.570	15 N.J.R. 2040(b)
7:26-1.4	Hazardous waste management: on-site recycling exemption	14 N.J.R. 1435(a)	R.1983 d.623	16 N.J.R. 132(a)
7:26-1.4	Hazardous waste land disposal	15 N.J.R. 1997(a)	R.1984 d.198	16 N.J.R. 1230(a)
7:26-1.7	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-1.7	Solid waste disposal: exemption from registration	Emergency	R.1984 d.174	16 N.J.R. 1100(a)
7:26-2.6, 2.11, 2.13, 3.5	Solid waste classifications	15 N.J.R. 660(a)	R.1983 d.570	15 N.J.R. 2040(b)
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)
7:26-2.13	Sanitary landfills: transporter documentation	Emergency	R.1984 d.148	16 N.J.R. 930(a)
7:26-2.14	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-3.8	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)
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)
7:26-6.5	Interdistrict and intradistrict solid waste flow	15 N.J.R. 1914(a)	R.1984 d.4	16 N.J.R. 134(a)
7:26-6.5	Interdistrict and intradistrict solid waste flow	15 N.J.R. 1417(a)	R.1984 d.41	16 N.J.R. 367(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
7:26-7.4, 7.6, 8.15, 9.1, 9.4, 9.6, 10.3, 12.1, 12.11	Hazardous waste management	16 N.J.R. 306(a)	R.1984 d.202	16 N.J.R. 1261(a)
7:26-7.6	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-7.6	Interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
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.1982 d.292	15 N.J.R. 1184(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	15 N.J.R. 1184(a)	R.1983 d.502	15 N.J.R. 1861(c)
7:26-8.15, 8.16	Delist Indomethacin as hazardous waste	15 N.J.R. 1817(a)	R.1984 d.166	16 N.J.R. 1088(a)
7:26-8.16	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9.1-9.6, 9.8-9.14	Interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:26-9.1, 9.2, 9.4, -10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-9.1, 12.1	Gas cylinder facility exemption	15 N.J.R. 390(a)	R.1983 d.350	15 N.J.R. 1474(a)
7:26-9.1, 12.1	On-site recycling exemption	14 N.J.R. 1435(a)	R.1983 d.623	16 N.J.R. 132(a)
7:26-10.6, 10.8, 11.3, 12.2	Hazardous waste land disposal	15 N.J.R. 1997(a)	R.1984 d.198	16 N.J.R. 1230(a)
7:26-12.2, 12.12	Interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:26-12.3	Permits for existing hazardous waste facilities	15 N.J.R. 1063(a)	R.1983 d.403	15 N.J.R. 1578(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)
7:26-13.7	Siting of commercial hazardous waste facilities	15 N.J.R. 1064(a)	R.1983 d.406	15 N.J.R. 1579(a)
7:26-15.5, 15.7	Recycling Grants and Loans	16 N.J.R. 6(a)	R.1984 d.75	16 N.J.R. 535(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)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R.1982 d.456	14 N.J.R. 1452(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	Emergency	R.1983 d.407	15 N.J.R. 1607(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	15 N.J.R. 1607(a)	R.1983 d.536	15 N.J.R. 1943(b)
7:28-1, 2	Radiation protection	15 N.J.R. 391(a)	R.1983 d.592	15 N.J.R. 2160(a)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R.1982 d.457	14 N.J.R. 1455(a)
7:30-1, -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)
7:30-3.2, 4.2, 4.4	Pesticide Control Code: dealers and dealer businesses	15 N.J.R. 2017(b)	R.1984 d.39	16 N.J.R. 368(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)

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**HEALTH-TITLE 8**

8:8	Blood collection, processing, storage and distribution	16 N.J.R. 316(a)	R.1984 d.193	16 N.J.R. 1263(a)
8:21-1.32	Drug manufacturer's labeling requirements	16 N.J.R. 99(a)	R.1984 d.143	16 N.J.R. 891(a)
8:21-2.40	EDB levels in food; recall of products	16 N.J.R. 436(a)	R.1984 d.171	16 N.J.R. 1089(a)
8:31-16.1	Hospital long-range strategic plans	16 N.J.R. 100(a)	R.1984 d.145	16 N.J.R. 891(b)
8:31-28	Readopted Certification of Need and Designation of Regional Services	16 N.J.R. 101(a)	R.1984 d.146	16 N.J.R. 893(a)
8:31A-7	Readopted: SHARE Rate Review Guidelines	15 N.J.R. 1542(a)	R.1984 d.24	16 N.J.R. 239(a)
8:31A-8.1	Hospital reporting: readopted medical discharge abstract rule	15 N.J.R. 1708(a)	R.1984 d.23	16 N.J.R. 239(b)
8:31B-4.32	Waiver of Medicare/Medicaid reimbursement principles	16 N.J.R. 252(a)	R.1984 d.124	16 N.J.R. 893(b)
8:33J	Certificate of Need: Nuclear Magnetic Resonance Services	16 N.J.R. 102(a)	R.1984 d.163	16 N.J.R. 1090(a)
8:33K	Certificate of Need: Residential Alcoholism Treatment Beds Standards	16 N.J.R. 104(a)	R.1984 d.144	16 N.J.R. 894(a)
8:43-6	Residential health care: Dietary Services	15 N.J.R. 1710(a)	R.1983 d.630	16 N.J.R. 139(a)
8:43-7.2	Residential health care patients: home energy assistance payments	15 N.J.R. 1713(a)	R.1983 d.631	16 N.J.R. 140(a)
8:43B-17	Readopted: Cardiac Services rules	15 N.J.R. 1713(b)	R.1983 d.632	16 N.J.R. 141(a)
8:43B-17	Correction: effective date of Cardiac Services rules	15 N.J.R. 1713(b)	R.1983 d.632	16 N.J.R. 254(b)
8:43E-2	Adult open acute psychiatric beds: need certification	15 N.J.R. 1717(a)	R.1983 d.627	16 N.J.R. 135(a)
8:43E-3	Psychiatric inpatient screening beds: need certification	15 N.J.R. 1720(a)	R.1983 d.626	16 N.J.R. 138(a)
8:43E-4	Children's acute psychiatric beds: need certification	15 N.J.R. 1723(a)	R.1983 d.625	16 N.J.R. 138(b)
8:65-10.2, 10.3	Controlled dangerous substances: schedule changes	15 N.J.R. 844(a)	R.1984 d.35	16 N.J.R. 369(a)
8:71	Generic drug list additions	15 N.J.R. 127(a)	R.1983 d.633	16 N.J.R. 141(b)
8:71	Additions to generic drug list	15 N.J.R. 846(a)	R.1983 d.634	16 N.J.R. 142(a)
8:71	Generic drug list additions	15 N.J.R. 1819(a)	R.1983 d.635	16 N.J.R. 142(b)
8:71	Readopted: Generic drug product list	16 N.J.R. 116(a)	R.1984 d.106	16 N.J.R. 725(a)
8:71	Generic drug list changes	15 N.J.R. 1819(a)	R.1984 d.158	16 N.J.R. 1093(a)

