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NEW JERSEY REGISTER

IN THIS ISSUE
"INDEX OF ADOPTED RULES"

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SS/NJ

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RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

Quarantines and Embargoes
Equine Embargoes

Proposed Readoption: N.J.A.C. 2:5-2

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

Authority: N.J.S.A. 4:5-6, 4:22-21 and 4:22-22.

Interested persons may submit in writing, data, views, or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Sidney R. Nusbaum, DVM, Director
Division of Animal Health
New Jersey Department of Agriculture
CN 300
Trenton, New Jersey 08625
609-292-3965

The Department of Agriculture thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expire April 3, 1984. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-174.

The agency proposal follows:

Summary

N.J.A.C. 2:5-2 was internally reviewed in October 1983 in compliance with Executive Order Number 66(1978) and found to be adequate, reasonable, and necessary in order to limit the spread of the virus disease, equine infectious anemia, to New Jersey horses. The subchapter requires that horses be proven negative to the disease to enter or move in the State and provides for identification and disposition of animals found to be infected. This disease was a serious health problem to the State's horses for many years. Control was not possible until an accurate test (Coggins) was developed in the early 1970s. The program conducted under the Chapter has reduced infection from almost four percent of tested horses in 1973 to less than 0.1 percent in 1983. The rationale of the program is that infected animals remain so for life and therefore must be removed from commerce to prevent spread.

N.J.A.C. 2:5-2.1 clearly explains the procedure to be followed in the event infected animals are identified. Quarantine, identification, and removal from commerce, which are covered, are basic elements in animal disease control.

N.J.A.C. 2:5-2.2 provides an exception for dealers who may wish to import horses from out-of-state so as not to impede their business, but does not lessen the protection for New Jersey animals.

N.J.A.C. 2:5-2.3 provides an exception to test requirements for horses intended for immediate slaughter. Such importation does not create a danger of infection.

N.J.A.C. 2:5-2.4 clearly states the conditions necessary to prove freedom from disease for animals when off the owner's premises. This section is necessary to prevent movement of infected horses.

N.J.A.C. 2:5-2.5 clearly defines requirements of proof of freedom from infection to be satisfied for sale or other change of ownership. These conditions are important to protect the uninformed purchaser and have been proven a valuable means of identifying infected horses.

N.J.A.C. 2:5-2.6 accommodates the special needs of researchers in academic or commercial activities by permitting

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movement of infected animals across state lines for scientific investigation.

The readoption of this subchapter is necessary to control the undue spread of infection in horses and increased and continued loss from this disease.

Social Impact

The disease control program contained in N.J.A.C. 2:5-2 has become incorporated into rules and regulations of the horse industry, racetracks, horse shows and clubs, and is widely recognized as basic to the protection of horses. The disease control program was originally initiated by the demand of the industry and is vigorously supported as proven by the largely volunteer submission of animals for examination and social pressures placed on non-complying or unknowing owners. The industry would be affronted by a discontinuance or weakening of the program.

Economic Impact

The great economic losses formerly suffered by owners of infected horses is the basis of the industry's support. As infection renders the victim worthless and a danger to other animals, the economic dangers of not controlling infection are obvious. Infection causes losses not only for owners but all phases of the industry, boarding and training, racetracks, and breeding farms, because of the disruption of activities, quarantines, and retests of exposed animals, and the concern of potential investors and horse owners. Comparative freedom from disease is considered one of the reasons for the State's growing horse breeding industry.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:5-2.1 through 2.6.

(a)

DIVISION OF RURAL RESOURCES

State Agriculture Development Committee Creation of Farmland Preservation Programs

Proposed New Rule: N.J.A.C. 2:76-3

Authorized By; Arthur R. Brown, Jr., Chairman, State Agriculture Development Committee.
Authority: N.J.S.A. 4:1C-15f and 4:1C-16a.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submission and responses, should be addressed to:

Mr. Donald D. Applegate, Executive Secretary
The State Agriculture Development Committee
CN 330
Trenton, New Jersey 08625

At the close of the period for comments, the State Agriculture Development Committee 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 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 1984-156.

The agency proposal follows:

Summary

Farmland Preservation Programs, to be used within agricultural development areas identified by county agriculture development boards or subregional agricultural retention boards have been designed to provide a viable means of stabilizing and retaining agriculture. Under this program, eligible landowners may voluntarily enter into an agreement with the board to retain the land in agricultural production for a minimum period of eight years. The agreement would place a restrictive covenant on the land which would prohibit the landowner from developing the land for non-agricultural purposes during the period. In exchange, the landowner would be eligible to receive specific benefits which would provide an incentive to remain in the program and ultimately help increase the productivity of the agricultural operation.

Farmland Preservation Programs have been designed to encourage commercial farming through voluntary participation and initiation at the local level. Objectives which underlie the purpose of Farmland Preservation Programs are summarized as follows:

1. Encouraging farmers to act in their own self-interest to maintain the farmland base that is essential for their operation;
2. Creating benefits that will promote conditions useful for profitable farm operations;
3. Coordinating government capital investment and regulatory policies;

Eligibility of benefits for landowners restricting their land to agricultural production for a minimum of eight years by entering into a Farmland Preservation Program are summarized as follows:

1. To apply to the board to sell development easements;
2. To apply for a grant for soil and water conservation projects; and
3. The use of special farm structure design standards to build farm structures.

Funding for easement purchase and soil and water conservation projects in compliance with the proposed new rule and the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., will be cost-shared by the State with monies appropriated through the Farmland Preservation Bond Act of 1981.

The proposed new rule establishes procedures for petitioning the board for creation of a Farmland Preservation Program, board review of petitions, entering into an agreement and restrictive convenant, certification of the program, and renewal, termination, reformation, withdrawal and compliance requirements.

Social Impact

The proposed new rule will provide a means for strengthening public and private sector actions to retain agriculture in New Jersey. Public awareness and interest in the issue of farmland preservation has increased significantly both in New Jersey and throughout the United States, due in no small part to overriding concerns of food supply, energy and natural resource conservation, and development pressures on prime farmland. The proposed new rule will have a positive social impact in that the preservation of agricultural natural resources and the retention of agricultural activities would serve the best interest of all citizens of the State.

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Economic Impact

The proposed new rule will have a favorable economic impact as farming is viewed simultaneously as a land use and a business enterprise. Farmland Preservation Programs will provide farmers an incentive to invest in long term production oriented practices.

Enhancing agriculture in rural areas does not require additional municipal services from additional agricultural economic activities. Stabilizing agriculture in an area will aid in developing proper land use patterns in the face of development pressure. Farmland Preservation Programs have not been designed to stop development. Improved planning for both economic development and the development of agricultural activities will be a benefit of implementing Farmland Preservation Programs.

Full text of the proposed new rule follows.

SUBCHAPTER 3. CREATION OF FARMLAND PRESERVATION PROGRAMS

2:76-3.1 Applicability

(a) This subchapter provides for any eligible landowner to voluntarily petition a county agriculture development board or a subregional agricultural retention board for the creation of a farmland preservation program.

2:76-3.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Agreement" means a legally binding written document between the landowner(s), and the board which must be signed by both parties and certified by the State Agriculture Development Committee to signify approval of a petition for creating a farmland preservation program.

"Agricultural Development Area" hereinafter referred to as ADA, means an area identified by a board pursuant to the provisions of N.J.S.A. 4:1C-21 and certified by the State Agriculture Development Committee.

"Board" means a county agriculture development board established pursuant to N.J.S.A. 4:1C-17 or a subregional agricultural retention board established pursuant to N.J.S.A. 4:1C-20.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

"Development easement" means an interest in land less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by the provisions of N.J.S.A. 4:1C-11 et seq. and any relevant rules or regulations promulgated pursuant hereto.

"Farmland preservation program" means any voluntary program, the duration of which is at least eight years, authorized by law enacted subsequent to the effective date of the "Farmland Preservation Bond Act of 1981," P.L. 1981, C.276, which has as its principal purpose the long term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to N.J.S.A. 4:1C-11 et seq. and the maintenance and support of increased agricultural production as the first priority use of that land.

"Petition" means a formal written document adopted by the board, which an eligible landowner must submit to the board when applying for inclusion in a farmland preservation program.

"Soil and water conservation project" means any project designed for the control and prevention of soil erosion and sediment damages, the control of pollution on agricultural lands, the impoundment, storage and management of water for agricultural purposes, or the improved management of land and soils to achieve maximum agricultural productivity.

2:76-3.3 Petition

(a) One or more owners of land may voluntarily enter into a farmland preservation program provided the following statutory criteria are satisfied:

1. The land must qualify for farmland assessment in accordance with the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.;

2. Is located within an ADA;

3. Eligibility criteria established by the board;

4. Eligibility criteria established by the committee.

(b) A landowner meeting the statutory provisions contained in (a) above shall submit the following documents to the local board for the creation of a farmland preservation program:

1. A signed petition (petitions may be obtained from the local board upon request.);

2. A tax map and any other documents as designed by the board for identifying the boundaries of the proposed program;

3. A true copy of the deed of the subject lands.

2:76-3.4 Board review

(a) Upon receipt of a petition and required documents, the board shall conduct a review to assure compliance with the provisions contained in N.J.A.C. 2:76-3.3 and approve, conditionally approve or disapprove the petition and so notify the applicant(s).

(b) The board shall conduct an owner of last record search on all lands receiving board approval to verify that the landowner is the true owner of record.

2:76-3.5 Agreement

(a) Approval of the petition by the board and creation of the farmland preservation program shall be signified by an agreement between the board and the landowner to retain the land in agricultural production for a minimum period of eight years.

(b) The agreement shall constitute a restrictive covenant and shall be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed.

(c) Deed restrictions established by the committee shall be placed on all lands that are to be included in the farmland preservation program. These restrictions shall remain in effect for the length of the agreement unless the land is withdrawn from the program in compliance with provisions contained in N.J.S.A. 4:1C-33 and N.J.A.C. 2:76-3.11. Any landowner intending to subdivide the subject lands shall advise the board prior to initiating such action (see N.J.A.C. 2:76-3.12).

(d) Subject to committee approval, the board may establish more stringent deed restrictions for the purpose of recognizing local conditions.

(e) Eligibility of benefits follows:

1. The land or owner(s) of the land in a farmland preservation program are eligible for the following:

i. To apply, to the board to sell a development easement on the land subject to the provisions of N.J.S.A. 4:1C-11 et seq.;

ii. To apply, or have a farm operator as an agent apply to the local soil conservation district and the board for a grant for a soil and water conservation project as approved by the

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State Soil Conservation Committee and authorized by the committee;

iii. To use a farm structure design as an acceptable minimum construction standard to build farm structures based on criteria developed by a land grant college or a recognized organization of agricultural engineers and approved by the committee. In addition, the use of the approved design shall exempt the owner or operator from any requirement concerning the seal of approval or fee of an architect or professional engineer;

iv. Additional benefits as determined by the board in accordance with the provisions of N.J.S.A. 4:1C-11 et seq.;

v. Additional benefits as may be made available from time to time through amendments to N.J.S.A. 4:1C-11 et seq. and all other pertinent State, county, and municipal laws, rules, or policies.

(f) The agreement and the creation of a farmland preservation program shall not become effective until such time that it is certified in accordance with N.J.A.C. 2:76-3.7 and recorded with the county clerk in the same manner as a deed.

2:76-3.6 Certification request

(a) The board shall submit the following to the committee:

1. A copy of the approved petition;

2. The original copy of the agreement (the board shall retain appropriate copies.);

3. A copy of the tax map and any other documents designated by the board for identifying the boundaries of the proposed program. The board shall certify that the land(s) are in a certified ADA and all other criteria pursuant to N.J.A.C. 2:76-3.3 have been satisfied;

4. A copy of the owner of last record search;

5. Any other pertinent information or comments from the board.

2:76-3.7 Certification

(a) After review and evaluation of the certification request, the committee shall certify, certify with conditions or deny the approval of the farmland preservation program and present its findings to the Secretary of Agriculture.

2:76-3.8 Recording of the farmland preservation program

(a) Upon receipt of certification, the board shall retain a copy of the agreement and within ten working days send a copy to the following:

1. The municipal tax assessor;

2. The county clerk for recording in the same manner as a deed;

3. The soil conservation district; and

4. The landowner.

2:76-3.9 Renewal, termination, reformation

(a) The farmland preservation program shall remain in effect for a minimum of eight years from the effective date of the creation of a farmland preservation program.

(b) The board shall conduct a review of the practicability and feasibility to continue the program within one year of the effective date of termination. During this period, the board shall, in writing, notify all parties which have entered into an agreement to contact the board if they want to continue the program for another eight years or to terminate the program at the end of the initial eight year period. The landowner's decision shall be documented in the agreement.

(c) If the board does not receive any notice to terminate the farmland preservation program within the one year period, the program shall continue for another eight year period and may continue for succeeding eight year periods provided that no notice of termination is received by the board during subsequent periods of review.

(d) Termination of the farmland preservation program at the end of the eight year period shall occur following the receipt by the board of any notice of termination. The committee, soil conservation district, municipal tax assessor and county clerk shall be notified that the farmland preservation program was terminated.

(e) Reformation of a farmland preservation program must comply with provisions of N.J.S.A. 4:1C-11 et seq. and all rules promulgated by the committee.

2:76-3.10 Inclusion of additional lands

(a) Any landowner not included in the farmland preservation program, as initially created, may within two years following the creation date, request inclusion, and upon review by the board and a finding that this inclusion is warranted, become part of the farmland preservation program provided that the landowner enters into an agreement pursuant to provisions of N.J.A.C. 2:76-3.5 for the remaining duration of the farmland preservation program.

(b) Any landowner not included in farmland preservation program may request inclusion at any time during the review conducted pursuant to N.J.A.C. 2:76-3.9(b). The inclusion shall be approved provided the board finds this inclusion would promote agricultural production.

2:76-3.11 Withdrawal

(a) Under provisions of N.J.S.A. 4:1C-33, withdrawal of land from a farmland preservation program prior to its termination date may occur in the case of death or incapacitating illness of the owner or other serious hardship or bankruptcy, following a public hearing conducted pursuant to the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq., and approved by the board.

(b) The board shall document this approval by resolution and shall file a copy with the following:

1. Soil conservation district;
2. County clerk;
3. Municipal tax assessor;
4. Landowner;
5. Committee; and
6. County planning board.

2:76-3.12 Deed restrictions

(a) The following deed restrictions shall be agreed to by the board and the landowner(s) when entering into a farmland preservation program:

"Whereas the grantors are the present owners of lands described in Schedule "A", hereinafter referred to as Premises, which is attached hereto and made a part hereof;

"The grantors covenant for themselves, their heirs, devisees, legal representatives, successors and assigns, that the Premises will at all times for the term of the agreement to be held, used and conveyed subject to, and not used in violation of, the following restrictions as said restrictions may be limited or affected by the provisions of the following:

"1. The Premises shall be retained in agricultural use and production unless the land is withdrawn from the program in compliance with N.J.S.A. 4:1C-11 et seq. and all other rules promulgated by the State Agriculture Development Committee. Agricultural use shall mean the use of land for common farmsite activities including, but not limited to: production,

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harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

"2. The Grantors will comply with agricultural management practices insofar as those practices are applicable to the land and the type of farming conducted thereon. Agricultural management practices means practices either formally set forth in current published New Jersey Agricultural Experiment Station recommendations or practices which represent the best collective professional judgement and opinion of the appropriate faculty of the New Jersey Agricultural Experiment Station and practices related to soil and water conservation and management approved by the State Soil Conservation Committee.

"3. The land and its buildings which are affected hereby may be sold collectively or individually for continued agricultural production and related uses as defined in Section 1. hereof. All deed restrictions shall run with the land for the term of the agreement.

"4. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used.

"5. No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly permitted as an agricultural management practice.

"6. No activity shall be permitted on the land which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor any other activity which would be detrimental to the continued agricultural use of the land.

"7. Grantee and its agents shall be permitted assess to, and to enter upon, the Premises at all reasonable times, but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions herein contained. Grantee agrees to give Grantor 24 hours advance notice of its intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week. The interior of buildings shall not be inspected.

"8. The Grantors, theirs heirs, successors, and assigns, may use such lands to derive income from recreational activities which generally utilize the land in its existing state, so long as such activities do not interfere with actual use of the land for agricultural production.

"9. Nothing herein shall be construed to convey a right to the public of access to or use of the Premises except as herein provided or as otherwise provided by law.

"10. Nothing herein shall impose upon the grantor any duty to maintain or require that the Premises be maintained in any particular state, or condition, notwithstanding the grantor's acceptance hereof.

"11. Nothing herein contained shall be deemed to restrict the right of Grantor to maintain all roads and trails existing upon the Premises on the date hereof. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, buildings, or reservoirs as may be necessary.