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8:71	Generic drug list changes	15 N.J.R. 846(a)	R.1984 d.159	16 N.J.R. 1094(a)
8:71	Generic drug list changes	16 N.J.R. 202(a)	R.1984 d.160	16 N.J.R. 1092(a)

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**HIGHER EDUCATION—TITLE 9**

9:1	Licensing and degree program approval	15 N.J.R. 1418(a)	R.1984 d.74	16 N.J.R. 536(a)
9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R.1982 d.219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R.1982 d.444	14 N.J.R. 1458(a)
9:2-2.25	Correction: State college retirement	14 N.J.R. 947(a)	R.1982 d.444	15 N.J.R. 809(c)
9:2-13.1-13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R.1982 d.493	15 N.J.R. 91(b)
9:2-13.9	Auxiliary organizations at county colleges	15 N.J.R. 1626(a)	R.1983 d.575	15 N.J.R. 2168(a)
9:3-1.1	Approval of renovation projects	15 N.J.R. 1070(a)	R.1983 d.447	15 N.J.R. 1767(a)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R.1982 d.335	14 N.J.R. 1099(a)
9:4-1.5	County college chargeback calculation	16 N.J.R. 117(a)	R.1984 d.78	16 N.J.R. 547(a)
9:4-1.6	County colleges: General education requirements	15 N.J.R. 203(a)	R.1983 d.147	15 N.J.R. 805(a)
9:4-3.1-3.10	County college annual audit	14 N.J.R. 318(a)	R.1982 d.218	14 N.J.R. 757(a)
9:4-3.4	Correction: Assets to be capitalized by county colleges			15 N.J.R. 700(b)
9:4-3.7, -8	County college contract rules	15 N.J.R. 1916(a)	R.1984 d.80	16 N.J.R. 548(a)
9:4-5	County colleges reduction in force rules	15 N.J.R. 128(a)	R.1983 d.146	15 N.J.R. 805(b)
9:4-5.7	Layoff notification at county colleges	15 N.J.R. 1070(b)	R.1984 d.77	16 N.J.R. 548(b)
9:5-1.5	State funding for senior citizens	15 N.J.R. 73(b)	R.1983 d.118	15 N.J.R. 625(a)
9:7	Readopted: Student Assistance Programs	15 N.J.R. 129(a)	R.1983 d.126	15 N.J.R. 692(a)
9:7-2.3	Foreign nationals and student assistance eligibility	15 N.J.R. 1071(a)	R.1983 d.468	15 N.J.R. 1768(a)
9:7-2.10	Student Assistance Programs: minimum academic progress	15 N.J.R. 205(a)	R.1983 d.261	15 N.J.R. 1101(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 206(a)	R.1983 d.250	15 N.J.R. 1032(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 1427(a)	R.1983 d.485	15 N.J.R. 1864(a)
9:7-3.1	Tuition Aid Grants: 1984-85 Award Table	16 N.J.R. 9(a)	R.1984 d.76	16 N.J.R. 548(c)
9:9	Readopted: Student Loan Program rules	15 N.J.R. 475(a)	R.1983 d.413	15 N.J.R. 1663(b)
9:9-1.2, 1.3	Gauranteed Student Loan and Parent Loan amounts	16 N.J.R. 203(a)	R.1984 d.153	16 N.J.R. 1094(b)
9:9-1.9, 3.5	Student loans: disbursement procedures; accrued interest	15 N.J.R. 1820(a)	R.1983 d.605	16 N.J.R. 49(a)
9:9-10.1, 10.2	Student loan programs: reducing default rates	15 N.J.R. 1336(b)	R.1983 d.647	16 N.J.R. 143(a)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:11-1	Educational Opportunity Fund financial aid guidelines	15 N.J.R. 1428(a)	R.1983 d.646	16 N.J.R. 143(b)
9:11-1.5, 1.16	Educational Opportunity Fund financial aid rules	15 N.J.R. 206(b)	R.1983 d.170	15 N.J.R. 924(b)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:12-1, 2	Academic year program support funds; summer program	15 N.J.R. 1428(a)	R.1983 d.646	16 N.J.R. 143(b)
9:14-1.3, 1.4	Aid to independent colleges and universities	16 N.J.R. 10(a)	R.1984 d.79	16 N.J.R. 549(a)
9:15	Readopted: Graduate Medical Education Program	15 N.J.R. 1429(a)	R.1983 d.518	15 N.J.R. 1864(b)

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**HUMAN SERVICES—TITLE 10**

10:6	Administrative hearings and reviews	15 N.J.R. 1725(a)	R.1984 d.27	16 N.J.R. 369(b)
10:49-1.3, 1.4	Personal care services: Administration manual	15 N.J.R. 1726(a)	R.1984 d.21	16 N.J.R. 239(c)
10:49-1.16	LTCF: loss of provider certification	16 N.J.R. 118(a)	R.1984 d.91	16 N.J.R. 727(a)
10:52-1	Readopted: Manual for Hospital Services (Coverage)	15 N.J.R. 2125(a)	R.1984 d.47	16 N.J.R. 424(b)
10:54-1	Readopted: Manual for Physicians (General Provisions)	15 N.J.R. 2129(a)	R.1984 d.34	16 N.J.R. 371(a)
10:54-3	Procedure Code Manual updating	15 N.J.R. 1730(a)	R.1983 d.614	16 N.J.R. 144(a)
10:60-1.1 -1.6, 2.1, 2.7	Personal care services: Home Health Services	15 N.J.R. 1726(a)	R.1984 d.21	16 N.J.R. 239(c)
10:62-1, 2	Vision Care Manual: readopted Eye Care and Optical Appliances rules	15 N.J.R. 1731(a)	R.1983 d.620	16 N.J.R. 144(b)
10:63-1	Long Term Care: readopted General Provisions	16 N.J.R. 204(a)	R.1984 d.123	16 N.J.R. 896(a)
10:63-1.15	LTCF: loss of provider certification	16 N.J.R. 118(a)	R.1984 d.91	16 N.J.R. 727(a)
10:65-1.2, 1.6, 1.7, 2.4	Medical day care: authorization periods; "center" defined	15 N.J.R. 1337(a)	R.1983 d.637	16 N.J.R. 144(c)
10:66-1	Independent Clinic Services Manual: readopted General Provisions	15 N.J.R. 1732(a)	R.1983 d.615	16 N.J.R. 145(a)
10:66-1.2	"Medical day care center" defined	15 N.J.R. 1337(a)	R.1983 d.637	16 N.J.R. 144(c)
10:66-1.2, 1.5, 1.6, 3.3	Personal care services: Independent Clinic Manual	15 N.J.R. 1726(a)	R.1984 d.21	16 N.J.R. 239(c)
10:81-9	Readopted: PAM Definitions	16 N.J.R. 206(a)	R.1984 d.92	16 N.J.R. 727(b)
10:81-11	PAM: Child Support and Paternity	16 N.J.R. 328(a)	R.1984 d.147	16 N.J.R. 898(a)
10:81-App. C	PAM: AFDC forms			16 N.J.R. 162(a)
10:81-App. D	Repealed (see 10:81-11)	16 N.J.R. 328(a)	R.1984 d.147	16 N.J.R. 898(a)
10:82-4.10, 4.12	ASH: income from rentals	15 N.J.R. 2019(a)	R.1984 d.191	16 N.J.R. 1272(a)
10:85-3.1	GAM: determination of household size	15 N.J.R. 1629(a)	R.1984 d.16	16 N.J.R. 245(a)
10:85-3.2	GAM: Initial work registration	15 N.J.R. 1630(a)	R.1983 d.622	16 N.J.R. 145(b)
10:85-3.3	GAM: residential health care allowance rate	16 N.J.R. 119(a)	R.1984 d.111	16 N.J.R. 729(a)
10:85-9	GAM: readopt rules on Legally Responsible Relatives	15 N.J.R. 2019(b)	R.1984 d.56	16 N.J.R. 427(a)
10:87	Readopted Food Stamp Program rules	15 N.J.R. 2134(b)	R.1984 d.68	16 N.J.R. 550(a)

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10:87-2.10, 2.19, 2.21, 3.2, 3.8, 4.2	Food Stamp Program revisions	15 N.J.R. 1821(a)	R.1984 d.17	16 N.J.R. 246(a)
10:87-5.1, 5.4, 5.9	Food Stamp Program revisions	15 N.J.R. 1821(a)	R.1984 d.17	16 N.J.R. 246(a)
10:87-6.22, 7.6, 7.8, 9.2, 9.3, 9.8-9.14	Food Stamp Program revisions	15 N.J.R. 1821(a)	R.1984 d.17	16 N.J.R. 246(a)
10:87-12.5	Food Stamp allotment proration	15 N.J.R. 1918(a)	R.1984 d.20	16 N.J.R. 246(b)
10:97	Vending Facility Program for Blind	15 N.J.R. 2020(a)	R.1984 d.149	16 N.J.R. 909(a)
10:100-3	Readopted: Special Payments Handbook rules	15 N.J.R. 2025(a)	R.1984 d.37	16 N.J.R. 375(a)
10:112-1	Division of Veterans Programs and Special Services	Organizational	R.1984 d.57	16 N.J.R. 427(b)
10:121-4	Readopted: Release of Criminal History Record Information	16 N.J.R. 119(b)	R.1984 d.88	16 N.J.R. 730(a)
10:140	Division of Mental Retardation	Organizational	R.1984 d.93	16 N.J.R. 725(b)
10:141	Charity racing days for developmentally disabled	15 N.J.R. 1826(a)	R.1984 d.28	16 N.J.R. 375(b)

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### CORRECTIONS—TITLE 10A

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### INSURANCE—TITLE 11

11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance	_____	_____	15 N.J.R. 810(a)
11:1-9	Temporary licensing of life and health insurance agents	15 N.J.R. 1828(a)	R.1983 d.603	16 N.J.R. 49(c)
11:1-14	Licenses: Address change; process serving	14 N.J.R. 748(a)	R.1982 d.336	14 N.J.R. 1099(b)
11:2-17.7	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)
11:3-6	Readopted: Auto Insurance Identification Card rules	15 N.J.R. 1919(a)	R.1983 d.648	16 N.J.R. 145(c)
11:3-6	Correction: effective date of Auto Insurance ID Card rules	15 N.J.R. 1919(a)	R.1983 d.648	16 N.J.R. 254(c)
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)
11:3-12	Automobile rate filers: flat uniform premium tax and fees	15 N.J.R. 1170(a)	R.1983 d.424	15 N.J.R. 1666(a)
11:3-13	Auto insurance: collision and comprehensive deductibles	15 N.J.R. 1342(a)	R.1983 d.467	15 N.J.R. 1769(b)
11:3-13	Options for collision and comprehensive coverages	15 N.J.R. 1961(a)	R.1984 d.3	16 N.J.R. 246(c)
11:3-14	Auto insurance: personal injury protection options	15 N.J.R. 2139(a)	R.1984 d.116	16 N.J.R. 730(b)
11:3-15	Auto insurance policies: buyer's guide and written notice	15 N.J.R. 2142(a)	R.1984 d.114	16 N.J.R. 733(a)
11:5	Readopted: Real Estate Commission rules	15 N.J.R. 1343(a)	R.1983 d.471	15 N.J.R. 1865(c)
11:10-2	Employees' dental benefit plans: alternate coverage	15 N.J.R. 1350(a)	R.1984 d.115	16 N.J.R. 735(a)
11:13	Commercial insurance	14 N.J.R. 1045(a)	R.1982 d.423	14 N.J.R. 1398(c)
11:15	Hospital workers' group self insurance	16 N.J.R. 340(a)	R.1984 d.172	16 N.J.R. 1273(a)

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### LABOR—TITLE 12

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)
12:15-1.3	Unemployment and disability: 1984 maximum weekly rates	15 N.J.R. 1434(a)	R.1983 d.521	15 N.J.R. 1944(c)
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)
12:15-1.4	Unemployment compensation: 1984 taxable wage base	15 N.J.R. 1435(a)	R.1983 d.522	15 N.J.R. 1944(d)
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)
12:15-1.5	1984 unemployment contribution rates: governmental entities	15 N.J.R. 1829(a)	R.1983 d.612	16 N.J.R. 50(a)
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)
12:17-11.3	Unemployment benefits: lump sum pension reduction	15 N.J.R. 1436(a)	R.1983 d.602	16 N.J.R. 51(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 Determination Service	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:51-2.1, 3.5, 4.1, 5.1, 6.1, 7.1, 8.2, 8.3, 8.4, 9.1, 10.1, 11.1, 13.1, 13.2, 17.1, 18.1	Vocational Rehabilitation Facilities	15 N.J.R. 1548(a)	R.1983 d.600	16 N.J.R. 51(b)
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)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
12:175	Ski lift safety standards	15 N.J.R. 1553(a)	R.1983 d.613	16 N.J.R. 51(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	Readopted: rules on Carnival—Amusement Rides	15 N.J.R. 1002(a)	R.1983 d.364	15 N.J.R. 1477(b)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R.1982 d.380	14 N.J.R. 1219(c)
12:235-1.5	1984 workers' compensation benefit rates	15 N.J.R. 1437(a)	R.1983 d.520	15 N.J.R. 1945(a)

(Title 12, Transmittal 15 dated June 21, 1982)