"12. In the event a violation of these restrictions or the terms and conditions thereof is found to exist, the grantee, or its successors or assigns, or any citizen of the State of New Jersey, acting by and through the State Agriculture Development Committee, may, after notice to the grantors, or their personal representatives, heirs, successors, or assigns, institute a suit to enjoin by ex parte, temporary and/or permanent injunction, such violation, to require the restoration of the Premises to its prior condition, or to recover damages. The grantee, or its successors or assigns, does not waive or forfeit the right to take other legal action as may be necessary to insure compliance with the terms, conditions, and purposes of this deed restriction by a prior failure to act.

"13. It is understood that this instrument imposes no obligation on the grantor and no restrictions on use of the Premises except as specifically set forth herein. Nothing herein contained shall be construed to interfere with the right of the Grantor, its successors, assigns, licensees, and any party claiming under them to utilize the Premises in such manner as they may deem desirable, subject to the terms and conditions hereof.

"14. This instrument shall be binding upon the Grantor, its successors and assigns, and upon the Grantee, its successors and assigns."

2:76-3.13 Compliance

(a) All farmland preservation programs shall comply with the provisions of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., and the provisions of this subchapter.

(a)

DIVISION OF RURAL RESOURCES

State Agriculture Development Committee Creation of Municipality Approved Farmland Preservation Programs

Proposed New Rule: N.J.A.C. 2:76-4

Authorized By: Arthur R. Brown, Jr., Chairman, State Agriculture Development Committee.

Authority: N.J.S.A. 4:1C-15f and 4:1C-16a.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submission and responses, should be addressed to:

Mr. Donald D. Applegate, Executive Secretary
The State Agriculture Development Committee
CN 330
Trenton, New Jersey 08625

At the close of the period for comments, the State Agriculture Development Committee 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 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 1984-157.

The agency proposal follows.

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Summary

Municipally approved Farmland Preservation Programs, to be created within agricultural development areas identified by a county agriculture development board or a subregional agricultural retention board, have been designed to provide a viable means of stabilizing and retaining agriculture. Under this program, eligible landowners may voluntarily enter into an agreement with the board and the municipality to retain the land in agricultural production for a minimum period of eight years. The agreement would place a restrictive covenant on the land which would prohibit the landowner from developing the land for non-agricultural purposes during this period. In exchange, the landowner would be eligible to receive specific benefits which would provide an incentive to remain in the program and ultimately help increase the productivity of the agricultural operation.

The Municipally Approved Farmland Preservation Program will encourage local participation with the municipality in planning for the retention of agriculture. Since the program is strictly voluntary, all parties must be in agreement before the Municipally Approved Farmland Preservation Program can be adopted.

Eligibility of benefits for landowners restricting their land to agricultural production for a minimum of eight years by entering into a Municipally Approved Farmland Preservation Program are summarized as follows:

1. To apply to the board to sell development easements;
2. To apply for a grant for soil and water conservation projects;
3. Protection for eleven years from exclusive agricultural zoning;
4. Protection from eminent domain actions;
5. Additional nuisance protection for the farm operation;
6. Exemption from certain energy and water restrictions in times of shortages; and
7. The use of special farm structure design standards to build farm structures.

Funding for easement purchase and soil and water conservation projects in compliance with the proposed new rule and the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. will be cost-shared by the State with monies appropriated through the Farmland Preservation Bond Act of 1981.

The proposed new rule establishes procedures for petitioning the board for creation of a program, board review of petitions, entering into an agreement and restrictive covenant, certification of the program, and renewal, termination, reformation, withdrawal and compliance requirements.

Social Impact

The involvement of landowners, boards, and municipalities in adopting Municipally Approved Farmland Preservation Programs will provide a positive impact for strengthening public and private sector actions to retain agriculture in New Jersey. Retention of agriculture in the State will have a favorable impact by providing a local food source, agricultural open space, and natural resource conservation amenities that are provided by a strong agricultural industry.

Economic Impact

Agriculture contributes to the general economy and well being of all the people in the Garden State. In 1900 about 58 percent of the land area in New Jersey was farmland. Today, approximately 21 percent remains as active farmland. Modern farming requires an efficient farm in terms of land areas, building, equipment and labor. Municipally Approved Farmland Preservation Programs, along with other agriculture retention techniques will have a positive economic impact for New Jersey by providing farmers with an incentive to invest in their farming operations for the long term. Stabilizing agriculture in an area will aid in developing proper land use patterns for both agriculture and economic development.

Full text of the proposed new rule follows.

SUBCHAPTER 4. CREATION OF MUNICIPALLY APPROVED FARMLAND PRESERVATION PROGRAMS

2:76-4.1 Applicability

(a) This subchapter provides for any eligible landowner to voluntarily petition a county agriculture development board or a subregional agricultural retention board for the creation of a municipally approved farmland preservation program. These rules supplement N.J.S.A. 4:1C-11 et seq. and shall not be construed to be a conclusive set of regulations involving all aspects of the municipally approved farmland preservation program. N.J.S.A. 4:1C-11 et seq. shall be referenced for clarification of provisions not contained in the rules.

2:76-4.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Agreement" means a legally binding written document between the landowner(s), the board, and the municipal governing body, which must be signed by all parties and certified by the State Agriculture Development Committee to signify approval of a petition for creating a municipally approved program.

"Agricultural Development Area", hereinafter referred to as ADA, means an area identified by a board pursuant to the provisions of N.J.S.A. 4:1C-21 and certified by the State Agriculture Development Committee.

"Board" means a county agriculture development board established pursuant to N.J.S.A. 4:1C-17 or a subregional agricultural retention board established pursuant to N.J.S.A. 4:1C-20.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

"Governing body" means, in the case of a county, the board of chosen freeholders, and in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality.

"Municipally approved farmland preservation program", hereinafter referred to as municipally approved program, means any voluntary program, the duration of which is at least eight years, authorized by law enacted subsequent to the effective date of the "Farmland Preservation Bond Act of 1981," P.L. 1981, C.276, which has as its principal purpose the long term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to N.J.S.A. 4:1C-11 et seq. and the maintenance and support of increased agricultural production as the first priority use of that land. Any municipally approved program shall be established pursuant to N.J.S.A. 4:1C-24.

"Petition" means a formal written document adopted by the board, which an eligible landowner must submit to the

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board when applying for inclusion in a municipally approved program.

2:76-4.3 Petition

(a) One or more owners of land may voluntarily enter into a municipally approved program provided the following statutory criteria are satisfied:

1. The land must qualify for farmland assessment in accordance with the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq;

2. Is located within an ADA;

3. Eligibility criteria established by the board;

4. Eligibility criteria established by the committee.

(b) A landowner meeting the statutory provisions contained in (a) above shall submit the following documents to the local board for the creation of a municipally approved program:

1. A signed petition (petitions may be obtained from the local board upon request.);

2. A tax map and any other documents as designed by the board for identifying the boundaries of the proposed program;

3. A true copy of the deed of the subject lands.

2:76-4.4 Board review

(a) Upon receipt of a petition and required documents the board shall conduct a review to assure compliance with the provisions contained in N.J.A.C. 2:76-4.3.

(b) The board shall conduct an owner of last record search on all lands that have complied with the provisions of N.J.A.C. 2:76-4.3, to verify that the landowner is the true owner of record.

(c) If all criteria have been satisfied, the board shall immediately forward a copy of the petition to the following:

1. County planning board;

2. Governing body of any municipality wherein the proposed municipally approved program is located;

3. Planning board of each affected municipality.

(d) The board shall, by public notice, advise owners of any land contiguous to the proposed municipally approved program in the same township, that a petition has been received, solicit opinions concerning inclusion of this land and, if the board deems appropriate, encourage the inclusion of the land in the municipally approved program.

1. Public notice shall comply with provisions of N.J.S.A. 40:55D-12 of the Municipal Land Use Law, N.J.S.A 40:55D-1 et seq.

2. These procedures shall only be applicable to landowners contiguous to the proposed municipally approved program.

2:76-4.5 Agreement

(a) Approval of a petition by the municipal governing body and the board and creation of a municipally approved program shall be signified by an agreement between the board, municipal governing body and the landowner to retain the land in agricultural production for a minimum period of eight years.

(b) The agreement shall constitute a restrictive convenant and shall be filed in accordance with N.J.A.C. 2:76-4.8.

(c) Deed restrictions established by the committee shall be placed on all lands that are to be included in the municipally approved program. These restrictions will remain in effect for the length of the aggreement unless the land is withdrawn from the program in compliance with provisions contained in N.J.S.A. 4:1C-33 and N.J.A.C. 2:76-4.10 (see 2:76-4.11).

(d) Subject to committee approval, the board may establish more stringent deed restrictions for the purpose of recognizing local conditions.

(e) Eligibility of benefits follows:

1. The land or owners(s) of the land in a municipally approved program are eligible for the following:

i. Benefits contained in N.J.S.A. 4:1C-11 et seq;

ii. Additional benefits as determined by the board in accordance with the provisions of N.J.S.A. 4:1C-11 et seq;

iii. Additional benefits as may be made available from time to time through amendments to N.J.S.A. 4:1C-11 et seq, and all other pertinent State, county and municipal laws, rules or policies.

(f) The agreement and the creation of a municipally approved program shall not become effective until such time that it is certified in accordance with N.J.A.C. 2:76-4.7 and recorded with the county clerk in the same manner as a deed.

2:76-4.6 Certification request

(a) The board shall submit the following to the committee:

1. A copy of the approved petition;

2. A copy of the municipal ordinance approving the municipally approved program;

3. A copy of the county resolution or ordinance of adoption;

4. A copy of the tax map and any other documents designated by the board for identifying the boundaries of the proposed programs. The board shall certify that the land(s) are in a certified ADA and all other criteria pursuant to N.J.A.C. 2:76-4.3 have been satisfied.

5. The original copy of the agreement (The board shall retain appropriate copies.);

6. A copy of the owner of last record search;

7. Any other pertinent information or comments from the board.

2:76-4.7 Certification

(a) After review and evaluation of the certification request, the committee shall certify, certify with conditions or deny the approval of the municipally approved program and present its findings to the Secretary of Agriculture.

2:76-4.8 Recording of the municipally approved program.

(a) Upon receipt of certification, the board shall retain a copy of the agreement and within ten working days document the recording of the municipally approved program in the following manner:

1. The petition in its final form shall be filed and recorded, in the same manner as a deed, with the county clerk and shall be filed with the municipal clerk;

2. The petition in its final form shall be filed with the municipal tax assessor;

3. The agreement shall be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed;

4. A copy of the agreement shall be filed with the local soil conservation district.

2:76-4.9 Renewal, termination, reformation

(a) The renewal, termination and reformation of a municipally approved program shall comply with N.J.S.A. 4:1C-11 et seq. Any action taken by the landowner shall be documented in the agreement.

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2:76-4.10 Withdrawal

(a) Under provisions of N.J.S.A. 4:1C-33, withdrawal of land from the municipally approved program prior to its termination date may occur in the case of death or incapacitating illness of the owner or other serious hardship or bankruptcy, following a public hearing conducted pursuant to the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq., and approved by the board and municipal governing body at a regular or special meeting thereof.

(b) The board shall document this approval by resolution and the municipal governing body by resolution or ordinance and shall file a copy with the following:

1. Committee;
2. Soil conservation district;
3. Municipal tax assessor;
4. Municipal clerk;
5. County clerk;
6. County planning board; and
7. Landowner.

2:76-4.11 Deed restrictions

(a) The following deed restrictions shall be agreed to by the board, the municipal governing body and the landower(s) when entering into a municipally approved program:

"Whereas the grantors are the present owners of lands described in Schedule "A", hereinafter referred to as Premises, which is attached hereto and made a part hereof;

"The grantors covenant for themselves, their heirs, devisees, legal representatives, successors and assigns, that the Premises will at all times for the term of the agreement to be held, used and conveyed subject to, and not used in violation of, the following restrictions as said restrictions may be limited or affected by the provisions of the following:

"1. The Premises shall be retained in agricultural use and production unless the land is withdrawn from the program in compliance with N.J.S.A. 4:1C-11 et seq and all other rules promulgated by the State Agriculture Development Committee. Agricultural use shall mean the use of land for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

"2. The Grantors will comply with agricultural management practices insofar as those practices are applicable to the land and the type of farming conducted thereon. Agricultural management practices means practices either formally set forth in current published New Jersey Agricultural Experiment Station recommendations or practices which represent the best collective professional judgment and opinion of the appropriate faculty of the New Jersey Agricultural Experiment Station and practices related to soil and water conservation and management approved by the State Soil Conservation Committee.

"3. The land and its buildings which are affected hereby may be sold collectively or individually for continued agricultural production and related uses as defined in Section 1. hereof. All deed restrictions shall run with the land for the term of the agreement.

"4. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used.

"5. No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly permitted as an agricultural management practice.

"6. No activity shall be permitted on the land which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor any other activity which would be detrimental to the continued agricultural use of the land.

"7. Grantee and its agents shall be permitted access to, and to enter upon, the Premises at all reasonable times, but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions herein contained. Grantee agrees to give Grantor 24 hours advance notice of its intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week. The interior of buildings shall not be inspected.

"8. The Grantors, their heirs, successors, and assigns, may use such lands to derive income from recreational activities which generally utilize the land in its existing state, so long as such activities do not interfere with the actual use of the land for agricultural production.

"9. Nothing herein shall be construed to convey a right to the public of access to or use of the Premises except as herein provided or as otherwise provided by law.

"10. Nothing herein shall impose upon the grantor any duty to maintain or require that the Premises be maintained in any particular state, or condition, notwithstanding the grantor's acceptance hereof.

"11. Nothing herein contained shall be deemed to restrict the right of Grantor to maintain all roads and trails existing upon the Premises on the date hereof. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, buildings, or reservoirs as may be necessary.

"12. In the event a violation of these restrictions or the terms and conditions thereof is found to exist, the grantee, or its successors or assigns, or any citizen of the State of New Jersey, acting by and through the State Agriculture Development Committee, may, after notice to the grantors, or their personal representatives, heirs, successors, or assigns, institute a suit to enjoin by ex parte, temporary and/or permanent injunction, such violation, to require the restoration of the Premises to its prior condition, or to recover damages. The grantee, or its successors or assigns, does not waive or forfeit the right to take other legal action as may be necessary to insure compliance with the terms, conditions, and purposes of this deed restriction by a prior failure to act.

"13. It is understood that this instrument imposes no obligation on the Grantor and no restrictions on use of the premises except as specifically set forth herein. Nothing herein contained shall be construed to interfere with the right of the Grantor, its successors, assigns, licensees, and any party claiming under them to utilize the Premises in such manner as they may deem desirable, subject to the terms and conditions hereof.

"14. This instrument shall be binding upon the Grantor, its successors and assigns, and upon the Grantee, its successors and assigns."

2:76-4.12 Compliance

(a) All municipally approved programs shall comply with the provisions of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq, and the provisions of this subchapter.

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BANKING

(a)

DIVISION OF BANKING

Insurance Activities
Insurance Tie-In Prohibition

Proposed Amendment: N.J.A.C. 3:1-13.1

Authorized By: Michael M. Horn, Commissioner, Department of Banking.
Authority: N.J.S.A. 17:1-8.1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dominick A. Mazzagetti, Deputy Commissioner
Department of Banking
Division of Consumer Complaints
Legal & Economic Research
CN 040
Trenton, New Jersey 08625

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

This proposal is known as PRN 1984-158.

The agency proposal follows:

Summary

The rules regarding the Insurance tie-in prohibition N.J.A.C. 3:1-13.1 were originally proposed at 15 N.J.R. 820(a) and adopted effective December, 1983 at 15 N.J.R. 2033(a).

The proposed amendment to the rule requires that written notice be given by a lender to a borrower as to the specific reasons why insurance coverage which the borrower elects to provide is unacceptable.

Social Impact

The proposed amendment to the rule will affect all lenders, borrowers, insurance agents and insurance brokers located in this State. Borrowers will benefit from the proposed amendment by being able to negotiate freely with insurers for insurance and not be denied this opportunity without a specific reason being given for such denial.

Economic Impact

The economic impact to the public will be beneficial since the amendment to the rule will strengthen the prohibition on the anti-competitive practice of tying-in insurance coverage when obtaining a loan. Borrowers will benefit by being able to negotiate freely with insurers of their own choice and not have that choice arbitrarily or capriciously refused by the lender.

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

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.**

(b)

DIVISION OF BANKING

Check Cashing

Proposed New Rule: N.J.A.C. 3:24

Authorized By: Michael M. Horn, Commissioner of Banking.
Authority: N.J.S.A. 17:15A-1 et seq., specifically 17:15A-16.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dominick A. Mazzagetti, Deputy Commissioner
Department of Banking
CN 040
Trenton, New Jersey 08625

The Department of Banking thereafter may adopt the 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 1984-160.

The agency proposal follows:

Summary

The New Jersey Legislature in P.L. 1951 c.187 (N.J.S.A. 17:15A-1 et seq.) gave the Commissioner of Banking the supervisory authority over persons engaged in the business of cashing checks, drafts or money orders for a fee.

The check cashing business has provided a service to certain citizens of New Jersey who do not have relationships with regulated financial institutions.

The purpose of these rules is to clarify the factors upon which the Commissioner of the Department of Banking will base decisions to approve or deny applications for licenses to engage in the check cashing business and to set forth guidelines and conditions which are required for the operation of such business.

In order that the Commissioner may effectively carry out his responsibilities in supervising this industry the following rules to implement and clarify the provisions of N.J.S.A. 17:15A-1 et seq. are proposed.

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Social Impact

The proposed new rules will impact the public socially by effectuating clear guidelines for the establishment and operation of check cashing businesses which will help insure responsibility and efficiency in such delivery systems of services so as to make available to that segment of the public which does not have access to normal banking channels an avenue in which currency is available to provide for basic human needs.

Economic Impact

The proposed new rules will affect the public and the banking institutions beneficially by allowing that segment of the public which does not have access to normal banking services to convert checks drawn upon banks into currency in order to purchase goods and services from merchants and industry located within and without the State of New Jersey thereby stimulating the economy of the State of New Jersey.

There will be an economic impact to the customers of check cashing establishments since they will be charged a fee for such services. The impact should not be unduly onerous since in order not to be charged a fee for such a service they would have to maintain an account with a financial institution which they may be unable to do. Conversely, there is an investigative fee and a license fee which an applicant for a check cashing license must pay at the time of the application for such license.

CHAPTER 24
CHECK CASHING

SUBCHAPTER 1. APPLICATIONS

3:24-1.1 Application form; information required

(a) Application for a check cashing license shall be made on a form prescribed by the commissioner. In addition the applicant shall file the following as part of its application for each and every person directly or indirectly interested in the business to be licensed:

1. Certificate of Certified Consent for Criminal investigative purposes;
2. Photographs;
3. Fingerprint card (Form, FD-258).

3:24-1.2 Corporate applications

(a) Corporate applicants shall submit a copy of certificate of incorporation showing the filed or recording stamp of the Secretary of State. Foreign corporations shall submit a Certificate of Authority in addition to corporate certificate.

(b) Individual or partnership applicants using a trade name shall submit a copy of its trade name as filed with the County Clerk showing date of recording.

(c) Corporations using fictitious names shall file a copy of such name, as recorded, as part of its application.

3:24-1.3 Certificate of merit

(a) A certificate of merit on a form designated by the commissioner of Banking shall be filed with the application indicating the reasons why the applicant believes that the issuance of a check cashing license is economically feasible in the area in which the applicant proposes to locate.

(b) The certificate of merit shall indicate such information as the commissioner may require.

3:24-1.4 Demonstration of financial responsibility

An applicant for check cashing license shall demonstrate that it has commitments or agreements with a financial institution which has agreed to provide the applicant with funds sufficient to enable the applicant to conduct the check cashing business.

3:24-1.5 Pro forma income and expense statement

A pro forma statement shall be submitted with the application indicating anticipated income and expense projections for 36 months from the date the application is submitted. The statement should include the basis of the anticipated income and expenses.

3:24-1.6 Physical facilities

An applicant must include in his application a description of the physical facilities which shall include diagrams showing the proposed address, the protective devices to be installed and the anticipated costs associated with such facilities and devices.

3:24-1.7 Public notice

Every applicant for a license shall within 10 days from the filing of the application cause to be published a notice of the application in a newspaper, designated by the commissioner, which has general circulation in the county in which the applicant purposes to do business. The form of notice shall be provided by the Commissioner of Banking.

SUBCHAPTER 2. BOOKS AND RECORDS

3:24-2.1 Books of account and records

Every licensee shall maintain the books, records and information referred to in this subchapter which shall be readily available for inspection by representatives of the Department of Banking.

3:24-2.2 Daily Record of Checks Cashed

(a) A Daily Record of Checks Cashed, shall be kept in which shall clearly be recorded all transactions occurring each day.

(b) The daily record of checks cashed shall include the following information with respect to each check, draft, or money order cashed in the face amount of $2,000 or more:

1. Date on which check, draft, or money order is cashed;
2. Date of check, draft, or money order;
3. Number of check, draft, or money order;
4. Name and location, or American Bankers Association number, or clearing house number, of the banking institution on which the check, draft, or money order is drawn;
5. Name of the drawer of such check, draft, or money order which is cashed;
6. Name and address of the individual, partnership, or corporation for which such checks, draft, or money order is cashed;
7. Face amount of check, draft, or money order; and
8. The fee collected for cashing each such check, draft, or money order.

(c) When 10 or more payroll checks of any one employer agregating $2,000 or more, drawn on the same bank, are cashed during any one day, it will be sufficient for the licensee to:

1. Retain a listing or other record, showing:

i. The individual checks and fees charged;
ii. The total number of such checks cashed;
iii. The name of the drawer;
iv. The bank on which they are drawn;
v. The total amount of the checks; and
vi. The total fees charged.

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2. This information need be shown only once in the daily record of checks cashed for each group of such checks cashed.

(d) Except for checks cashed as provided in (a), (b) and (c) above, the licensee shall retain a listing or other record of all checks, drafts, or money orders where the individual face amount is less than $2,000 showing the face amounts of individual checks, drafts, or money orders, the total amount thereof, and the total fees charged therefor listed on such record. This information need be shown only once in the daily record of checks cashed for each group of such checks, drafts, or money orders cashed, covered by a separate adding machine listing or other equivalent record.

(e) Separate tapes must be maintained for such checks, drafts, or money orders cashed pursuant (a), (b), (c) and (d) above drawn on banks located within this State and for such checks, drafts, or money orders drawn on banks located outside of this State.

(f) When the licensee receives checks, draft or money orders, other than those cashed in the regular course of business, a complete record shall be made of such checks, drafts, or money orders, and the nature of the transaction must also be shown. This requirement applies to checks received in connection with any other business conducted on the same premises.

(g) A viewable photographic record of checks, drafts, or money orders cashed, which sets forth all the information pertaining to said checks, drafts, or money orders required by (a), (b), (c) and (d) above will be acceptable in lieu of the records required by this subchapter.

1. In such event, the photographic film must be processed promptly after each roll of film has been exposed, and the viewable records maintained by the licensee for at least three years after the date of the last photograph on said roll.

2. The licensee shall maintain a log indicating the beginning and ending business days covered by each individual roll of processed photographic records.

3:24-2.3 Summary of Business

A Summary of Business record shall be maintained in which the number of checks, drafts, or money orders cashed, their total face amount, and the aggregate fees received, shall be shown for each business day and totaled for each calendar month. If this information is included in a horizontal form of daily cash reconcilement, such record will be acceptable in lieu of a separate summary of business.

3:24-2.4 Return Items Record

(a) A Return Items Record shall be maintained in which the following information shall be clearly recorded with respect to each check, draft or money order, returned unpaid:

1. Date on which check, draft or money order, was reported unpaid;

2. Issuer of check, draft or money order;

3. Date check, draft or money order, was originally cashed by licensee;

4. Name of drawer of the check, draft, or money order, returned unpaid;

5. Name of payee or last endorser of check, draft, or money order;

6. Amount of check, draft, or money order, returned unpaid;

7. Name of bank on which check, draft, or money order is drawn;

8. Reason for which check, draft, or money order was returned unpaid;

9. Date on which check, draft, or money order was redeposited;

10. Date and manner of payment of check, draft or money order, other than by redeposit, with complete details of the disposition made of it; and

11. A record, kept up to date, showing what efforts and progress are being made to collect unpaid checks, drafts, or money orders, not redeposited or redeemed.

3:24-2.5 Daily Cash Reconcilement

(a) A Daily Cash Reconcilement shall be maintained which shall contain the following information:

1. Cash on hand at opening of business;

2. Checks, drafts, or money orders cashed the previous day, and on hand at opening of business;

3. Cash received during the day showing in detail the source of funds;

4. Total amount of fees received during the day;

5. The sum of items 1. through 4. above;

6. The total deposits made during the day;

7. Other cash paid out during the day showing in detail the nature of the disbursement;

8. The sum of items 6. and 7.

9. Item 5. less item 8. above, representing the cash on hand and the total of undeposited checks, drafts, or money orders, cashed during the day.

10. The total of cash included in item 9 above.

3:24-2.6 Combination of records

The daily record of checks cashed, summary of business, returned items record, and daily cash reconcilement, may be combined into one or more records, provided the required information is kept in such combined record.

3:24-2.7 General Ledger

(a) A General Ledger containing all assets, liability, capital, income, and expense accounts shall be maintained. The General Ledger shall be posted from the daily record of checks cashed, summary of business, or any other records of original entry, at least monthly, and shall be so kept as to facilitate the preparation of an accurate trial balance.

(b) When ownership of two or more licensed premises is vested in the same owner, the licensee may upon obtaining approval with the Department of Banking maintain a combined or consolidated set of books, provided that such books reflect separate figures on activity, income and expense for each location.

3:24-2.8 Journal

A Journal must be maintained showing the full explanation, all opening, closing and adjusted entries.

3:24-2.9 Corporate resolutions

(a) A check cashier shall maintain a file which shall contain a true copy of the corporate resolution duly executed by the appropriate corporate officers wherein said corporation has authorized its officers and employees to present its corporate checks to the licensee for checks cashing.

(b) A check cashier shall not cash a check made payable to a corporate payee unless the person submitting such checks has on file a resolution indicating that the corporation has authorized the presentment of such checks on behalf of the corporate payee.

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SUBCHAPTER 3. REPORTS

3:24-3.1 Report requirements

Each licensee shall, when requested by the Department of Banking, file an annual report giving such information as may be required concerning the business and operation during the preceding calendar year of each licensed place of business. Such report on a form prescribed by the Commissioner of Banking shall be made under oath and shall be in the form prescribed. In addition to annual reports the Commissioner may require under oath and in the form prescribed such additional regular or special reports as deemed necessary for the proper supervision of any licensee.

SUBCHAPTER 4. DEPOSIT OF CHECKS

3:24-4.1 Deposit requirements

(a) Except as hereinafter stated, all checks, drafts, and money orders, must be deposited in the licensee's account in an institution in this State situated in the vicinity of the licensed location, not later than the first business day following the day on which they were cashed. Such items must be deposited during regular business hours so as to enable credit for the deposits to the licensee's account on that business day.

(b) When the number of payroll checks cashed amount to 50 or more, the licensee may present such package of checks to the drawee bank or the maker of the checks and receive in exchange a single draft, provided full details of the transaction are recorded.

(c) All checks, drafts, and money orders, cashed on any one day and deposited on the dame day or the next business day must be deposited under a separate deposit total and not commingled with any other day's business.

(d) A violation of this section will occur if a licensee instead of depositing all checks, drafts, and money orders as required:

1. Cashes all or any of them at another check cashier;

2. Exchanges all or any of them for another check or checks; or

3. negotiates all or any of them in any manner or for any purpose other than that provided in this section.

3:24-4.2 Dual business deposit requirements

(a) The checks, drafts, money orders or cash of any other business in which the licensee is engaged must not be commingled with other funds in the licensee's bank account or with the cash or checks on hand.

(b) Separate records must be kept for a check cashing business conducted on the same premises where another business is also being operated. In such case the licensee should apportion to the check cashing business its share of expense. Reasonable estimates may be used.

SUBCHAPTER 5. CONDUCT OF BUSINESS

3:24-5.1 Conduct of business

(a) Every licensee shall:

1. Post and at all times display in a conspicuous place on the premises the license and also the schedule of rates to be charged.

2. Pay to every customer tendering any check, draft, or money order to be cashed, the entire face amount of such instrument in cash less any charges permitted by law, on the same date upon which such instrument is presented;

i. In no event shall the licensee make a partial payment on account, on any such instrument.

ii. No check cashier shall cash any check which carries a subsequent endorsement to the payee listed on the face of the check.

3. Indicate on every check, draft, or money order cashed at the time of cashing, the date on which such item was cashed.

4. Maintain continuously for each licensed premises liquid assets of at least $5,000. In order to determine whether the said sum is continuously available for each licensed premises, each licensee shall compute and include the following in his business records:

i. Add the amount of cash in bank, cash on hand, checks on hand not previously dishonored, governmental transaction fees receivable, the fact amount of public assistance checks pending revalidation, check cashing fees receivable not more than 60 days old, notes receivable payable within six months, the value of unexpired insurance premiums, and marketable securities owned, and

ii. Deduct from their total the amount of any loans payable due in one year or less, including loans payable on demand, and also any accounts payable by the licensee.

5. Be held responsible for any violation of or any infractions of these rules committed by any employee or by anyone directly or indirectly connected with the licensee's check cashing business.

6. Reconcile its bank statement at least monthly.

7. Keep a true copy of each and every report which it shall be called upon to furnish to any agency or department of:

i. The United States Government

ii. The State of New Jersey or

iii. Any municipality of the State of New Jersey

8. Such copies, as mentioned in 7 above together with any work sheets used to assemble the figures and/or facts shown in such report, are to be retained as part of the records of each licensee.

(b) No licensee shall directly or through its agents cash any check, draft, or money order, nor act as intermediary, agent, or in any way assist in the negotiation of any such instrument, at any place other than the premises licensed.

SUBCHAPTER 6. DENIAL, SUSPENSION ON REVOCATION OF LICENSE

3:24-6.1 Review

Wherever the Commissioner of Banking shall deny, suspend or revoke a license in accordance with the provisions of N.J.S.A. 17:15A-1 et seq. and it is determined that such proceeding is designated a contested case, the matter will be heard as a contested case pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1.

SUBCHAPTER 7. VIOLATIONS

3:24-7.1 Penalties

Any violation of these rules will, in addition to any other penalties provided by law, subject the applicant or licensee to the penalties set forth in N.J.S.A. 17:15A-23.

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CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Leaves of Absence
Leaves of Absence Rules

Proposed Repeals: 4:1-17, 4:2-17, 4:3-17
Proposed New Rules: N.J.A.C. 4:1-17, 4:2-17, 4:3-17

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, 11:14-1 to 11:14-17, 11:24A-1 to 11:24A-9.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and 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 1984-154.

The agency proposal follows:

Summary

The Civil Service Commission proposes to readopt its rules regarding leaves of absence. The Civil Service Commission has reviewed the rules codified at N.J.A.C. 4:1-17, 4:2-17 and 4:3-17 which interpret statute and regulate leaves of absence for classified employees.

The leave of absence rules affect every employer and employee in New Jersey whose agency, county, municipality or school district operates under Title 11 of the New Jersey Statutes. N.J.S.A. 11:14 and N.J.S.A. 11:24A establish minimum entitlements and some procedures concerning vacation, sick and administrative leave for State and local jurisdictions. N.J.S.A. 11:14-1 directs the President of the Civil Service Commission to prepare and administer rules for State workers regarding the above leaves as well as for special leaves with and without pay or reduced pay. N.J.S.A. 11:24A-1 directs the appointing authorities in the local jurisdictions to prepare policy regarding the above leaves, special leaves with or without pay or with reduced pay provided the provisions are in accordance with the mandates of the statute.

As part of the review process, some revisions and additions have been made to Subchapter 17. The principal revisions are organizational and relatively little change in substance has been made. Many of the "new provisions" are actually clarifications and restatements of existing rules. Because most of the changes are language-related, the new rules will enable all users of Civil Service rules to more easily understand, interpret and apply the basic concepts.

The following synopses describe the content of each rule and note any substantive change.

CHAPTER 1

Proposed N.J.A.C. 4:1-17.1, General, states the statutory authority for promulgating rules and provides citations for referencing statutes and rules.

Proposed N.J.A.C. 4:1-17.2, Records, addresses the establishment, maintenance and transference of records. It incorporates current N.J.A.C. 4:1-17.13, 17.16(d), 17.19 and 17.22 into a single section.

Proposed N.J.A.C. 4:1-17.3, Vacation leave: Entitlements, sets forth the general statutory entitlements and regulations for vacation leave for State and local governments. Subsection (a) paragraph 1 is a new regulation that sets forth procedures for crediting vacation leave to State employees for their initial month of employment. Subsection (a) paragraph 3 clarifies that vacation leave is credited for earned time only.

Proposed N.J.A.C. 4:1-17.4, Sick leave: Entitlements, sets forth the general statutory entitlements and rules for sick leave for State and local governments. Subsection (a) paragraph 1 is a new regulation that sets forth procedure for crediting sick leave to State employees for their initial month of employment. Subsection (a) paragraph 3 clarifies that sick leave leave is credited for earned time only.