**LAW AND PUBLIC SAFETY—TITLE 13**

13:1	Readopted: Police Training Commission rules	15 N.J.R. 866(a)	R.1983 d.316	15 N.J.R. 1382(b)
13:2-2	ABC: readopted filing and notice rules for Municipal License Applications	16 N.J.R. 345(a)	R.1984 d.141	16 N.J.R. 916(a)
13:2-5	ABC: readopted Insurance of Special Permits by Director	16 N.J.R. 492(a)	R.1984 d.175	16 N.J.R. 1277(a)
13:2-7	ABC: readopted Transfers of State and Municipal Licenses rules	16 N.J.R. 493(a)	R.1984 d.176	16 N.J.R. 1277(b)
13:2-7.10, 24.4	ABC: wholesaler to retailer credit controls	15 N.J.R. 1557(a)	R.1983 d.545	15 N.J.R. 1945(b)
13:2-8	ABC: readopted Club Licenses rules	16 N.J.R. 494(a)	R.1984 d.177	16 N.J.R. 1277(a)
13:2-8.1	Correction to ABC rules: Definition of club member			15 N.J.R. 1876(b)
13:2-18	ABC: readopted Petition Proceedings; Discrimination Against Wholesalers rules	16 N.J.R. 495(a)	R.1984 d.178	16 N.J.R. 1278(a)
13:2-23	Readopted: ABC rules for licensee conduct	16 N.J.R. 29(a)	R.1984 d.51	16 N.J.R. 428(a)
13:2-23.16	ABC: exceptions to prohibited promotions	15 N.J.R. 1558(a)	R.1983 d.527	15 N.J.R. 1946(a)
13:2-24	ABC: readopted Trade Member Discrimination, Marketing and Advertising rules	16 N.J.R. 412(a)	R.1984 d.155	16 N.J.R. 1095(a)
13:2-24.11	ABC: manufacturers' rebates and coupons	15 N.J.R. 1003(a)	R.1983 d.361	15 N.J.R. 1478(a)
13:2-24.11	ABC: use of manufacturers' rebates and coupons	15 N.J.R. 1830(a)	R.1983 d.644	16 N.J.R. 146(a)
13:2-24.12	ABC: marketing and advertising	15 N.J.R. 1921(a)	R.1984 d.140	16 N.J.R. 916(b)
13:2-24.12	Correction: ABC rule on marketing and advertising	15 N.J.R. 1921(a)	R.1984 d.140	16 N.J.R. 1278(b)
13:2-25	ABC: readopted Diversion, Transshipment and Registered Distribution rules	16 N.J.R. 496(a)	R.1984 d.179	16 N.J.R. 1278(c)
13:2-26.1	ABC: readopted Retail Cooperative Purchases rules	16 N.J.R. 497(a)	R.1984 d.180	16 N.J.R. 1279(a)
13:2-27	ABC: readopted Labeling and Standards of Fill; Deposit Marked Containers rules	16 N.J.R. 497(b)	R.1984 d.181	16 N.J.R. 1279(b)
13:2-27.2	ABC: sale of out-of-state deposit containers	16 N.J.R. 31(a)	R.1984 d.50	16 N.J.R. 428(b)
13:2-29	ABC: readopted Records rules	16 N.J.R. 498(a)	R.1984 d.182	16 N.J.R. 1279(c)
13:2-33	ABC: readopted Product Information Filing; Brand Registration rules	16 N.J.R. 499(a)	R.1984 d.183	16 N.J.R. 1279(d)
13:2-36.1	ABC: readopted Requests for Advisory Opinions rules	16 N.J.R. 500(a)	R.1984 d.184	16 N.J.R. 1280(a)
13:2-37	ABC: readopted Contracts of Employment and Conduct of Solicitors rules	16 N.J.R. 501(a)	R.1984 d.185	16 N.J.R. 1280(b)
13:2-39	ABC: readopted rules on Credit Terms; Required Records; Returns; Notices	16 N.J.R. 501(b)	R.1984 d.186	16 N.J.R. 1280(c)
13:3-1.2, 1.11 1.14, 1.16, 1.17	Amusement games control	15 N.J.R. 680(a)	R.1983 d.303	15 N.J.R. 1254(b)
13:3-1.10, 1.13, 1.15, 1.18, 2.1, 2.3, 3.1	ABC: amusement games licensing	16 N.J.R. 208(a)	R.1984 d.90	16 N.J.R. 737(a)
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)
13:3-2.2, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.15, 4.3, 7.1, 7.2, 7.9	Amusement games control	15 N.J.R. 680(a)	R.1983 d.303	15 N.J.R. 1254(b)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:4-2.3	Fact-finding conferences on discrimination complaints	15 N.J.R. 500(a)	R.1983 d.385	15 N.J.R. 1604(a)
13:4-12.1	Discrimination complaints and hearings before OAL	15 N.J.R. 501(a)	R.1983 d.347	15 N.J.R. 1481(a)
13:4-12.1, 12.3	Readopted: certain rules on civil rights hearings	15 N.J.R. 1922(a)	R.1983 d.650	16 N.J.R. 146(b)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:10	Readopted: Multiple Dwelling Reporting of tenancy composition	16 N.J.R. 415(a)	R.1984 d.169	16 N.J.R. 1095(b)
13:18-10	Readopted: Unsatisfied claim and Judgment Fund rules on excess medical benefits	15 N.J.R. 872(a)	R.1983 d.387	15 N.J.R. 1604(b)
13:19-1.2-1.13	Motor vehicle license suspensions: prehearing conferences	15 N.J.R. 2143(a)	R.1984 d.129	16 N.J.R. 918(a)
13:19-2	Repealed: Probationary Driver Licenses	15 N.J.R. 501(b)	R.1983 d.242	15 N.J.R. 1035(b)
13:19-10	Point system; motorized bicycle offenses	15 N.J.R. 1004(a)	R.1983 d.360	15 N.J.R. 1481(b)
13:19-10	Readopted: Point System and Driving During Suspension rules	16 N.J.R. 347(a)	R.1984 d.128	16 N.J.R. 920(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
13:19-11	Out-of-state conviction for drunk driving	15 N.J.R. 1009(a)	R.1983 d.352	15 N.J.R. 1481(c)
13:19-12	Motor vehicle insurance surcharge	15 N.J.R. 2027(a)	R.1984 d.18	16 N.J.R. 247(a)
13:19-13	Motor vehicle insurance surcharges	16 N.J.R. 124(a)	R.1984 d.61	16 N.J.R. 551(a)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R.1982 d.364	14 N.J.R. 1162(e)
13:20-7.4	Motor vehicle inspection: odd-even system repealed	15 N.J.R. 1261(a)	R.1984 d.83	16 N.J.R. 738(a)
13:20-7.4	Motor vehicle inspection: repeal odd-even system	Emergency	R.1983 d.294	15 N.J.R. 1261(a)
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	Readopted: Motor Vehicles Alcohol Countermeasures rules	15 N.J.R. 1923(a)	R.1984 d.7	16 N.J.R. 247(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)
13:20-32.4, 32.14, 32.15	Motor vehicle reinspection centers: mechanic certification	Emergency	R.1983 d.404	15 N.J.R. 1608(a)
13:20-32.4, 32.14, 32.15	Motor vehicle reinspection centers: mechanic certification	15 N.J.R. 1608(a)	R.1983 d.525	15 N.J.R. 1946(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R.1983 d.20	15 N.J.R. 156(c)
13:20-33	Motor Vehicles: readopted Licensed Reinspection Center rules	16 N.J.R. 503(a)	R.1984 d.173	16 N.J.R. 1280(d)
13:20-33.1, 33.2 33.50, 33.51	Licensed motor vehicle reinspection centers	15 N.J.R. 1963(a)	R.1984 d.10	16 N.J.R. 247(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)
13:20-34.7	Motor Vehicles: reissuance of particular identifying marks	16 N.J.R. 347(b)	R.1984 d.157	16 N.J.R. 1095(c)
13:21-7	Special driver permits; test for hearing impaired	15 N.J.R. 1831(a)	R.1984 d.11	16 N.J.R. 247(d)
13:21-8	Driver license: law-knowledge tests; test for hearing impaired	15 N.J.R. 1437(b)	R.1983 d.609	16 N.J.R. 51(d)
13:21-8.24	Driver license suspension: failure to notify of address change	15 N.J.R. 2029(a)	R.1984 d.19	16 N.J.R. 248(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)
13:21-19	Motor Vehicle Franchise Committee: procedural rules	15 N.J.R. 1232(a)	R.1983 d.621	16 N.J.R. 146(c)