Proposed N.J.A.C. 4:1-17.5, Sick leave: Authorized use, is a restatement of current N.J.A.C. 4:1-17.15 and 4:1-17.18. Proposed subsection (c) extends the authorized use of sick leave to apply to handicapped persons who use aids, such as seeing eye dogs, and must use work time for reasons related to these aids.

Proposed N.J.A.C. 4:1-17.6, Leave without pay, sets forth the general statutory entitlements and rules for leaves without pay for both State and local governments. The notable changes are in subsection (b). The current provision allowing 60 calendar days of leave for nonpermanent State employees has been changed to six bi-weekly pay-periods. The proposed procedure conforms with the current system of calculating and crediting leaves of absence according to pay periods. This revision also addresses a petition for a rule change that the Department of Civil Service received earlier in the year. The petition requested that leaves of absence, which are presently stated in calendar days, be revised to read "working days." Pay periods reflect working days.

4:1-17.7, Military leave, generally mirrors the statutory provisions governing the granting of such leaves and the reemployment rights of individuals who return from military service. It is anticipated that the New Jersey Department of Defense will adopt extensive rules and regulations concerning this subject which will provide guidance to all public employers and employees who participate in periodic military training.

4:1-17.8, Special leave: Appointment by Governor, is merely a recodification of current N.J.A.C. 4:1-17.6.

Proposed N.J.A.C. 4:1-17.9, Special leave: Conventions, incorporates current N.J.A.C. 4:1-17.4, 4:2-17.5 and 4:3-17.4. Other than language changes, subsections (a) and (c) have been amended to include the organizations specified in current legislation.

Proposed N.J.A.C. 4:1-17.10, Special leave: Education, incorporates pertinent statutes and current N.J.A.C. 4:1-17.7 and 4:2-16.2 into a single section.

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CHAPTER 2

These rules pertain only to State service.

Proposed N.J.A.C. 4:2-17.1, Sick leave: Reporting, and 4:2-17.2, Sick leave: Verification, regulate accountability when requesting or using sick leave. N.J.A.C. 4:2-17.1(b) addresses shift coverage, an area that had not been addressed previously. N.J.A.C. 4:2-17.2(b) assures the employee that his or her return from a leave of absence due to personal illness should not be unfairly delayed because of an employer-required physical examination.

N.J.A.C. 4:2-17.3, Vacation and sick leave: Liability, sets forth the rules to be applied when an employee uses vacation and sick days beyond his or her entitlements. Subsection (c) is a new provision that addresses the situation created when an employee takes intermittent days off without pay after exhausting all paid leave time to which he or she is entitled. The proposed section incorporates current N.J.A.C. 4:1-17.15 and 4:2-17.15.

Proposed N.J.A.C. 4:2-17.4, 4:2-17.5, 4:2-17.6 and 4:2-17.7 address procedures for reporting, requesting and granting benefits for sick leave injury. N.J.A.C. 4:2-17.5(a)5 is an additional standard providing that gross negligence of an employee shall not be compensable.

Proposed N.J.A.C. 4:2-17.8, Sick leave: Pregnancy-disability, clarifies that leave of absence due to pregnancy-disability is to be treated in the same manner as any other disability leave.

N.J.A.C. 4:2-17.9, Leave without pay: Child care, provides that child care leave is to be treated in the same manner as any other leave without pay.

Proposed N.J.A.C. 4:2-17.10, Administrative leave, sets forth the entitlements and limitations of administrative leave. This section is a clarification of current N.J.A.C. 4:2-17.6.

Proposed N.J.A.C. 4:2-17.11, Special leave: Emergency civilian duty, is a recodification of current N.J.A.C. 4:1-17.8(a)3.

N.J.A.C. 4:2-17.12 and 17.13 address special leaves to serve on jury duty and to appear as a witness. These rules which are currently N.J.A.C. 4:2-17.7 and 4:1-17.8 have been clarified with no substantive change.

N.J.A.C. 4:2-17.14 informs the employee of the circumstances under which an absence may be considered an abuse and the possible disciplinary actions that would result from such abuse.

CHAPTER 3

This chapter pertains to local jurisdictions only. N.J.A.C. 4:3-17.1 concerns situations where a permanent employee is on an unpaid leave of absence to serve in an elective office. It provides, as allowed by statute, the right of an eligible employee to defer a promotional appointment in certain circumstances until after the leave period.

Social Impact

As part of the readoption, many technical changes and some substantive additions have been made to the current leave of absence rules. The principal change is the simplification, clarification and reorganization of the rules. With these revisions, the rules will be readily, easily and correctly applied but the changes reflect little substantive difference. Most rules are actually direct statements of requirements that are already in effect. The sections that do reflect policy or procedural change state policies or procedures that are presently in effect in various State agencies and extend the concepts to establish a Statewide, uniform policy. Other statements rectify inequities or address situations that need established, regulated procedures. All of the revisions are geared to make the leave of absence rules uniform and relevant for both employer and employee.

Some significant changes that may have a social impact follow:

The regulations regarding sick and vacation credits for State employees during their first month of employment, N.J.A.C. 4:1-17.3 and 17.4, establish a single policy for use by all departments in the State eliminating inequities and confusion among employees and departments. This rule may have a varying impact, depending on each department's present policy. However, the establishment of a uniform policy will be generally positive.

N.J.A.C. 4:2-17.3, Vacation and sick leave: Liability, addresses an ongoing situation that occurs when an employee takes days off on an irregular basis. Currently, an employee who takes an unpaid continuous leave of absence does not earn vacation and sick time during leave; however, an employee who takes time off on an intermittent basis—one or two days at a time—continues to accrue leave time although the employee may actually have taken as much time off as a person on a continuous leave. The proposed provision will eliminate this inequity.

N.J.A.C. 4:1-17.3, which changes the amount of time an employer may grant a nonpermanent employee a leave without pay from 60 calendar days to six bi-weekly pay periods, will increase the number of days of leave without pay that may be granted to a nonpermanent employee to 60 working days. This provision will benefit nonpermanent employees.

Economic Impact

Increased or decreased costs will depend on individual agencies, their current practices and policies, their number of employees and the employee's status. It is estimated that the overall economic impact of the readoption will be negligible since most of the changes are restatements of policy, practice and rule that are presently in effect.

Full text of the proposed new rules follow.

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

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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 additional 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) 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) Vacation leave shall be scheduled by the appointing authority. If, in any calendar year, vacation leave is not granted because of business necessity, the unused vacation leave for that year shall be granted during the next succeeding year only.

(f) An employee who leaves government service shall be paid for unused vacation time.

(g) 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) 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) 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 appro-

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priate 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 immediate 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 extension 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) Periods 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 wthout 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;

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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 appointing 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 Police Officer, 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 college.

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.

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(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 one-half 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.

(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 illness, diseases and defects aggregated 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.

(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.

(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 SLI 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.

(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).

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(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 religious observances.

1. 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. Administrative leave may be utilized in multiples of one-half days.

(b) Part-time employees shall be granted administrative leave 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 not 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) Employee 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 summoned 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.

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.

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EDUCATION

(a)

STATE BOARD OF EDUCATION

Thorough and Efficient System of Free Public Schools

Proposed Readoption with Amendments: N.J.A.C. 6:8

Authorized By: New Jersey State Board of Education, Saul Cooperman, Secretary.
Authority: N.J.S.A. 18A:4-15 et seq. as supplemented and amended by N.J.S.A. 18A:7A-1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 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. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption. The amendments to the existing rules become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1984-176.

The agency proposal follows:

Summary

The existing rules on a Thorough and Efficient System of Free Public Schools are due to expire August 1, 1984 pursuant to the sunset provision of Executive Order 66(1978). These rules were adopted pursuant to the authority of N.J.S.A. 18A:4-15, 18A:1-1 et seq., as supplemented and amended by N.J.S.A. 18A:7A-1 et seq. and became effective January 7, 1976. These rules were amended July, 1977, March, 1978, August, 1979, March, 1980, and September, 1983.

These rules were reviewed internally and were found to be of continued necessity for the maintenance of a thorough and efficient system of free public schools in accordance with the New Jersey Constitution and the provisions of N.J.S.A. 18A:7A-1 et seq. The rules have been amended to redefine the standards and procedures for the evaluation and certification of schools and school districts. The entire chapter has been edited for punctuation and grammar to coincide with literary style for administrative rules. Dates which no longer pertain have been deleted.

The goal of a thorough and efficient system of free public schools is to provide all children in New Jersey, regardless of socioeconomic status or geographic location, the educational opportunity which will prepare them to function politically, economically and socially in a democratic society. Thorough and efficient education is described in the Public School Education Act of 1975 as "a growing and evolving concept," which the law explains, must change to fit the economic, historical, social and cultural context of the times.

Local involvement and participation in the education process is stressed, as is the establishment of a decentralized approach to planning and decision making. The statute reaffirms that decisions on subjects such as personnel, curriculum and budget are essentially local ones. The law is a planning model for school improvement, in which districts are instructed to set annual educational objectives that address their long-range educational goals, after seeking input from the community.

A review of each of the sections of N.J.A.C. 6:8 follows:

N.J.A.C. 6:8-1.1 Definitions

This section defines words and terms used in the chapter. The term "classification" has been deleted and the terms "action plan" and "certification" have been added.

N.J.A.C. 6:8-2.1 State educational goals

This section is unchanged. It lists the State educational outcome and process goals adopted by the State Board after consensus by educators and residents throughout the State.

N.J.A.C. 6:8-2.2 State educational standards

This section is unchanged. It directs the reader to the subchapters of the rules that describe State standards for the administration of a thorough and efficient system of free public schools.

N.J.A.C. 6:8-2.3 Review of State educational goals and standards

This section is unchanged. It avers that the State Board of Education from time to time, but at least once every five years, shall review the State educational goals and standards in consultation with the commissioner and the Joint Committee on the Public Schools.

N.J.A.C. 6:8-3.1 Educational plan requirements

This section is unchanged. It requires the district to develop an educational plan in consultation with teaching staff members. The plan is to be adopted and implemented annually and is to include standards for assessing and evaluating district school objectives.

N.J.A.C. 6:8-3.2 District and school educational goals

This section is unchanged. It requires districts to develop educational goals that are consistent with State educational goals. The goals are to serve as the basis for the educational program for each school in the district and are to be developed in consultation with teaching staff members, pupils, parents and other district residents. The goals are to be reviewed and adopted at least once every five years.

N.J.A.C. 6:8-3.3 District objectives and action plans

This amended section is designed to enhance involvement and participation of the local community and teaching staff members in the educational process of the district. Annually, the chief school administrator in consultation with the public and teaching staff shall create an objective (a statement of intended outcome) for each priority need in the educational process of the district. For each objective, the district shall

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develop an action plan describing how the objective will be achieved. The district board of education annually shall approve the objectives and submit them to the county superintendent for approval.

N.J.A.C. 6:8-3.4 Assessment
This section is unchanged. It requires assessment of pupils to determine pupil needs and attainment of educational objectives.

N.J.A.C. 6:8-3.5 Educational programs
This section is unchanged. It enumerates the content of the educational program which is to be developed in consultation with teaching staff members under direction of the chief school administrator and adopted by the district board of education.

N.J.A.C. 6:8-3.6 Instruction
This section is unchanged. It describes the instruction to be provided by teaching staff members to achieve goals, objectives and standards.

N.J.A.C. 6:8-3.7 Evaluation of pupil progress
This section is unchanged. It requires development of evaluation procedures for the continuous and comprehensive review of pupil progress toward district and school goals and objectives.

N.J.A.C. 6:8-3.8 Pupil proficiency levels and preventive and remedial programs in reading, writing and mathematics skills
This section is unchanged. It requires the assessment of pupils to identify pupils who are not meeting State proficiency levels. These pupils shall be provided with a pupil improvement plan. This section describes provisions for a State compensatory education program.

N.J.A.C. 6:8-4.1 Reporting of pupil progress
This section is unchanged. It requires the reporting of pupil progress to parents or guardians with consideration for use of a variety of methods for this reporting.

N.J.A.C. 6:8-4.2 Promotion and graduation
This section is unchanged. It requires districts to adopt policies and procedures for pupil promotion and high school graduation which shall include but not be limited to the requirement that pupils perform at or above the established uniform Statewide level of pupil proficiency on the ninth grade Statewide assessment tests in reading, writing and mathematics skills. Districts shall develop individual pupil improvement plans for those pupils who show need and shall provide additional evaluation by the end of the eleventh grade for those pupils who are still deficient.

Districts are required to define a minimum high school curriculum and pupil proficiencies. The district shall establish procedures for remediation and subject to State Board approval publish high school graduation requirements.

N.J.A.C. 6:8-4.3 Staffing
This section is unchanged. It requires the employment of certified teaching staff members and other support personnel to meet the specific instructional needs of pupils.

N.J.A.C. 6:8-4.5 Instructional materials and equipment
This section is unchanged. It prescribes that districts shall provide materials and equipment to implement their educational goals and objectives and meet pupil needs.

N.J.A.C. 6:8-4.6 School and community relations
This section is unchanged, except for change of meeting date. It requires districts to provide district residents and teaching staff members with opportunities through public meetings of district board of education to discuss implementation of local goals, objectives and standards.

N.J.A.C. 6:8-4.7 Administrative procedures
This section is unchanged in its requirement for district boards of education to adopt efficient administrative procedures to include sound fiscal operations and effective management practices.

N.J.A.C. 6:8-4.8 School facilities
This section is unchanged. It requires districts to provide suitable accommodations to carry out the educational program. The district board shall ensure that buildings are safe, clean, attractive and in good repair.

N.J.A.C. 6:8-5.1 Review by county superintendent
This section is unchanged except for date of submission of budget pursuant to law. It requires district boards of education to submit a copy of its proposed annual budget to the county superintendent of schools for approval prior to public advertisement.

N.J.A.C. 6:8-6.1 Annual evaluation
This section is unchanged. It requires the commissioner to conduct an annual Statewide uniform evaluation of schools and districts according to procedures and standards prescribed by law and rules.

N.J.A.C. 6:8-6.2 Evaluation and certification
This section is changed from annual monitoring and classification of each district and school to a monitoring cycle of once every five years after the initial certification of the district. All districts shall be monitored between January 1, 1984 and December 31, 1985. The monitoring shall be conducted by teams from the county office of education under the supervision of the county superintendent of schools. The teams shall review the performance of the district in ten essential elements of the educational process, namely; planning, school and community relations, comprehensive curriculum and instruction, student attendance, facilities, professional staff, mandated programs, achievement in State mandated basic skills, equal educational opportunity and affirmative action, and finance. If the district documents acceptable performance in the prescribed indicators of the ten essential elements, the district shall be certified.

N.J.A.C. 6:8-7.1 Requirements for review process
This section is changed to require an uncertified district to appoint a self-study team to develop a plan to eliminate deficiencies identified during the monitoring process. The plan shall be submitted to the county superintendent of schools for review and approval. The district shall be monitored in the implementation of the plan until the deficiencies are eliminated, at which time, the performance of the district shall then be certified as acceptable.

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N.J.A.C. 6:8-7.2 Corrective action when certification is denied

The proposed change to the rule provides for the appointment of a team of persons by the county superintendent of schools for the purpose of reviewing the performance of a district which has failed to become certified after the implementation of a self-study plan of action. The team shall gather background information regarding the deficiencies and make recommendations to the county superintendent of schools on a process for eliminating the deficiencies. The county superintendent shall approve them or develop additional recommendations in conjunction with the team before transmitting them to the chief school administrator for implementation by the district.

N.J.A.C. 6:8-7.3 Corrective action by Commissioner of Education

This section is changed to provide intervention by the Commissioner of Education, as provided by law, where a noncertified district does not demonstrate reasonable progress toward compliance with school law or regulation and/or resolution of major problems.

Social Impact

In accordance with the provisions of N.J.S.A. 18A:7A-1 et seq., these rules were originally adopted January, 1976, to insure the existence of a thorough and efficient system of free public schools. The underlying premise of the law that is implemented by these rules is the requirement for educational program planning by the local school district. The law and rules emphasize involvement of the public and teaching staff members in the setting of educational goals. The rules extend provisions for involvement of the public by mandating consultation with parents and guardians regarding pupil progress toward district and school educational goals and objectives; communication regarding pupil participation in State compensatory and remedial programs; and establishment of a policy for reporting pupil progress to parents and guardians. Community involvement is enhanced by the requirement for annual reporting prior to November 30 of the district's progress and plans in implementing local goals, objectives and standards. Finally, the rules require the Commissioner of Education to publicly classify all schools and districts pursuant to monitoring and evaluation of progress in achieving State and local educational goals, objectives and standards.

The rules, as originally adopted, were intended to institute a planning process for school improvement predicated on community involvement. Several amendments to the rules stressed pupil minimum proficiency and compensatory programs for pupils who are not achieving to the standard established by the State in minimum basis skills. A more recent amendment has eliminated reference to a minimum level of basic skills and has instead emphasized meeting State standards in reading, writing and mathematics skills. Also included by amendment is the delineation of minimum high school graduation requirements.

A review of the rules by department staff in consultation with a broad range of educational leaders and concerned citizens indicates that the rules are philosophically sound as an educational planning model. However, it was determined that the effectiveness of educational planning in many districts has excessively narrowed to focus primarily on achievement in minimum basic skills, compliance with law and rules, and concern with State monitoring practices and functions.

It is generally conceded that in many districts achievement in minimum basic skills and compliance with law and code has improved. However, a majority of those persons consulted expressed concern that the existing rules tended to lower academic expectations, focusing only on minimum achievement in basic skills. They also expressed concern that State monitoring has essentially prevented the State from fulfilling its secondary role of assistance to local districts in school improvement activities. Consequently, changes to the rules were recommended to overcome these apparent shortcomings to full implementation of an effective educational planning model.

The proposed changes will limit both the monitoring and the paperwork to that which is essential. All districts will be required to link their educational objective to any major deficiencies which might be identified in the monitoring process. Under the supervision of the county superintendents, every district in the State will be rigorously monitored within the next two years. Thereafter, the monitoring process will become considerably more focused. Districts which meet the essential requirements and are found to be in compliance will no longer be monitored annually as in the past. Instead, they will be reviewed only at five-year intervals.

Limiting review of districts that are in compliance will not only free them from unproductive paperwork, but also will allow the State to direct more of its efforts and limited resources to assisting districts which are not in compliance. Such districts will be subject to more frequent, indepth and, if necessary, continuous review, until their problems are satisfactorily resolved.

Those few districts which cannot or will not resolve their problems will be held accountable. When necessary, the commissioner will use his or her authority under law to assure the delivery of appropriate educational programs and services by local districts.

The State will hold local districts accountable for compliance with law and code, but will not encumber successful districts with unnecessary monitoring and paperwork. Rather, the State will focus its efforts directly toward districts which are not in compliance and will also seek to help all school districts to help themselves through improved services.

If these rules are not readopted, the role assigned to the Department of Education pursuant to the provision of N.J.S.A. 18A:7A et seq. will be severely curtailed. The required assistance to local districts will be curtailed, and the process for monitoring and evaluation of State and local educational programs will be eliminated.

Economic Impact

These rules have no economic impact except that of implementing procedures for a thorough and efficient system of free public schools. The procedures are expected to contribute to an economic expenditure of time, money and effort at the State and local level. The assistance, monitoring and evaluation prescribed by these rules in effect provides oversight of proper expenditure of State and local funds pursuant to the State aid funding formula described in N.J.S.A. 18A:7A-2 et seq.

There will be no additional cost to the State in the adoption of these rules. The proposed changes will permit the state to direct more of its resources and skills to solving the major issues as defined by local school district objectives. The state will be freed from unnecessary aspects of its former monitoring duties and will address the needs of districts at three separate levels, providing products, programs and services to

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assist their educational efforts. The recent re-organization of the department, and in particular the intermediate units, redistributed existing staff and funds to implement the new procedures for monitoring and assistance in district planning.

If these rules are not adopted, there will be no established procedures for insuring a thorough and efficient public school system pursuant to the provisions of N.J.S.A. 18A:7A et seq.

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

CHAPTER 8
THOROUGH AND EFFICIENT SYSTEM OF FREE PUBLIC SCHOOLS

SUBCHAPTER 1. DEFINITIONS

6:8-1.1 Words and phrases defined

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

"Action plan" means a written document describing how the district will organize and act to achieve its objectives.

["Administrative order" means a written directive ordering specific corrective action by a district which has shown insufficient educational progress within a reasonable period of time in meeting goals and standards.]

"Articulation" means continuity, consistency and interdependence in the curricular offerings of the successive divisions of the school system.

"Assessment" means a written analysis of the current status of an educational system in terms of achieving its goals and objectives.

["Classification" means a procedure through which the progress of each school and district toward local goals, objectives, and standards, development and implementation of an educational plan, achievement of statewide standards in the basic skills, and compliance with law and regulation are evaluated and a determination is made whether or not corrective action is needed.]

"Certification" means an acceptable rating in all required indicators as prescribed for all 10 essential elements in the educational process of the district.

"Educational plan" means a comprehensive procedure which enables participants working together to define and set goals, to appraise progress through assessment, to analyze problems, to plan for and to implement a program for improvement and to evaluate progress toward achieving goals, objectives and standards.

"Evaluation" means procedures used to determine the value and success of programs, projects, techniques and materials in relation to the achievement of goals, objectives and standards, that is, the act of making judgments based upon the data gathered.

"Goals" means a written statement of educational aspirations for learner achievement and the educational process stated in general terms.

"Levels of pupil proficiency" means standards established pursuant to N.J.S.A. 18A:7A-6 in grades where Statewide testing takes place; and the State approved uniform levels of achievement in grades where State testing does not take place.

"Objective" means a written statement of the intended outcome of a specific educational process.

"Preventive program" means programs designed to prevent regression in the areas of reading, writing and mathematics skills.

"Proficiency" means an explicitly stated and demonstrable knowledge and/or skill used to define a desired learning outcome.

"Regular school program" means curriculum content and materials, instructional activities, services and staff training designed to address the learning needs of all [students] **pupils**, adopted annually by each district board of education funded by local resources and State equalization aid.

"Remedial program" means programs designed to improve the level of pupil proficiency in the areas of reading, writing and mathematics skills.

"Standards" means the procedures and stated levels of proficiency used in determining the extent to which goals and objectives are being met.

"State compensatory education pupil" means a pupil who is enrolled in preventive and remedial programs, approved by the State board, supplemental to the regular programs and designed to assist pupils who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

"State endorsed diploma" means a diploma signifying successful completion of a high school containing the minimum curriculum, programmatic and proficiency requirements as set forth by [s]State law and regulations; and by local district policies and procedures.

"Supplemental program for State compensatory education" means instructional or related services provided over and above the regular school program which are funded in whole or in part by State compensatory education funds.

"Teaching staff members" means all teachers, principals, assistant principals, vice principals, superintendents, assistant superintendents, school nurses and such other employees as are in positions which require them to hold appropriate certificates issued by the board of examiners, serving in any school district or under any board of education.

SUBCHAPTER 2. STATE EDUCATIONAL GOALS AND STANDARDS

6:8-2.1 State educational goals

(a) The State educational goals shall be the following outcome and process goals and shall be applicable to all public school districts and schools in the State.

(b) The public schools in New Jersey shall help every pupil in the State:

1. To acquire basic skills in obtaining information, solving problems, thinking critically and communicating effectively;

2. To acquire a stock of basic information concerning the principles of the physical, biological and social sciences, the historical record of human achievements and failures, and current social issues;

3. To become an effective and responsible contributor to the decision-making processes of the political and other institutions of the community, State, country and world;

4. To acquire the knowledge, skills and understanding that permit him or her to play a satisfying and responsible role as both producer and consumer;

5. To acquire job entry level skills and, also, to acquire knowledge necessary for further education;

6. To acquire the understanding of and the ability to form responsible relations with a wide range of other people, including but not limited to those with social and cultural characteristics different from his or her own;

7. To acquire the capacities for playing satisfying and responsible roles in family life;

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8. To acquire the knowledge, habits and attitudes that promote personal and public health, both physical and mental;

9. To acquire the ability and the desire to express himself or herself creatively in one or more of the arts, and to appreciate the aesthetic expressions of other people;

10. To acquire an understanding of ethical principles and values and the ability to apply them to his or her own life;

11. To develop an understanding of his or her own worth; abilities, potentialities and limitations;

12. To learn to enjoy the process of learning and to acquire the skills necessary for a lifetime of continuous learning and adaptation to change.

(c) The public schools in New Jersey shall provide:

1. Instruction which bears a meaningful relationship to the present and future needs and/or interests of pupils.

2. Significant opportunities, consistent with the age of the pupil, for helping to determine the nature of the educational experiences of the pupil;

3. Specialized and individualized kinds of educational experiences to meet the needs of each pupil;

4. Opportunities for teaching staff members and pupils to make recommendations concerning the operation of the schools;

5. Comprehensive guidance facilities and services for each pupil;

6. An environment in which any competition among pupils is positive;

7. Resources for education, used with maximum efficiency;

8. Teaching staff members of high quality;

9. Diverse forms of constructive cooperation with parents and community groups.

6:8-2.2 State educational standards

The State educational standards shall be those procedures set forth in [subchapters 3 and 4 of this chapter] **N.J.A.C. 6:8-3 and N.J.A.C. 6:8-4**, which shall be used for the implementation of a thorough and efficient system of free public schools in accordance with the New Jersey Constitution.

6:8-2.3 Review of State educational goals and standards

The State Board of Education, after consultation with the commissioner and review by the Joint Committee on the Public Schools, shall, from time to time but at least once every five years, review and update the State goals and standards.

SUBCHAPTER 3. STANDARDS AND PROCEDURES FOR ESTABLISHING EDUCATIONAL PLANS

6:8-3.1 Educational plan requirements

(a) Each district board of education in consultation with the chief school administrator and teaching staff members, as defined in these [regulations] **rules**, shall develop a written educational plan for the district and each school within the district, pursuant to law and this subchapter.

(b) Such plan shall be adopted and implemented annually by the district board of education.

(c) Such plan shall include a proposed time schedule for the implementation of each of the components set forth in this subchapter, and shall identify, on a five-year cycle, both long and short-range objectives.

(d) Such plan shall include standards established by the district board of education for assessing and evaluating the achievement of its long and short-range objectives.

(e) The educational plan shall include, but not be limited to, the components set forth in this subchapter.

6:8-3.2 District and school educational goals

(a) Written educational goals, based on district educational needs and consistent with the intent of State educational goals, shall be developed and shall serve as the basis for the educational program (curriculum) for each school. Goals shall be developed in consultation with teaching staff members, pupils, parents or guardians of pupils and other district residents, under the direction of the chief school administrator.

(b) The district board of education shall give public notice of the proposed goals or revisions thereof and shall provide opportunity for comment at a public meeting.

(c) District and school educational goals shall be reviewed and updated at least once every five years according to the procedures set forth in this section.

6:8-3.3 District [and school educational] objectives and [standards] **action plan**

[Written educational objectives and standards for the educational program (curriculum), based upon district and school goals, shall be developed in consultation with teaching staff members under the direction of the chief school administrator.]

(a) Each district board of education shall identify priority needs in areas of the instructional program and pupil improvement based on an extensive study of the needs and socioeconomic characteristics of the student body of the district.

(b) The chief school administrator in consultation with the public and teaching staff members shall create an objective and action plan for each priority need.

1. An objective is a result-oriented statement that shall contain the following three elements of information:

i. Description of target population;

ii. Description of what will be achieved; and

iii. Description of the level of achievement which will be sought.

2. An action plan describing how the district will organize and act to achieve an objective shall contain the following components:

i. Description of task and activities that will be taken to accomplish the objectives;

ii. List of personnel denoting who will be responsible for specific activities and who will be accountable for total objective;

iii. Statement of physical, financial and human factors which will be used to accomplish the stated tasks;

iv. Schedule of completion dates for individual tasks and activities; and

v. Description of specific accomplishments being sought and how they will be measured.

(c) The chief school administrator shall meet with the county superintendent of schools for preliminary review of the objectives and action plans prior to adoption by the district board of education.

(d) The district board of education shall approve the objectives as part of the annual educational plan.

(e) The objectives and action plans of the district shall be submitted to the county superintendent by September 30, who shall review and approve them no later than October 31.

1. The review and approval shall focus on the educational significance of the objectives and action plans and on the potential for bringing about improved results for pupils.

2. The county superintendent of schools shall ensure that objectives are significant and measurable, and that plans are logical, achievable and realistic.

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(f) The assistant commissioner for the Division of County and Regional Services shall resolve an impasse between the chief school administrator and the county superintendent of schools regarding approval of objectives.

6:8-3.4 Assessment

(a) Pupil needs shall be assessed by teaching staff members to determine pupil attainment of educational objectives. Procedures for such assessment shall include but not be limited to teacher observation, parental or guardian interview, formal and informal evaluation techniques, cumulative pupil records, [student] **pupil** performance data collected through local testing programs which meet State criteria, State testing results and visual, auditory, and/or medical examination. Pupil identification required by N.J.A.C. 6:8-3.8 (Pupil proficiency levels and preventive and remedial programs in reading, writing and mathematics skills) shall be determined as part of this assessment of pupil needs.

(b) District and school needs shall be assessed in order to determine the status of attainment of long and short-range objectives.

6:8-3.5 Educational program (curriculum)

(a) The educational program (curriculum) for each district and school shall be developed in consultation with the teaching staff members, under the direction of the chief school administrator, shall be adopted by each district board of education and shall:

1. Be consistent with written goals, objectives and identified pupil needs;

2. Develop individual talents and interests and serve diverse learning styles to motivate pupil achievement;

3. Provide for continuous learning through an effective articulation between and among the districts and schools;

4. Provide all pupils continuous access to sufficient programs and services of a library **and/or** media facility, classroom collection, or both, to support the educational program (curriculum);

5. Provide all pupils guidance and counseling to assist in career and academic planning;

6. Provide a continuum of educational programs and services for all handicapped children, pursuant to law and regulation;

7. Provide bilingual programs for pupils whose dominant language is not English, pursuant to law and regulation;

8. Provide compensatory education programs for pupils, pursuant to law and regulation;

9. Provide all pupils equal educational opportunity, pursuant to law and regulation;

10. Provide career awareness and vocational education, pursuant to law and regulation; and

11. Provide educational opportunities for exceptionally gifted and talented pupils.

6:8-3.6 Instruction

(a) Instruction shall be provided by teaching staff members in order to achieve goals, objectives and standards. Implementation shall include but not be limited to:

1. A school environment designed to foster positive feelings by pupils toward self and others;

2. Creative use of various instructional methods, materials and equipment;

3. Opportunities for pupils to participate in the study of individual, school and community problems;

4. Active involvement of pupils in directed and self-selected activities;

5. School and classroom organization and pupil assignment based upon individual pupil needs;

6. Effective use of personnel, resources and facilities of the school and community;

7. An emphasis on the interdisciplinary nature of knowledge and the interrelatedness of learning.

6:8-3.7 Evaluation of pupil progress

Evaluation procedures shall be developed and implemented to provide for the continuous and comprehensive review of pupil progress toward district and school goals and program objectives. The evaluation shall be conducted by teaching staff members under the direction of the chief school administrator and should include consultation with parents or guardians and pupils. District evaluation results shall be reported annually by the chief school administrator to the district board of education at a public meeting.

6:8-3.8 Pupil proficiency levels and preventive and remedial programs in reading, writing and mathematics skills

(a) Each pupil shall be assessed, upon entrance into the educational system and annually thereafter, to identify pupils not meeting State proficiency levels. In instances of pupil transfers, assessment records shall be forwarded from the previous school or district to the school or district in which the pupil is newly enrolled. Pupils so identified shall be provided with an individual comprehensive assessment which shall include but not be limited to the assessment procedures set forth in [section 4 of this subchapter] **N.J.A.C.** 6:8-3.4. For pupils with identified deficiencies after completion of six academic years of instruction beyond kindergarten, local school districts shall develop procedures for the development and implementation of individual [student] **pupil** improvement plans. These procedures shall include but not be limited to:

1. A process for the development of the [student] **pupil** improvement plan including those persons responsible for the development and implementation of the plan;

2. Identification of a teaching staff member responsible for monitoring the development, implementation and evaluation of the individual's [student] **pupil** improvement plan; and

3. A process for notifying the pupil and the parent(s) or guardian(s) of the need for and content of the [student] **pupil** improvement plan.