13:25-6	Repeal (see 13:19-10)	15 N.J.R. 1004(a)	R.1983 d.360	15 N.J.R. 1481(b)
13:25-8	Motorized bicycles: readopted operation rules	15 N.J.R. 1440(a)	R.1983 d.608	16 N.J.R. 52(a)
13:25-8	Motorized bicycles: effective date of readopted rules	15 N.J.R. 1440(a)	R.1983 d.608	16 N.J.R. 248(b)
13:25-9	Approved helmets for motorized bicycle operators	15 N.J.R. 684(a)	R.1983 d.489	15 N.J.R. 1865(d)
13:26	Readopted: Transportation of Bulk Commodities rules	15 N.J.R. 1116(a)	R.1983 d.441	15 N.J.R. 1770(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)
13:27-7	Pre-prepared plans for single family houses	15 N.J.R. 1010(a)	R.1983 d.466	15 N.J.R. 1770(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, 3.12-3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R.1982 d.407	14 N.J.R. 1309(b)
13:32-1.5	Plumbing business and bona fide representative	15 N.J.R. 1171(a)	R.1983 d.580	15 N.J.R. 2171(c)
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	Ophthalmic Dispensers and Technicians Board: readopted administrative rules	16 N.J.R. 215(a)	R.1984 d.112	16 N.J.R. 738(b)
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)
13:33-1.3, 1.4, 1.29, 1.36	Ophthalmic dispensers and technicians	15 N.J.R. 1832(a)	R.1984 d.22	16 N.J.R. 248(c)
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)
13:34-1.1, 1.3-1.7, 2.1, 3.1-3.7, 4.1, 4.2	Marriage counselor practice	15 N.J.R. 1441(a)	R.1983 d.544	15 N.J.R. 1947(a)
13:35-1-6	Board of Medical Examiners: standards and rules	15 N.J.R. 503(a)	R.1983 d.314	15 N.J.R. 1255(a)
13:35-6.6	Prescribing and dispensing medications	16 N.J.R. 416(a)	R.1984 d.197	16 N.J.R. 1281(a)
13:35-1A.4	Standards for out-of-state medical school	15 N.J.R. 1444(a)	R.1983 d.549	15 N.J.R. 2044(a)
13:35-2.13	Graduate physician pending licensure: privileges and conditions	16 N.J.R. 216(a)	R.1984 d.138	16 N.J.R. 920(b)
13:35-3.3, 6.13	Medical examiners board: chiropractic endorsement; fees	15 N.J.R. 784(a)	R.1983 d.510	15 N.J.R. 1865(e)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R.1982 d.214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R.1982 d.214	14 N.J.R. 918(b)
13:35-6.7	Medical examiners board: prescribing amphetamines	15 N.J.R. 785(a)	R.1983 d.490	15 N.J.R. 1866(a)
13:35-6.8	Prescribing, administering or dispensing laetirle	15 N.J.R. 2029(b)	R.1984 d.67	16 N.J.R. 552(a)
13:35-6.10	Advertising by medical board licensees	16 N.J.R. 32(a)	R.1984 d.139	16 N.J.R. 921(a)
13:35-7, 9, 10	Repealed (see 13:35-1-6)	15 N.J.R. 503(a)	R.1983 d.314	15 N.J.R. 1255(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R.1982 d.416	14 N.J.R. 1400(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
13:37-2-6, 9, 10,11	Board of Nursing: licensure by examination and endorsement; foreign nurses; nursing procedures	15 N.J.R. 1850(a)	R.1984 d.137	16 N.J.R. 922(a)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R.1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R.1982 d.408	14 N.J.R. 1310(a)
13:38-2.1	Optometric practice: minimum examination	15 N.J.R. 1234(a)	R.1983 d.511	15 N.J.R. 1866(b)
13:38-6.1	Optometric practices: readopted rule on patient records	15 N.J.R. 1011(a)	R.1983 d.359	15 N.J.R. 1481(d)
13:39-5	Readopted: Rules for registration of pharmacists	15 N.J.R. 1172(a)	R.1983 d.440	15 N.J.R. 1770(c)
13:39-6	Recordkeeping in pharmacies: 30-day waiver of expiration date	16 N.J.R. 217(a)	_____	16 N.J.R. 396(c)
13:39-6	Board of Pharmacy: readopted Prescriptions rules	16 N.J.R. 217(a)	R.1984 d.89	16 N.J.R. 739(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)
13:39-8.14, 9.14	Pharmacist-in-Charge; in-store pharmacies	14 N.J.R. 898(b)	R.1983 d.341	15 N.J.R. 1482(a)
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. 1581(a)
13:40-6	Engineers and Land Surveyors: readopted licensing fee schedule	15 N.J.R. 1077(a)	R.1983 d.418	15 N.J.R. 1667(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)
13:42	Readopted: Licensure of psychologists; misconduct	15 N.J.R. 1497(a)	R.1983 d.543	15 N.J.R. 1947(b)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R.1983 d.122	15 N.J.R. 626(b)
13:43-4	Certified Shorthand Reporting: examination and licensure fees	15 N.J.R. 873(a)	R.1983 d.414	15 N.J.R. 1667(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)
13:45A-20	Resale of tickets of admission to places of entertainment	16 N.J.R. 417(a)	R.1984 d.196	16 N.J.R. 1281(b)
13:45A-21	Sale of Kosher food	16 N.J.R. 220(a)	R.1984 d.113	16 N.J.R. 741(a)
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	Readopted: rules on General Weighing and Measuring Devices	15 N.J.R. 1925(a)	R.1984 d.6	16 N.J.R. 249(a)
13:47B-1.1	Correction to Code: Liquid measuring devices	_____	_____	14 N.J.R. 1315(b)
13:47C-1.1, 3.6	Industry standards for treated lumber	15 N.J.R. 1835(a)	R.1984 d.5	16 N.J.R. 249(b)
13:49-1-8	State Medical Examiner: death investigations	15 N.J.R. 1351(a)	R.1983 d.589	15 N.J.R. 2172(d)
13:70-3, 14, 15, 29, 29	Readopted: Thoroughbred rules	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:70-3.5, 3.6	Thoroughbred rules: racing associations	15 N.J.R. 1928(a)	R.1984 d.43	16 N.J.R. 377(a)
13:70-3.47	Thoroughbred rules	14 N.J.R. 1146(b)	R.1983 d.14	15 N.J.R. 158(b)
13:70-4	Readopted certain Thoroughbred rules	16 N.J.R. 221(a)	R.1984 d.103	16 N.J.R. 742(a)
13:70-4.1	Thoroughbred racing: License fees	14 N.J.R. 1444(a)	R.1983 d.103	15 N.J.R. 553(b)
13:70-6.53	Thoroughbred rules: New Jersey stallions	15 N.J.R. 2147(a)	R.1984 d.45	16 N.J.R. 378(a)
13:70-6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R.1983 d.14	15 N.J.R. 158(b)
13:70-9.18	Jockey fees	15 N.J.R. 518(a)	R.1983 d.512	15 N.J.R. 1866(c)
13:70-14.16	Thoroughbred rules: equine fatality report	16 N.J.R. 222(a)	R.1984 d.104	16 N.J.R. 743(a)
13:70-19.43	Repealed (see 13:70-3, 14, 15, 19, 29)	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:71-1.23	Harness racing: No smoking in barn areas	15 N.J.R. 873(b)	R.1983 d.337	15 N.J.R. 1383(a)
13:71-5, 9, 21, 23	Readopted: Harness rules	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:71-7, 8, 17	Readopted certain Harness rules	16 N.J.R. 221(a)	R.1984 d.103	16 N.J.R. 742(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R.1983 d.13	15 N.J.R. 158(c)
13:71-6.25 -6.30	Harness racing: association rules	15 N.J.R. 1928(b)	R.1984 d.44	16 N.J.R. 378(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)