(b) Preventive and remedial programs, supplemental to the regular school program, shall be established. Application for and approval of these State compensatory education programs shall be based upon the following:

1. Enrollment of all pupils who have academic, social, economic, or environmental needs that prevent them from succeeding in the regular school program in appropriate preventive or remedial programs up to eligibility levels determined by the Department of Education, based upon the severity of academic need as measured by [student] **pupil** performance on the Statewide assessment instruments and those [students] **pupils** provided for in N.J.A.C. [6:39-1.4] **6:39-1.2**(b), and based upon the severity of socioeconomic need as measured by appropriate income and related indicators[,] and [,] documented by the needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a);

2. Procedures for the screening of currently and newly enrolled pupils in order to determine whether or not they should be enrolled in preventive of remedial programs. These procedures should include those diagnostic measures which are used to predict the relevant learning difficulties and needs;

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3. Instructional and related activities and services, supplemental to the regular school program and based upon identified priority pupil needs;

4. Procedures to provide ongoing communication between teaching staff members and parents or guardians of pupils participating in State compensatory preventive and remedial programs;

5. Evaluation procedures which measure pupil gains in basic skills proficiency related to preventive and remedial program objectives and standards and to Statewide standards in reading, writing and mathematics skills;

6. Evaluation of the effectiveness of State compensatory preventive and remedial educational programs in terms of pupil gains in basic skills proficiency and other relevant indicators;

7. A detailed budget explaining expenditures for administration, instructional paraprofessional and clerical personnel, instructional materials and supplies, equipment, attendance, staff training, health and community services;

8. Assurance of maintenance of effort in the provision of the regular school program.

(c) Annually, on or before August 15, the commissioner shall determine which applications for compensatory education programs are approved and so notify each [local] **district** board of education.

(d) State compensatory education funds shall be calculated and distributed in accordance with N.J.S.A. 18A:7A-17 and N.J.S.A. 18A:7A-20, on the basis of actual enrollment in approved programs as of the last school day of September.

(e) As part of the [annual] **five-year** district [and school classification] **certification** procedure, the State Department of Education shall monitor **programs of the** district board of education['s programs] and the rate of pupil growth in achievement with particular attention to services and preventive and remedial educational programs for the [basic] reading, writing and mathematics skills.

(f) The Department of Education shall conduct studies and evaluate findings biennially after the effective date of this chapter in order to report the status of progress toward the attainment of pupil proficiency levels in reading, writing and mathematics skills.

SUBCHAPTER 4. POLICIES AND PROCEDURES TO ASSIST IN IMPLEMENTING THE EDUCATIONAL PLAN

6:8-4.1 Reporting of pupil progress

The district board of education, after consultation with the teaching staff members, under the direction of the chief school administrator, shall develop a policy for reporting pupil progress to parents or guardians. Consideration should be given to the use of a variety of procedures such as parent-teacher conferences, report cards, pupil progress charts and other formal and informal methods.

6:8-4.2 Promotion and graduation

(a) The district board of education shall adopt policies and procedures for:

1. Pupil promotion, related to district goals, objectives and pupil proficiency; and

2. High school graduation **requirements**, pursuant to law and regulation, [which] shall be consistent with the achievement of [s]State and district goals, objectives and pupil proficiency with particular reference to reading, writing and mathematics skills [; except that by July 1, 1981, revised policies and procedures,] **and** shall be adopted as specified in N.J.A.C. 6:8-4.2(b), (c), (d) and (e).

(b) [By July 1, 1981, d]**D**istrict boards of education shall adopt policies and procedures for high school graduation of all pupils pursuant to law and regulation, which shall include but not be limited to performing at or above the established uniform [s]**S**tatewide levels of pupil proficiency on the ninth grade [s]**S**tatewide assessment tests in reading, writing, and mathematics skills. [This requirement shall commence with the ninth grade class of the 1981-82 school year.]

1. Pupils who perform below [s]**S**tatewide standards on one or more of these [s]**S**tatewide tests shall be provided with a comprehensive individualized assessment as specified in N.J.A.C. 6:8-3.4 and, on the basis of this assessment, provided necessary services to remedy those deficiencies identified which shall include but not be limited to the development and implementation of an individual [student] **pupil** improvement plan. This individual program may be carried out through the regular program or through an extended school day, extended school week or extended school year. Comprehensive pupil assessment and re-evaluation of the individual plans shall take place at least once each year until all identified deficiencies have been remediated.

2. Each local school district shall develop procedures for the development of the individual [student] **pupil** improvement plan. These procedures shall include but not be limited to those procedures set forth in N.J.A.C. 6:8-3.8(a).

3. Pupils who perform below [s]**S**tate standards on one or more of these [s]**S**tatewide tests shall be provided with multiple opportunities to demonstrate mastery immediately after completion of the appropriate segments of their [student] improvement plan provided that at least one opportunity is provided each academic year.

4. For each pupil who performs below [s]**S**tate standards on any of these tests by the end of the eleventh grade, an additional evaluation shall also be provided during the twelfth year based on the individual [student] **pupil** improvement plan required under paragraph 1 above. This evaluation shall include but not be limited to:

i. Performance on [s]**S**tate tests (including all re-tests);

ii. Performance on locally selected examinations;

iii. Performance in course work;

iv. Formal interview with the pupil;

v. Formal interview with the parents;

vi. Formal interview with teaching staff;

vii. Examination of the [pupil's] transcripts **of the pupil** noting [the pupil's] **his or her** strengths in other related areas;

viii. Guidance counselor **and/or** psychologist review as appropriate;

ix. Visual, auditory **and/or** medical data as appropriate;

x. Examination of credit and curriculum performance; and

xi. Examination of pupil proficiencies in other areas.

5. On the basis of the evaluation required under paragraph 4 above, and an independent evaluation of these data by a local district review panel, a recommendation [shall be forwarded on] **for** each pupil not meeting [s]**S**tatewide basic skills requirements **shall be forwarded** to the county superintendent of schools by March1 of the regularly scheduled graduation year as to whether the [s]**S**tatewide minimum basic skills requirement has been attained satisfactorily. This local district panel shall include at least three teaching staff members not currently instructing the pupil. On the basis of the evidence listed in paragraph 4 **above** and the recommendations of the review panel, the building principal, and the district superintendent[;], the county superintendent **of schools** may certify

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satisfactory attainment of the minimum basic skills graduation requirement.

6. Pupils classified pursuant to N.J.S.A. 18A:46-1 et seq. may be exempted from this basic skills proficiency requirement based on the recommendation of the child study team and the approval of the chief school administrator.

7. Any out-of-school youth or adult age 18 or older who has otherwise met all [s]**S**tate and local graduation requirements but who has failed to pass the [s]**S**tate assessment test(s), may return at times which have been scheduled and publicly announced by the district board, for the purpose of taking the necessary tests. Upon certification of passing the test(s), a [s]**S**tate endorsed diploma will be granted by the high school of record.

8. Upon the completion of the first cycle of the program in 1985, and annually thereafter, the chief school administrator[s] shall report prior to November 30 to [their] **the** district board[s] **of education** at a public meeting and to the Commissioner of Education the number of pupils graduated and the number of pupils denied graduation on the basis of this chapter. The [C]**c**hief school administrator[s] shall include in these reports the number of pupils graduated under the special education and special evaluation procedures noted in this subsection.

(c) Minimum high school curriculum requirements include the following:

1. [By July 1, 1981, d]**D**istrict boards of education providing high school diplomas shall adopt policies and procedures in cooperation with any sending district(s) for defining minimum high school [curricula] **curriculum** requirements and locally determined proficiencies therein, pursuant to law and regulation, which shall include but not be limited to:

i. Requiring the successful completion of a program of study in grades nine through 12 which shall include but not be limited to:

(1) One credit year of communication for each year of enrollment, up to four credit years;

(2) Two credit years of computation;

(3) Two credit years of social studies and history as required by N.J.S.A. 18A:35-1;

(4) One credit year of natural or physical science;

(5) One credit year of physical education, health and safety for each year of enrollment as required by N.J.S.A. 18A:35-7;

(6) One credit year of fine, practical, and/or performing arts; and

(7) One-half credit year of career exploration or development.

ii. Pupils may meet the [curricular] **curriculum** requirements set forth in subparagraph i through demonstration of mastery of the locally determined proficiencies in each of the above curriculum areas or through program completion procedures noted in subsection (d). This determination shall be made by the district board of education.

2. Pupil proficiences in areas other than those delineated in subsection (b) above shall be developed as follows:

i. [By July 1, 1980, t]**T**he Commissioner of Education shall provide to district boards of education guidelines for the development of local proficiencies for each curriculum area noted in this subsection.

ii. [By July 1, 1981, d]**D**istrict boards of education shall establish proficiency requirements in each curriculum area noted in paragraph 1 above. Upon approval of these proficiencies by the district board of education, demonstration of mastery will be required as a condition of graduation. [These proficiency requirements will take effect with the entering ninth grade class of the 1981-82 school year.]

iii. District boards of education shall establish procedures for remediation and opportunities for pupils to satisfy any failed local proficiency.

iv. [Beginning with the 1981-82 school year, a]**A**ll district boards of education shall distribute to each entering ninth grade pupil and his[/]**or** her parent(s) or guardian(s) a copy of all [s]**S**tate and local high school graduation requirements. In addition, each district board of education shall distribute to all pupils and his[/]**or** her parent(s) or guardian(s), at the beginning of each course required for graduation, a list of proficiencies required for successful completion of that course.

v. The Commissioner of Education shall monitor and approve the development and implementation of **the** manner of assessing the achievement of these proficiencies.

(d) Subject to approval of the State Board of Education:

1. Each district board of education shall establish graduation requirements on the basis of either course credits, program completion or a combination of course credits and program completion.

i. Regarding course credits, the rules include:

(1) Each four-year high school shall establish a minimum set number of credits to be required for graduation, to be not less than 92.

(2) Each senior high school shall establish a minimum set number which shall be not less than 69 credits to be completed in grades [ten] **10** to [twelve] **12** inclusive.

(3) Six-year schools may base their graduation requirements on formal completion of grades nine to [twelve] **12** or [ten] **10** to [twelve] **12** within the credit limits established for four-year or senior high schools respectively.

(4) Credits toward graduation shall be awarded by the following method:

(A) Credit shall be assigned on the same basis to all high school courses offered by the district board of education.

(B) Credit may be assigned by each district board of education for curricular activities as defined in N.J.A.C. 6:27-1.13.

(C) The exception is that approved [cooperation] **cooperative** education programs shall receive a maximum of 15 credits per year.

ii. Credit year requirements set forth in subsection (c) above may be met in whole or in part through program completion as follows:

(1) District boards of education may determine and establish a set number of curricular activities or programs for promotion and graduation purposes.

(2) Programs shall be planned for individuals and/or a group based on specific instructional objectives.

(3) The principal shall certify completion of curricular activities or programs based upon specified instructional objectives.

(4) Group programs based on specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district subject to review by the commissioner or his[/] **or** her representative.

2. District boards of education shall establish pupil attendance requirements appropriate to each of the particular educational programs.

3. Each junior high school shall establish a statement of policy governing graduation.

(e) [Beginning with the ninth-grade class of the 1981-82 school year, s]**S**uccessful completion of the requirements set forth in subsections (b), (c), and (d) [of this section] **above**, and any local requirements shall be required as conditions for awarding a [s]**S**tate endorsed diploma, except as provided for

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seniors entering military or naval service pursuant to N.J.S.A. 18A:36-17. No district board of education may issue a high school diploma without [s]State endorsement.

(f) Review and reporting rules include the following:

1. From time to time, but at least once every five years, the State Board of Education and district boards of education shall review and update their graduation requirement policies as a result of the [s]State and local goal review processes noted in N.J.S.A. 18A:7A-8 and N.J.A.C. 6:8-3.2.

2. The Commissioner of Education in accordance with law and regulation shall, upon the completion of the first cycle of the program in 1985, and annually thereafter, report to the State Board of Education and Legislature on the status and outcomes of this program.

3. [Prior to November 30, 1981, d]**D**istrict boards of education shall submit their graduation requirements on forms provided by the State Department of Education in the following manner:

i. All public schools shall submit their local requirements, as they are adopted, to the county superintendent of schools.

ii. All diocesan schools shall submit their requirements, as they are adopted, to the diocesan superintendent of schools.

iii. All other nonpublic schools shall submit their requirements, as they are adopted, to the [d]**D**ivision of [school programs] **General and Academic Education.**

iv. District boards of education shall update this filed copy as their graduation policies are revised.

6:8-4.3 Staffing

(a) Teaching staff members shall be employed by the district board of education based upon the specific instructional needs of pupils of the district and each school within the district. The district board of education shall provide certified personnel needed to implement a thorough and efficient system of free public schools, which may include but not be limited to the following:

1. Adult, continuing and community education teachers;
2. Art teachers;
3. Educational supervisors;
4. Foreign language teachers;
5. Health teachers;
6. Instructional media specialists (librarians);
7. Instrumental and vocal music teachers;
8. Nurses;
9. Physical education teachers;
10. Reading specialists;
11. School counselors;
12. Speech correctionists;
13. Teachers of handicapped; and
14. Vocational educational specialists.

(b) The district shall employ for its teaching staff members, only persons certified under the rules [and regulations] of the State Board of Education.

(c) Rules on the principal are:

1. Each school shall be assigned the services of a fulltime nonteaching principal to be responsible for administration and supervision of the school.

2. A district board of education, upon advice of the chief school administrator, may request from the [C]commissioner an exception to the provision of N.J.A.C. 6:8-4.3(c)1.

3. Assistants to principals and to principals assigned as chief school administrators shall be provided where necessary because of school enrollment, educational program and/or complexity of operation.

(d) All district boards of education shall provide the services of child study team personnel (school psychologists, school social workers and learning disabilities teacher-consultants), in numbers sufficient to insure implementation of pertinent law and regulation.

(e) All district boards of education shall maintain a list of available, certified substitute teachers, pursuant to regulation. Substitute teachers shall be provided orientation and training to meet pupil needs within the school district.

(f) Sufficient supportive services shall be provided, including but not limited to secretarial and clerical, janitorial, buildings and grounds maintenance, cafeteria and pupil transportation.

(g) Aides may be employed, and shall be approved and assigned, pursuant to law and regulation.

6:8-4.4 Staff inservice programs

Staff inservice improvement programs developed in consultation with the chief school administrator and teaching staff members shall be planned as needed to meet the priorities identified by the district or school.

6:8-4.5 Instructional materials and equipment

(a) The district board of education shall provide instructional and evaluation materials including textbooks, references, library print and nonprint materials, equipment and other materials to implement the district and school educational goals and objectives and meet pupil needs.

(b) The district board of education shall adopt an instructional materials and equipment policy which includes procedures for effective consultation with teaching staff members in the selection and utilization of such materials and equipment.

6:8-4.6 School and community relations

(a) The district board of education shall provide parents or guardians, other district residents and teaching staff members opportunities through one or more public meetings of the **district** board of education for discussion regarding [s]State [regulations] **rules** and local school procedures for implementation of district goals, objectives and standards. The initial meeting shall be held prior to [November] **September** 30 of each year. The district board shall publish a special notice 10 days in advance of these meetings describing the purpose, listing the items to be discussed and indicating the availability of material relative to such items. The discussion at such meeting shall include, but not be limited to:

1. The annual evaluation of the district and schools;

2. The annual report of the district and schools submitted to the [C]commissioner by July 1, pursuant to N.J.S.A. 18A:7A-11;

3. The results of:

i. The Statewide Testing System;

ii. The needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a) and (b);

iii. The needs assessment conducted pursuant to N.J.A.C. 6:8-3.8(a); and

iv. The plans and programs implemented (or to be implemented) to remediate the needs as identified through these assessments.

4. Plans including budget requirements to implement program improvements for the coming school year;

5. The above documents shall be accessible to the public for inspection at such meetings, and shall be available to citizens, upon request, at the earliest possible time, in accordance with

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the provisions of the public records law, N.J.S.A. 47:1A-1 et seq.;

6. Nothing in these [regulations] **rules** shall be deemed to modify or repeal the provisions of N.J.A.C. 6:39[-1.1 et seq.], regarding [s]Statewide assessment procedures.

(b) Teaching staff members, under the direction of the chief school administrator, shall identify community resources, services and needs in planning for continuous educational improvement, in consultation with parents or guardians, pupils and other district residents.

6:8-4.7 Administrative procedures

(a) Each district board of education, after consultation with the chief school administrator and teaching staff members, shall adopt efficient administrative procedures which shall include but not be limited to:

1. Sound district and school fiscal operations; and

2. Effective management procedures, pursuant to law and regulation[s].

6:8-4.8 School facilities

(a) New school facilities shall be planned to reflect current research and recommendations on the relationship of school design and size to educational program and a positive learning environment, pursuant to law and regulation.

(b) Each school building and site shall provide suitable accommodations to carry out the educational program of the school, including provision for the handicapped, pursuant to law and regulation.

(c) The district board of education shall ensure that all school buildings shall be safe, clean, attractive and in good repair.

SUBCHAPTER 5. REVIEW AND APPROVAL OF PROPOSED BUDGET

6:8-5.1 Review by county superintendent

(a) Each district board of education shall submit to the [office of] county superintendent **of schools**, on or before [December 1] **January 15**, a copy of its proposed budget for the next school year. The [office of] county superintendent **of schools** shall review each item of appropriation within the current expense and capital outlay budgets and shall determine the adequacy of such budgets with regard to the annual reports and long and short-range objectives. The following information shall be submitted with the proposed budget:

1. Number of teaching staff members, as defined in these [regulations] **rules** and all other employees for **the** current year and requested budget year; and

2. A line item budget report or other authorized budget format.

(b) The [office of] county superintendent **of schools** shall review and approve the proposed budget prior to its advertisement. If changes in the proposed budget are recommended by the [office of] county superintendent after review, pursuant to law and regulation, the [office of] county superintendent shall consult with the chief school administrator and district board of education.

SUBCHAPTER 6. PROCEDURES FOR EVALUATION OF THE PERFORMANCE OF EACH PUBLIC SCHOOL DISTRICT AND SCHOOL

6:8-6.1 Annual evaluation

(a) The [C]commissioner shall conduct annually a uniform, [s]State-wide evaluation to ensure that each school district and each school within the district is performing according to the standards and procedures prescribed by law and regulation, as supplemented by this [C]chapter.

(b) Each district board of education shall submit by July 1 a report describing progress of the district [and each school within the district] in achieving [goals] **its** objectives [and standards]. This report shall constitute part of the [C]commissioner's annual evaluation of the district.

(c) The annual report shall be submitted on forms provided by the Department of Education and shall include but not be limited to:

1. Demographic data related to each school;

2. Results of district and school assessment programs of pupil achievement in basic skills, [areas];

3. Number of and reasons for school dropouts;

4. Evidence of the effectiveness by the district and each school within the district in achieving applicable State, district and school goals and long-and short-range objectives and standards;

5. Plans and programs for professional improvement;

6. Plans to carry out innovative or experimental educational programs designed to improve the quality of education;

7. Recommendations for school improvements during the ensuing year;

8. Master plans of projected capital construction needs, pursuant to law and regulation; and

9. Information on [each school's] **the** fiscal operation **of each school** including the [district's] audit report, **of the district** when submitted, pursuant to law and regulation.

(d) The Department of Education shall not require in the annual report resubmission of information submitted in any other reports or forms.

[(e) Each district and school within the district shall be monitored by persons designated by the commissioner for the purpose of evaluating the progress each school has made in implementing the standards, pursuant to this chapter.]

6:8-6.2 Evaluation and [classification] **certification**

[(a) The commissioner shall evaluate the status of each school in the development and implementation of an educational plan; progress toward the achievement of local goals, objectives and standards; progress toward the achievement of state and local goals, objectives and standards for pupil proficiency in basic communication and computational skills; and compliance with other law and regulation.

(b) The commissioner also shall evaluate the status of each district in regard to the development and implementation of an educational plan and compliance with relevant law and regulation.

(c) The evaluation of schools and districts shall be based upon the results of annual monitoring, analysis of reports submitted by the district, the results of annual testing for achievement in the basic skills areas, and visitations by representatives of the commissioner.

(d) An evaluation report of each district, including each school within the district, shall be prepared by the commissioner and submitted to each district board of education and chief school administrator no later than August 31 of each year.

(e) The evaluation report for each district and school shall contain the following elements:

1. A summary of significant areas of progress toward meeting the standards of subchapters 3 and 4 of this chapter, if applicable;

2. Recommendations for improvement in each of the following areas that are applicable based upon the analysis of data:

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i. Development and implementation of the educational plan in accordance with the provisions of subchapters 3 and 4 of this chapter;

ii. Progress in meeting local goals, objectives and standards (this area will not be evaluated until July, 1981, and shall be implemented according to procedures developed by the commissioner and approved by the State Board of Education);

iii. Compliance with law and regulation;

iv. Adequate progress in pupil achievement of minimum basic skills.

3. Specifications concerning the required areas for improvement, including, but not limited to, a description of the problem areas to be addressed in a plan or through other specified actions and the proposed timelines for submission of a remedial plan, if required.

(f) The results of the state minimum basic skills tests shall be used to determine whether or not a school shall undergo a comprehensive program review. These test results shall undergo a comprehensive program review. These tests results shall establish a rebuttable presumption about the adequacy of the basic skills program. The district shall be given the opportunity to offer additional evidence of pupil achievement prior to the decision to conduct a comprehensive program review. The commissioner shall establish guidelines which shall specify the procedures by which the additional evidence of pupil achievement shall be used.

1. The analysis of the results of the state minimum basic skills test for this purpose shall be conducted by the commissioner, utilizing criteria and standards approved by the State Board of Education;

2. The commissioner may delay submission of the evaluation report for a school when a comprehensive program review is required. The results of this review shall be incorporated into the evaluation report.

(g) Based upon the evaluation, the commissioner shall recommend to the State Board of Education, a separate classification in each of four areas for each school; and a separate classification in each of two areas for each district.

1. Approval with recommendations and commendations shall be granted for three years when:

i. The development and implementation of the educational plan in a district or school is proceeding in accordance with the provisions of subchapters 3 and 4 of this chapter;

ii. A school, in the judgment of the commissioner, has made sufficient progress toward the achievement of local goals, objectives and standards. This criterion shall take effect in July, 1981, and shall be implemented according to procedures developed by the commissioner and approved by the State Board of Education;

iii. A school is providing an effective basic skills program, statewide standards in basic skills have been substantially achieved in the judgment of the commissioner and effective remedial programs are being provided for all pupils in need in the school;

iv. A district or school is substantially in compliance with all other laws and regulations.

2. Interim approval shall be granted when:

i. A district or school fails to satisfy one or more of the criteria in paragraph 1 of this subsection, but has initiated a corrective action which, in the judgment of the commissioner, constitutes an appropriate remedy; and

ii. The district or school defines clear interim goals for the corrective action acceptable to the Commissioner of Education. Interim approval will be granted for one year. Extension of interim approval for a second year or more may be granted at the discretion of the commissioner. Extension of interim approval shall depend upon the presentation of clear and convincing evidence that the agreed upon interim goals have been met.

iii. Correction of the deficiencies shall result in approval of the school or district in the specific area of classification.

3. A district shall be classified as unapproved and subject to a state administrative order when:

i. A remedial plan for the district or a school(s) within the district is requested by the commissioner but the district fails to submit a plan;

ii. A remedial plan for the district or a school(s) within the district is requested by the commissioner but the district does not submit an approved plan;

iii. A remedial plan for the district or a school(s) within the district is requested, submitted and approved, but not fully implemented by the district.

(h) Nothing in subsection (g) shall be construed to limit the authority of the commissioner and State Board of Education to conduct the annual evaluation of schools and districts in accordance with law and regulation or to limit their authority to enforce compliance with all law and regulation.

(i) A remedial plan shall be requested for a district or a school when the specified criteria have not been met and no effective corrective action has been implemented by the district.

1. The local board of education shall be responsible for developing and implementing such remedial plans.

2. A school or district shall be granted interim approval when a requested remedial plan is approved by the commissioner and implemented by the district.

(j) The evaluation and classification of districts and schools shall be implemented in accordance with a timetable approved by the State Board of Education and shall permit district boards of education to make budgetary provision for the achievement of goals, objectives and standards, and the remediation of deficiencies identified in the annual evaluation and/or educational plan.

(k) The commissioner shall notify the chief school administrator and the district board of education in writing of district and school evaluations and classifications.

(l) The evaluations and classifications of every district including each school shall be reported to the public by the district board of education, and evaluation reports and classification lists shall be maintained in the office of the county superintendent of schools and be available to the public.

(m) Nothing in this section shall be construed to limit the authority of the commissioner and State Board of Education to invoke corrective action in accordance with law and regulation.]

(a) Each school district within a county shall be monitored between January, 1984 and December 31, 1985, and if certified, every five years thereafter by a team of persons from the county office under the supervision of the county superintendent of schools.

1. The county superintendent of schools shall establish a monitoring schedule with the approval of the assistant commissioner, Division of County and Regional Services.

2. Districts with major uncorrected deficiencies identified through monitoring prior to January, 1984, shall be scheduled for monitoring between January and June, 1984.

3. Each district scheduled for monitoring shall be notified in advance by the county superintendent of schools. The dates

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for such monitoring visits to the district shall be established in consultation with the chief school administrator of the district.

4. A pre-monitoring conference shall be conducted by a representative of the county superintendent of schools with a representative of the district to establish the monitoring format.

5. Prior to the monitoring visit, the county office representative shall request that the district representative provide such documentation materials that are not available at the county office. The district representative shall be directed to either forward the documentation materials, or make them available at the time of the monitoring visit.

(b) During the monitoring visit, the team shall examine 10 essential elements of the educational process of the district using prescribed indicators of acceptable performance and documentation as follows:

1. The planning element of the district pursuant to N.J.A.C. 6:8-3.3 shall be rated acceptable upon documentation of performance in five indicators as follows:

i. The district board of education shall approve the objectives of the district after community participation and develop plans of action under the direction of the chief school administrator in consultation with teaching staff members. Documentation of these actions shall include but not be limited to the minutes of district board of education meetings, receipt of objectives and plans of action by the county superintendent of schools, and evidence of staff consultation and community participation.

ii. The county superintendent of schools shall approve the objectives and plans of action of the district pursuant to N.J.A.C. 6:8-3.3(e). The assistant commissioner, Division of County and Regional Services, shall approve the objectives and plans of action in the event of appeal pursuant to N.J.A.C. 6:8-3.3(f). Documentation of these respective actions shall be a letter of approval from the county superintendent or the assistant commissioner.

iii. The district board shall review and discuss the annually developed objectives and plans of action at a public meeting prior to September 30. Documentation of this action shall include but not be limited to minutes of meetings of the district board, news releases or other evidence of dissemination.

iv. The plans of action of the district shall indicate who was involved in developing the plans and the method of involvement. Documentation shall be pursuant to N.J.A.C. 6:8-3.3(b)2ii.

v. The plans of action of the district shall contain a long-range schedule for program evaluation. Documentation of such program shall be a written schedule and procedure for evaluating programs.

2. The school and community relations element of the district shall be rated acceptable upon documentation of performance in i below and one of the remaining three indicators as follows:

i. The district board of education shall share information with the community. Documentation of this shall include but not be limited to letters, newsletters or other media.

ii. The district board of education shall provide opportunity for comment by the public at regularly scheduled monthly meetings of the district board. Documentation of this opportunity shall be agenda of meetings, reports of ad hoc committees, reports of community surveys and other similar evidence.

iii. The district shall involve business, industry and other community resources in the schools. Documentation of this involvement shall be resource files, cooperative programs, industry loan of materials and/or services, field trips to business and industry, and other similar evidence.

iv. The district shall involve the community as advisors in the decision making process of the district. Documentation shall be by reports of community surveys, membership on ad hoc committees or advisory councils, and other similar evidence.

3. The comprehensive curriculum and instruction element of the district shall be rated acceptable upon documentation of performance in eight indicators as follows:

i. The district board of education shall approve a curriculum for all grades from kindergarten through grade 12 for all subjects including all State mandated programs and services. Documentation of the existence of the curriculum shall include a written or printed curriculum formally cited in the minutes of the meeting at which such curriculum was adopted by the district board.

ii. The district shall implement the curriculum which was adopted by the district board of education. Documentation shall include but not be limited to a written program of studies, a master schedule or reports of program evaluation.

iii. The instructional program of the district shall recognize the individual talents, interests, needs and exceptional abilities of pupils. Documentation of such recognition shall include but not be limited to a written program of studies, a master schedule or reports of program evaluation.

iv. The instructional program of the district shall provide all pupils with guidance and counseling. Documentation shall be a written plan to provide guidance and counseling services for all pupils from kindergarten through grade 12.

v. The instructional program of the district shall provide all pupils with a library skills program. Documentation shall be a written description of a library skills program.

vi. The district shall introduce instruction in effective study and work skills early in the curriculum and reinforce such instruction throughout the curriculum of the district. Documentation of these efforts shall be a written description of the sequential introduction and reinforcement of study skills and work habits throughout the curriculum.

vii. The district shall make provisions for identifying disruptive pupils and providing them with an educational program and services. Documentation of these provisions shall be a written description of the identification process, the results of needs assessment, including out-of-school suspension and expulsion rates, and the year-end violence and vandalism report. If the district board of education deems the implementation of an improvement program as necessary for disruptive pupils, a written description shall be made available as documentation of the district program.

viii. The district board of education shall have the option of making provisions for identifying and providing for disaffected pupils. Documentation of these provisions shall include but not be limited to a description of the identification process, the results of a needs assessment and a statement of the program provisions.

4. The pupil attendance element of the district shall be rated acceptable upon documentation of performance in at least two of five indicators as follows:

i. The average daily attendance rate for the district shall be 90 percent or higher as calculated for the school year immediately prior to the school year in which monitored. Documen-

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tation shall be provided using district attendance data to divide total pupil days present for all pupils by total possible pupils days for all pupils and multiplying by 100. The resultant quantity subtracted from 100 shall be the attendance rate.

ii. The district shall implement an attendance improvement plan when the average daily attendance rate is calculated to be between 85 and 89.9 percent for the immediate prior school year. If the rate for the district is less than 85 percent, performance for this element shall be rated unacceptable. Documentation shall be a written attendance improvement plan based on the calculated average daily attendance rate of the district.

iii. Performance in the pupil attendance element shall be acceptable if the average daily attendance rate for each school within the district is at least 85 percent. Documentation shall be calculated using attendance data for the immediate prior school year for each school.

iv. The district shall implement an attendance improvement plan for each school within the district that has an average daily attendance rate for the immediate prior school year of 84.9 percent or below. If the rate is less than 80 percent, performance for this element shall be rated unacceptable.

v. The district shall implement an improvement plan to reduce rate of pupil dropouts. Documentation shall be a written plan to reduce the dropout rate based on an analysis of pupils who drop out of school after completion of the eighth grade.

5. The facilities element of the district shall be rated acceptable by documentation of performance in iv. below and one of the remaining three indicators as follows:

i. The district board of education shall implement a multi-year comprehensive maintenance plan. Documentation shall be a written maintenance plan, budget appropriation and other such records of facilities maintenance.

ii. The district shall perform an inspection of buildings to insure adherence to health and safety laws. Documentation shall be checklists and certificates issued within the last 12 months.

iii. The district shall approve a plan to upgrade or eliminate all substandard classrooms. Documentation shall be a substandard classroom facility plan.

iv. The district shall review and revise, as necessary, the long-range facilities plan of the district every five years. Documentation shall be an updated written facilities plan.

6. The professional staff element of the district shall be rated acceptable by documentation of performance in the first five of six indicators as follows:

i. The district board of education shall insure that all professional staff members are certified for the position to which assigned. Documentation shall be obtained by comparison of data of the New Jersey State Department of Education Fall Report and certification records of the Department of Education.

ii. The annual rate of occasional absenteeism for district staff (including teachers and administrators) shall not exceed five percent. Documentation shall be calculated from district staff attendance data for the immediate prior school year by dividing total days of staff occasional absences by total possible days of attendance for all staff and multiplying by 100.

iii. The district board of education shall adopt a review and improvement process to address staff absenteeism, if the annual rate of occasional staff absenteeism exceeds 3.5 percent. Documentation shall be a written description of the review process and improvement plan based on district staff attendance records.

iv. The district shall observe and evaluate tenured and non-tenured teaching and administrative staff pursuant to law and regulation. Documentation shall be a written plan including a schedule of staff observation and evaluation dates, including the name of person(s) responsible to conduct the evaluations.

v. The district shall adopt a staff development program based on the assessed needs of the district. Documentation shall show that school and individual development programs have been developed in consultation with teaching staff members and evaluated for demonstrable results.

vi. Minutes of meetings of the district board of education may be reviewed to determine that the chief school administrator has recommended to the district board formal appointment of all teaching staff members.

7. The mandated programs element of the district shall be rated acceptable upon documentation of performance in six indicators as follows:

i. The county superintendent of schools shall approve the basic skills improvement plan of the district. Documentation shall be a letter of approval from the county superintendent.

ii. The district board of education shall communicate a description of the basic skills improvement plan to the public. Documentation shall be an agenda and/or minutes of meetings of the district board of education indicating that the plan was described to the public, or newsletter and/or other media were used.

iii. The county superintendent of schools shall approve the bilingual and English as a second language ESL education plan of the district. Documentation shall be a letter of approval from the county superintendent.

iv. The district board of education shall communicate a description of the bilingual and ESL education plan to the public. Documentation shall be an agenda and/or minutes of the district board indicating that the plan was described to the public, or newsletters and/or other media were used.

v. The county superintendent of schools shall approve the annual special education plan of the district. Documentation shall be a letter of approval from the county superintendent.

vi. The district board of education shall communicate a description of the annual special education plan to the public. Documentation of this communication shall be an agenda and/or minutes of meetings of the district board indicating that the plan was described to the public, or newsletters and/or other media were used.