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13:71-20.24	Harness rules: equine fatality report	16 N.J.R. 224(a)	R.1984 d.105	16 N.J.R. 743(b)
13:76	Arson investigators: training requirements	15 N.J.R. 1078(a)	R.1983 d.365	15 N.J.R. 1482(b)

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**PUBLIC UTILITIES—TITLE 14**

14:1-3.3	Board proceedings and ex parte communications	14 N.J.R. 1148(a)	R.1983 d.415	15 N.J.R. 1667(c)
14:3-3.6	Diversion-of-service disputes	15 N.J.R. 787(a)	R.1983 d.526	15 N.J.R. 1949(a)
14:3-7.5	Customer accounts: deposits for service	16 N.J.R. 1355(a)	R.1984 d.87	16 N.J.R. 744(a)
14:3-7.11A	Uniform budgeting plan for residential customers	15 N.J.R. 1235(a)	R.1984 d.651	16 N.J.R. 250(a)
14:3-7.16	Diversion-of-service disputes	15 N.J.R. 787(a)	R.1983 d.526	15 N.J.R. 949(a)
14:17-6.21	CATV: petitions to set aside variance refusal	16 N.J.R. 125(a)	R.1984 d.167	16 N.J.R. 1096(a)
14:17-18	Cable television: common tariff rate-making	15 N.J.R. 1356(a)	R.1983 d.435	15 N.J.R. 1673(a)
14:18-11	Readopted: CATV application for municipal consent and certification rules	15 N.J.R. 874(a)	R.1983 d.346	15 N.J.R. 1483(a)

(Title 14, Transmittal 16 dated June 21, 1982)

**ENERGY—TITLE 14A**

14A:2-3	Readopted: Emergency allocation rules for motor gasoline	16 N.J.R. 419(a)	R.1984 d.162	16 N.J.R. 1097(a)
14A:2-6	Suppliers of motor gasoline (recodified from 14A:11-1)	16 N.J.R. 224(b)	R.1984 d.86	16 N.J.R. 745(a)
14A:3	Correction: Expiration date of N.J.A.C. 14A:3, Energy Conservation			15 N.J.R. 701(a)
14A:3-1, 2, 3, 4, 6, 7, 8, 9	Readopted: Energy Conservation rules	15 N.J.R. 789(a)	R.1983 d.298	15 N.J.R. 1256(b)
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:4	Solar energy systems: readopted standards and qualifications for tax exemption	15 N.J.R. 1448(a)	R.1983 d.487	15 N.J.R. 1867(a)
14A:4-1.3, 2.1, 2.2, 2.3	Solar systems: qualifications for property tax deduction	16 N.J.R. 34(a)	R.1984 d.53	16 N.J.R. 429(a)
14A:5	Solar energy systems: readopted sales tax exemption rules	15 N.J.R. 1450(a)	R.1983 d.486	15 N.J.R. 1867(b)
14A:5-1.3, 2.1, 2.2, 2.3	Solar systems: qualifications for sales tax exemption	16 N.J.R. 37(a)	R.1984 d.52	16 N.J.R. 430(a)
14A:6-1.5, 1.7	Recycling Grants and Loans	16 N.J.R. 6(a)	R.1984 d.75	16 N.J.R. 535(b)
14A:11-1	Reporting of energy information: readopted Suppliers of Motor Gasoline rules	16 N.J.R. 224(b)	R.1984 d.86	16 N.J.R. 745(a)
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)
14A:14	Certificates of need for electric facilities	15 N.J.R. 1735(b)	R.1984 d.2	16 N.J.R. 250(b)

(Title 14A, Transmittal 8 dated June 21, 1982)

**STATE—TITLE 15**

15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R.1983 d.61	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)

(Title 15, Transmittal 13 dated March 19, 1981)

**PUBLIC ADVOCATE—TITLE 15A**

(Title 15A, Transmittal 1 dated March 20, 1978)

**TRANSPORTATION—TITLE 16**

16:2	Readopted: Award of Contracts for Professional services	15 N.J.R. 1176(a)	R.1983 d.410	15 N.J.R. 1668(a)
16:16	Readopted: State aid for municipal operation and construction of roads	15 N.J.R. 1505(a)	R.1983 d.494	15 N.J.R. 1867(c)
16:17	Readopted: State aid for municipal operation and construction of roads	15 N.J.R. 1505(a)	R.1983 d.494	15 N.J.R. 1867(c)
16:21A	Bridge Rehabilitation and Improvement Fund: local aid	Emergency	R.1984 d.64	16 N.J.R. 437(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)
16:28-1	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.983 d.495	15 N.J.R. 1867(d)
16:28-1.2	Speed rate, Route I-80 interchange, Morris County	15 N.J.R. 877(a)	R.1983 d.329	15 N.J.R. 1868(a)
16:28-1.22	Speed rate on Route 109 in Cape May County	15 N.J.R. 1358(a)	R.1983 d.438	15 N.J.R. 1868(e)
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)
16:28-1.44	Speed rate on Route 27, Somerset and Middlesex counties	16 N.J.R. 39(a)	R.1984 d.71	16 N.J.R. 553(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)

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16:28-1.75	Speed rates on Route 36 in Monmouth County	15 N.J.R. 1236(a)	R.1983 d.417	15 N.J.R. 1869(d)
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)
16:28A-1	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
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 in Newark	14 N.J.R. 1049(a)	R.1982 d.420	14 N.J.R. 1402(a)
16:28A-1.2, 1.7, 1.18, 1.19, 1.25, 1.64	Parking on US1 and 9, US9, Routes 27, 28, 35, 41	15 N.J.R. 1739(a)	R.1983 d.581	15 N.J.R. 2174(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	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-1.4	Parking on Route 4 in Fair Lawn	15 N.J.R. 1632(a)	R.1983 d.559	15 N.J.R. 2045(a)
16:28A-1.5, 1.68	Parking on Routes 5 and 93 in Bergen County	15 N.J.R. 1836(a)	R.1983 d.617	16 N.J.R. 147(a)
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	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-1.7, 1.18	Parking on US 9 (Freehold) and Route 27 (Rahway)	16 N.J.R. 126(a)	R.1984 d.102	16 N.J.R. 745(b)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R.1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	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 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-1.13, 1.31	Parking on US 22 and Route 45	15 N.J.R. 1740(a)	R.1983 d.577	15 N.J.R. 2175(a)
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	Route 24 parking	14 N.J.R. 553(a)	R.1982 d.248	14 N.J.R. 919(f)
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	Handicapped parking on Route 28 in Elizabeth	15 N.J.R. 1237(a)	R.1983 d.408	15 N.J.R. 1868(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-1.21	Parking on US30 in Atlantic County and Route 94 in Sussex County	15 N.J.R. 1080(a)	R.1983 d.377	15 N.J.R. 1868(d)
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, 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-1.24, 1.26	Parking on Routes 34 and 36	15 N.J.R. 1633(a)	R.1983 d.557	15 N.J.R. 2045(b)
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-1.25	Parking on Route 35 in Old Bridge	15 N.J.R. 792(a)	R.1983 d.297	15 N.J.R. 1256(c)
16:28A-1.25, 1.61	Parking on Routes 35 and US 9W	15 N.J.R. 1634(a)	R.1983 d.558	15 N.J.R. 2045(c)
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, 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-1.31	Bus stops on Routes 45 and 77 in Gloucester County	15 N.J.R. 1358(b)	R.1983 d.437	15 N.J.R. 1869(a)
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-1.33	Parking on Route 47 in Glassboro	15 N.J.R. 1559(b)	R.1983 d.531	15 N.J.R. 1954(a)
16:28A-1.33	Parking on Routes 47 (Deptford) and 73 (Mt. Laurel)	15 N.J.R. 1451(a)	R.1983 d.478	15 N.J.R. 1869(b)
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, 70	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
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-1.37	Parking on Routes 70 and 183 in Camden and Sussex Counties	15 N.J.R. 1560(a)	R.1983 d.532	15 N.J.R. 1954(b)
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-1.40	Parking on Routes 47 (Deptford) and 73 (Mt. Laurel)	15 N.J.R. 1451(a)	R.1983 d.478	15 N.J.R. 1869(b)
16:28A-1.41	Bus stops on Routes 45 and 77 in Gloucester County	15 N.J.R. 1358(b)	R.1983 d.437	15 N.J.R. 1869(a)
16:28A-1.43	Parking on Route 82 in Springfield	15 N.J.R. 1452(a)	R.1983 d.479	15 N.J.R. 1869(c)
16:28A-1.43	Parking on Routes 82 and 208 in Union and Fair Lawn	15 N.J.R. 1562(a)	R.1983 d.533	15 N.J.R. 1954(c)

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16:28A-1.45	Parking on US30 in Atlantic County and Route 94 in Sussex County	15 N.J.R. 1080(a)	R.1983 d.377	15 N.J.R. 1868(d)
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-1.52, 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-1.53	Parking on Route 179 in E. Amwell	15 N.J.R. 1929(a)	R.1983 d.645	16 N.J.R. 147(b)
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-1.61	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	Parking on Route 41	14 N.J.R. 425(a)	R.1982 d.202	14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R.1983 d.52	15 N.J.R. 342(a)
16:28A-1.65	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-1.67, 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, 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-1.70	Parking on Route 439 in Elizabeth	14 N.J.R. 521(b)	R.1982 d.226	15 N.J.R. 1037(a)
16:28A-1.70	Handicapped parking on Route 439 in Elizabeth	15 N.J.R. 1012(a)	R.1983 d.362	15 N.J.R. 1868(b)
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-1.88	Parking on Routes 82 and 208 in Union and Fair Lawn	15 N.J.R. 1562(a)	R.1983 d.533	15 N.J.R. 1954(c)
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)
16:28A-1.96	Parking on Routes 70 and 183 in Camden and Sussex Counties	15 N.J.R. 1560(a)	R.1983 d.532	15 N.J.R. 1954(b)
16:28A-2	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:29	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
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)
16:29-1.10, 1.29 - 1.34	No passing zones on Routes 49, 37, 68, 175, 170, 52, 83	15 N.J.R. 2148(a)	R.1984 d.32	16 N.J.R. 379(a)
16:30	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
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)
16:30-2.6	Stop intersection: Rising Sun Square-Old York Road, Bordertown	15 N.J.R. 1359(a)	R.1983 d.436	15 N.J.R. 1869(e)
16:30-2.7, 2.8	Yield intersections: Routes 31 (Clinton) and 23 (Wayne)	15 N.J.R. 1636(a)	R.1983 d.560	15 N.J.R. 2046(a)
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	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)
16:30-7.5	Exclusion of trucks on US1 and 9, Pulaski Skyway	15 N.J.R. 1506(a)	R.1983 d.480	15 N.J.R. 1870(a)
16:30-9.1	Drawbridge use on Route 35 in OldBridge-Sayerville	15 N.J.R. 132(a)	R.1983 d.106	15 N.J.R. 554(b)
16:30-10.1	Mid-block crosswalk on Route 28 in Somerville	15 N.J.R. 1837(a)	R.1983 d.616	16 N.J.R. 147(c)
16:31	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:31-1.1	U turns on US 206 in Bordertown	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)
16:31-1.17	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	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
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)
16:41-2.1, 2.3-2.14, 2.18, 2.19, 3.3	Access driveways along highways	14 N.J.R. 1284(a)	R.1983 d.530	15 N.J.R. 1955(a)
16:41-7.2	Street intersections	14 N.J.R. 1289(a)	R.1983 d.529	15 N.J.R. 1957(a)
16:44-3.2	Contract administration: distribution and sale of plans	15 N.J.R. 1930(a)	R.1984 d.70	16 N.J.R. 554(a)
16:53	Readopted: Autobus Specifications	16 N.J.R. 127(a)	R.1984 d.82	16 N.J.R. 746(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
16:53-1.29, 1.30, 3.23, 3.24, 6.21, 6.30, 7.17, 7.23, 8.22, 8.25	Autobus specifications	15 N.J.R. 877(b)	R.1983 d.445	15 N.J.R. 1771(a)
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)
16:53C	Rail Freight Program	15 N.J.R. 1563(a)	R.1983 d.601	16 N.J.R. 52(b)
16:55-1	Licensing of aeronautical activities	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(b)
16:56	Repealed (See 16:55-1)	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(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)
16:60-1.3	Issuance of summons; peace officers; aircraft accidents	15 N.J.R. 1456(a)	R.1983 d.477	15 N.J.R. 1870(c)
16:61-1.1, 2.1, 2.2, 2.4	Issuance of summons; peace officers; aircraft accidents	15 N.J.R. 1456(a)	R.1983 d.477	15 N.J.R. 1870(c)
16:62	Repealed (See 16:55-1)	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(b)
16:65	Readopted: Contract Administration rules	15 N.J.R. 1080(b)	R.1983 d.409	15 N.J.R. 1668(b)
16:65	Contract Administration rules recodified as 16:44			15 N.J.R. 1772(a)
16:75	NJ TRANSIT: bus allocation rules	15 N.J.R. 881(a)	R.1983 d.371	15 N.J.R. 1484(a)
16:76	Private Carrier Capital Improvement Program	15 N.J.R. 2149(a)	R.1984 d.72	16 N.J.R. 554(b)

**(Title 16, Transmittal 16 dated June 21, 1982)**

**TREASURY-GENERAL-TITLE 17**

17:1	Readopted: General Administration pension rules	15 N.J.R. 523(a)	R.1983 d.174	15 N.J.R. 930(b)
17:1-1.3	Alternate Benefit Program: monthly report due date	15 N.J.R. 1457(a)	R.1983 d.546	15 N.J.R. 1957(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)
17:1-1.3, 8.9-8.12, 8.14	Public employers: Social Security filing and reporting	15 N.J.R. 1741(a)	R.1983 d.599	16 N.J.R. 148(a)
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)
17:1-4.11	Teachers' Pension: Credit for prior military service	15 N.J.R. 1238(a)	R.1983 d.416	15 N.J.R. 1668(c)
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)
17:1-12.6	Pension credit for extended maternity leave	15 N.J.R. 1012(b)	R.1983 d.334	15 N.J.R. 1383(b)
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)
17:2-3.3	PERS: contributory insurance rate	16 N.J.R. 358(a)	R.1984 d.190	16 N.J.R. 1284(a)
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)
17:3-1.4	Teachers' Pension: delegates to annual convention	15 N.J.R. 1360(a)	R.1983 d.483	15 N.J.R. 1870(d)
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)
17:3-2.1	Teachers' Pension: eligible positions	15 N.J.R. 1360(b)	R.1983 d.483	15 N.J.R. 1871(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:3-2.8	Teachers' Pension: repealed insurance liability for unenrolled members	15 N.J.R. 1177(a)	R.1983 d.439	15 N.J.R. 1773(a)
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)
17:4-2.5	Pensions: age requirements for police and firemen	15 N.J.R. 883(a)	R.1983 d.481	15 N.J.R. 1871(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)
17:4-4.1	Police and Firemen's Retirement: "creditable salary"	15 N.J.R. 1238(b)	R.1983 d.482	15 N.J.R. 1871(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.1983 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	State Health Benefits Program	15 N.J.R. 792(b)	R.1983 d.330	15 N.J.R. 1383(c)
17:9-1.4, 1.6	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-1.5	Health Benefits Program: employer termination of participation	15 N.J.R. 793(a)	R.1983 d.332	15 N.J.R. 1383(d)
17:9-1.7	State Health Benefits Program: local governments	15 N.J.R. 884(a)	R.1983 d.331	15 N.J.R. 1383(e)
17:9-2.1, 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	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R.1982 d.341	14 N.J.R. 1165(a)
17:9-6.1-6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:10	Readopted: Judicial Retirement System rules	15 N.J.R. 530(a)	R.1983 d.178	15 N.J.R. 931(a)
17:10-1.3, 1.4	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-1.8	Judicial Retirement System: proof of age	14 N.J.R. 1298(a)	R.1983 d.214	15 N.J.R. 1038(b)
17:10-1.11	Judicial Retirement: withdrawals and interest earned	15 N.J.R. 1013(a)	R.1984 d.12	16 N.J.R. 251(a)
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)
17:10-3.5	Judicial Retirement: repeal insurance liability for unenrolled members	15 N.J.R. 1013(b)	R.1984 d.13	16 N.J.R. 251(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)
17:16-45	State Investment Council: real estate equity	15 N.J.R. 1457(b)	R.1983 d.473	15 N.J.R. 1871(d)
17:20	Lottery Commission rules	15 N.J.R. 1361(a)	R.1983 d.472	15 N.J.R. 1871(e)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:20-8.1	Lottery Vendors' Code of Ethics	15 N.J.R. 2030(a)	R.1984 d.30	16 N.J.R. 380(a)
17:20-10	Correction to Code: Lottery ticket rules			15 N.J.R. 166(a)
17:27	Readopted: Affirmative Action procedures; public contracts	15 N.J.R. 1459(a)	R.1983 d.506	15 N.J.R. 1872(a)

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**TREASURY-TAXATION—TITLE 18**

18:3	Readopted: Alcoholic Beverage Tax Act rules	16 N.J.R. 513(b)	R,1984 d.170	16 N.J.R. 1097(b)
18:5	Readopted: Cigarette Tax rules	16 N.J.R. 228(a)	R.1984 d.94	16 N.J.R. 925(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)
18:6	Readopted Unfair Cigarette Sales Act rules	16 N.J.R. 228(b)	R.1984 d.97	16 N.J.R. 746(b)
18:7	Readopted Corporation Business Tax rules	16 N.J.R. 229(a)	R.1984 d.95	16 N.J.R. 746(c)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-3.1, 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)
18:7-3.10	Corporation Tax: regulated investment companies	15 N.J.R. 1365(a)	R.1983 d.496	15 N.J.R. 1872(b)
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	Corporation Tax: filing extension, "amount of underpayment"	15 N.J.R. 1366(a)	R.1983 d.497	15 N.J.R. 1872(c)
18:8	Readopted Financial Business Tax rules	16 N.J.R. 232(a)	R.1984 d.96	16 N.J.R. 747(a)
18:9	Readopted: Business Personal Property Tax rules	15 N.J.R. 1081(a)	R.1983 d.345	15 N.J.R. 1487(a)
18:12-18:17	Readopted: Local Property Tax rules	15 N.J.R. 1082(a)	R.1983 d.355	15 N.J.R. 1487(b)
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	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	Homestead Rebate: Extension of time to file	Emergency	R.1982 d.439	14 N.J.R. 1466(a)
18:12-7.12	Homestead rebate claim: filing extension	Emergency	R.1983 d.582	15 N.J.R. 2177(a)
18:12-7.12	Homestead Rebate: filing extension for claims	Emergency	R.1984 d.15	16 N.J.R. 252(b)
18:12A-1.6	County tax boards: appeals	15 N.J.R. 1930(b)	R.1984 d.31	16 N.J.R. 380(b)
18:14-3.9	Local property tax: senior citizens' deduction	15 N.J.R. 885(a)	R.1983 d.366	15 N.J.R. 1487(c)
18:15-2	Application for farmland assessment	15 N.J.R. 2152(a)	R.1984 d.125	16 N.J.R. 925(a)
18:15-3.3	Farmland assessment application: timely filing	15 N.J.R. 1459(b)	R.1983 d.574	15 N.J.R. 2175(b)
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