8. The mandated basic skills element of the district shall be rated acceptable upon documentation of achievement in the first two of the four indicators as follows:

i. Seventy-five percent of the pupils in grade nine of the district for the immediate prior school year shall have passed the State mandated minimum basic skills test pursuant to N.J.A.C. 6:39-1.2(a) and (b). Documentation shall be obtained by calculation using test results or data from the basic skills improvement application and/or plan of the district.

ii. Test scores of 75 percent of the pupils in grades three and six of each school of the district shall equal or exceed scores prescribed by the State Board of Education for commercially published tests or district criterion-referenced tests approved by the State Board of Education. Documentation shall be obtained from calculations using test results or data in the basic skills improvement application and/or plan of the district.

iii. The district shall develop a basic skills improvement plan pursuant to N.J.A.C. 6:8-3.8(b) for each school within the district that did not have 75 percent of the pupils in grade nine scoring at or above the State standard in the immediate

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prior school year. Documentation of the improvement plan shall be a written basic skills improvement plan and the test results for grade nine of each school of the district for the immediate prior school year.

iv. The district shall develop a basic skills improvement plan pursuant to N.J.A.C. 6:8-3.8(b) for each school within the district that did not have 75 percent of the pupils in each of grades three and six in the immediate prior school year score at or above the State standards for reading, writing and mathematics on standardized commercially published tests or State approved district criterion-referenced tests. Documentation of the improvement plan shall be a written basic skills improvement plan and the test results for grades three and six for each school of the district for the immediate prior school year.

9. The equal educational opportunity and affirmative action element of the district shall be rated acceptable by documentation of performance in three indicators as follows:

i. The district shall have an approved desegregation plan where required by the Commissioner of Education. Documentation of an approved desegregation plan shall be a written plan and a letter from the commissioner approving such plan.

ii. The district shall review annually progress in the objectives of the State approved affirmative action plans for classroom and employment practices of the district as developed pursuant to N.J.A.C. 6:4-1.3(b). Documentation of annual review shall be a statement by the district of progress in each plan.

iii. The district annually shall implement the affirmative action plans, including inservice training pursuant to N.J.A.C. 6:4-1.3(d), and the desegregation plan, if applicable. Documentation of the implementation of the plans shall be a written statement of objectives and activities for the district and a description of inservice training for personnel of the district.

10. The financial element of the district shall be rated acceptable upon documentation of performance in six indicators as follows:

i. The district board of education shall receive accurate and timely fiscal and statistical reports of the district pursuant to law and regulation. Documentation shall be the recorded submission for the immediate prior school year of the financial reports of the secretary to the district board of education and the financial reports of the treasurer of school monies.

ii. The fiscal and statistical reports of the district shall be accurate and timely in transmittal to county, State and Federal offices pursuant to law and regulation. Documentation shall be the record of submission of applications and reports.

iii. The annual budget for the district shall be developed and presented to the public pursuant to law and regulation. Documentation of these procedures shall be pursuant to N.J.A.C. 6:8-5.

iv. The district shall have an annual audit of accounts and financial transactions pursuant to law and regulation. Documentation shall be the completed audit of accounts and financial transactions for the immediate prior school year as accepted by the district board of education.

v. The district board of education shall implement recommendations cited in audit reports of the district and shall report such implementation to the commissioner. Documentation of implementation of the recommendations contained in the audit report shall be minutes of meetings of the district board of education and a letter of acknowledgment from the commissioner.

vi. The county superintendent of schools shall approve the cost of pupil transportation for the district. Documentation shall include but not be limited to approved transportation contracts and agreements, transportation route reports and reports of pupil transportation program costs for the district.

(c) The monitoring team shall record its findings on each element using worksheets prescribed by the commissioner.

1. The monitoring team shall review its findings and outline future directions for the district with the chief school administrator at an exit conference.

2. A formal notification of the findings shall be sent to the chief school administrator and board secretary within ten workdays of the completion of the monitoring visit.

3. The notification shall include:

i. Copies of the completed worksheets;

ii. A copy of the recommendation to the commissioner of the certification status of the district; and

iii. If necessary, a statement of future actions to be taken by the district.

(d) Certification of a district shall be based on acceptable rating on all required indicators in the 10 essential elements.

1. For each district that receives an acceptable rating on the required indicators in the 10 essential elements, the county superintendent shall submit a nomination for certification and a summary report of the findings to the commissioner.

2. The commissioner, with approval of the State Board of Education, shall notify the district of State certification.

(e) A district which is certified and is given an unacceptable rating in an indicator(s) which is not required for certification shall include, pursuant to N.J.A.C. 6:8-3.3, the unacceptable indicator(s) as an objective(s) in the annual educational plan of the district for the succeeding year.

(f) A district rated as unacceptable may petition the county superintendent to rescind the rating by presenting written documentation of its performance on indicators previously rated as unacceptable.

(g) The assistant commissioner, Division of County and Regional Services, shall rule on petitions when there is lack of agreement on acceptable performance.

SUBCHAPTER 7. CORRECTIVE ACTION

6:8-7.1 Requirements for [remedial plan] **review process**

[(a) Approvable remedial plans shall include the following elements:

1. An analysis of the need and its causes;

2. A description of and justification for the improvement strategies selected;

3. Interim goals to assess the progress of the remedial plan and a plan for the evaluation of its effectiveness;

4. Procedures to ensure public involvement in the evaluation of the effectiveness of the remedial plan;

5. An implementation timeline and schedule;

6. Specifics about the fiscal and staff resources to be used to implement the plan.

(b) The commissioner shall provide all available technical assistance to districts developing and implementing corrective actions. These districts shall be given priority in the allocation of discretionary fiscal resources and in access to personnel of the Department of Education.]

(a) The chief school administrator of the district that is formally notified after monitoring that the district is not certified shall organize a self-study team within one month of such notification.

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1. The team shall consist of teaching staff members and representatives of the community.

2. The team shall analyze the nature and causes of the problem identified by the monitoring team and, within three months, develop an improvement plan to correct the problems.

3. The plan shall be submitted to the district board of education for approval.

(b) The approved plan shall be submitted to the county superintendent of schools.

1. The county superintendent shall approve or disapprove the plan within one month of receipt.

2. If the plan is approved, the chief school administrator of the district shall be authorized to implement the plan.

3. If the plan is unacceptable, it shall be referred back to the chief school administrator with recommendations.

4. The district shall have one month to make the necessary revisions and resubmit the plan to the county superintendent for approval.

(c) The chief school administrator shall periodically make progress reports at public meetings of the district board of education.

(d) The county superintendent of schools shall monitor the progress of the district and conduct interim reviews at least once every three months.

(e) At the completion of the improvement plan activities, the county superintendent of schools shall determine once again if all the required indicators have been achieved. A formal report shall be submitted to the commissioner to include the following:

1. An assessment as to whether the improvement plan was followed;

2. An evaluation as to whether the deficiencies have been corrected; and

3. A recommendation as to whether the district shall be certified.

6:8-7.2 Corrective action [by commissioner] **when certification denied**

[(a) If the commissioner finds that the remedial plan submitted by the district board of education is insufficient or if a plan approved by the commissioner is not implemented in a timely and effective manner, the district board of education shall be ordered by the commissioner to show cause why corrective action should not be taken, pursuant to law and regulation.

(b) If the Commissioner of Education, after a plenary hearing, determines that it is necessary to take corrective action, the commissioner may:

1. Order necessary budgetary changes within the school district; and/or

2. Order inservice training programs for teaching staff members and other personnel.

(c) If the commissioner determines that such corrective actions are insufficient, the commissioner shall recommend to the State board that it take appropriate action.]

(a) A district which fails to become certified as a result of its own corrective actions shall be reviewed by a team of persons appointed by the county superintendent of schools to address the deficiencies.

1. The team shall number from five to 10 persons according to the expertise required for the review.

2. Specific guidelines and time schedules for the team will be developed by the county superintendent in consultation with the chief school administrator.

3. The team shall be provided with background information about the district prior to visiting the district. The team shall also be provided with the findings of the monitoring team, the findings and recommendations of the self-study team and the results of the implementation of the improvement plan.

4. The team shall spend a minimum of three days in the district to gather as much information through interviews, reports, observations and other such means as deemed necessary to assess the reasons for the inability of the district to satisfy the essential elements.

5. The team may request resource and consultant support from the county superintendent.

(b) Specific recommendations to correct the deficiencies of the district shall be developed by the team and submitted to the county superintendent of schools for approval.

(c) The county superintendent of schools shall either approve the recommendations of the team or develop alternative recommendations in conjunction with team members or other resource persons.

(d) The approved recommendations shall be transmitted to the chief school administrator of the district for implementation. The chief school administrator shall establish an action plan within the time schedule of the approved recommendations and incorporate the action plan into the annual education plan of the district.

(e) The county superintendent of schools shall monitor and evaluate progress at least once every three months and present findings at the next regularly scheduled monthly meeting of the district board of education. The county superintendent shall continue to monitor and evaluate until the district is certified.

6:8-7.3 Corrective action by [State Board of Education] **Commissioner of Education**

[The State Board of Education, on determining that the school or school district is not providing a thorough and efficient system of free public schools as defined in law and regulation, shall issue an administrative order specifying a remedial plan to the district board of education. This plan may include budgetary changes and/or other measures the State board determines to be appropriate. Nothing therein shall limit the right of any party to appeal the administrative order to the Superior Court, pursuant to law.]

Any noncertified district which does not demonstrate reasonable progress toward compliance with the provisions of N.J.S.A. 18A:7A-1 et seq. (Public School Education Act of 1975) and New Jersey Administrative Code, Title 6, Education, and toward the resolution of major problems shall be subject to further intervention by the Commissioner of Education as provided by law.

(a)

STATE BOARD OF EDUCATION

Special Education

Proposed New Rule: N.J.A.C. 6:28
Proposed Repeal: N.J.A.C. 6:28

Authorized By: New Jersey State Board of Education, Saul Cooperman, Secretary.

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Authority: N.J.S.A. 18A:4-15, 18A:7A-1 et seq., 18A:7B-1 et seq., 18A:7C-1 et seq., 18A:40-4, 18A:46-1 et seq., 18A:46A-1 et seq., 18A:48-8, 39:1-1, U.S.P.L. 93-112, Sec. 504 and 94-142.

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

Monday, April 30, 1984
2:00 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 April 26, 1984. Persons seeking to testify or ask questions are requested to address their remarks or questions to the substantive areas printed in bold-face type.

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 May 2, 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 1984-175.

The agency proposal follows:

Summary

In accordance with the provisions of Executive Order No. 66(1978), the State Board of Education adopted on August 3, 1983, amendments to N.J.A.C. 6:28. Given the large volume and conflicting nature of the public comments on the proposed rules, and the pressure of readopting the rules before the expiration date, the State Board of Education adopted the present rules in N.J.A.C. 6:28 for one year, to expire on September 6, 1984.

The State Board of Education published an amended version of the above-cited rules in the December 5, 1983, issue of the New Jersey Register. Two hundred fifty-three written comments were received by the Department of Education from parents, professionals and organizations concerned with the handicapped. In addition to this, 97 individuals testified at the six public hearings held at three locations throughout the State. These comments and testimony were reviewed and used as the bases for the proposal contained herein.

This proposal would repeal N.J.A.C. 6:28 as adopted August 3, 1983 (see R.1983, d.348, N.J.A.C. 732(a), 15 N.J.R. 1470(a)). This proposal is substantially a republication of the proposal contained in the December 5, 1983, issue of the Register (see 15 N.J.R. 1981(a)). Substantive changes in this proposal are indicated in bold-face type.

Because the Department of Education previously entertained extensive comments on the proposed rules, it is requesting that public attention and comment now be directed to those areas of substantive change. This new material reflects public comment and represents substantive changes to the proposal advertised in the New Jersey Register on December 5, 1983. Numerous minor changes also were effected to clarify or to provide a better sequence to the rules.

Much public comment was received in areas which were perceived as needing additional definition. This has resulted in the inclusion of definitions for "recreation" and "special education," the clarification of the definitions of "age three," "age five" and "related services" (N.J.A.C. 6:28-1.3), the delineation of native language (N.J.A.C. 6:28-2.4) and of the social assessment (N.J.A.C. 6:28-3.4), and the refinement of the eligibility categories of auditorily handicapped and emotionally disturbed (N.J.A.C. 6:28-3.5).

Numerical changes were made in the rules to set limits on the numbers of handicapped pupils in secondary resource rooms, regular and vocational education programs (N.J.A.C. 6:28-4.2). There are also new time limits within which an individualized education program must be implemented (N.J.A.C. 6:28-2.1) and beyond which physician-inaugurated home instruction must be reviewed (N.J.A.C. 6:28-4.2).

Safeguards have also been added or clarified in response to public comment in the areas of transportation of preschoolers (N.J.A.C. 6:28-3.7), discipline of the handicapped (N.J.A.C. 6:28-2.8), diagnostic evaluation of the emotionally disturbed (N.J.A.C. 6:28-3.5), involvement of parents in the development of special education plans (N.J.A.C. 6:28-1.2) and a complaint procedure for parents when they believe that decisions of the Office of Administrative Law are not being implemented by school districts (N.J.A.C. 6:28-2.7).

Additional sections have been included which deal with the boards of private schools (N.J.A.C. 6:28-7.2) and the development of non-binding recommendations for handicapped pupils reaching the upper-age limits of education (N.J.A.C. 6:28-3.6).

A review of the subchapters follows.

N.J.A.C. 6:28-1 General Provisions

This subchapter includes the general requirements which apply to all publicly funded programs for educationally handicapped pupils. Also described are both the process and content for special education plans to be submitted by every public and private provider of special education to the Department of Education. As a response to public comment the participation of parents in these plans has been explicitly required.

Definitions are provided in this subchapter in order to allow readers to understand the text as they review it. As a response to public comment, definitions have been added for "recreation" and "special education," and other clarifications made.

N.J.A.C. 6:28-2 Procedural Safeguards

This subchapter describes all of the rights and protections available to parents and school districts to assure the provi-

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sion of appropriate services and programs to educationally handicapped pupils. In order to meet more clearly the Federal requirements for surrogate parents, parental notice, consent and participation, and proper management of any disciplinary action involving handicapped pupils, sections have been added in these areas. Public comment reflecting confusion provoked the reorganization of the section on disciplinary action.

This subchapter contains all of the procedural safeguards including the above sections, native language requirements, protection in evaluation procedures, pupil records appeals and due process hearings that had previously been scattered throughout these rules. Administrative reviews will now be the responsibility of the district board of education, mediation will be conducted by the Department of Education and due process hearings by the Office of Administrative Law. A newly-added section grants parents a procedure for appeal should hearing decisions not be implemented.

N.J.A.C. 6:28-3 Services

This subchapter addresses all requirements regarding the composition and responsibilities of the child study team, the identification, evaluation, determination of eligibility, development of individualized education programs and provision of related services for educationally handicapped pupils. Clarifications of the assessment procedures, the eligibility criteria and the provision of related services have been added to this proposal at public request.

N.J.A.C. 6:28-4 Programs

This subchapter describes the requirements for placement of pupils and provision of varieties of instructional programs. Special attention is paid to secondary and vocational program options. Transition of pupils from elementary to secondary programs and the management of diplomas and graduation are also included.

N.J.A.C. 6:28-5 Approved Clinics and Agencies

General requirements for the establishment and ongoing approval of clinics and agencies eligible to provide services to the public schools are included in this subchapter.

N.J.A.C. 6:28-6 Services for Nonpublic School Pupils

This subchapter contains the rules for provision of services for non-public school pupils pursuant to L.1977 c.192 and 193. Regulations which had previously been detailed in two subchapters have been combined and simplified.

N.J.A.C. 6:28-7 Programs by Educational Services Commissions, Jointure Commissions, Regional Day Schools, County Special Services School Districts, The Marie H. Katzenbach School for the Deaf and Private Schools

This subchapter describes the general requirements, approval procedures and provisions for providing programs in the listed settings. A major change from previous editions of N.J.A.C. 6:28 is the combination of rules for several of these providers in the same subchapter. This proposal has added requirements regarding the boards of directors for private schools.

N.J.A.C. 6:28-8 Programs Operated by Departments of New Jersey State Government

This subchapter contains the general requirements for special education programs operated by the State. The special regulations that differ these programs from those operated by district boards of education are delineated here.

N.J.A.C. 6:28-9 Monitoring, Corrective Action and Complaint Investigation

This subchapter covers the procedures that will be used by the Department of Education to investigate substantiated complaints regarding special education programs and services, to monitor these programs and services, and to initiate corrective action.

N.J.A.C. 6:28-10 Early Intervention Programs

This subchapter describes the approval requirements for funding early intervention programs for handicapped children from birth through age three. The substance of the applications for funding will be specifically delineated by the Department of Education in each year's request for proposals.

Social Impact

The social impact of the special education rules on the public has been profound. The quality of programs and the growth of the number of handicapped children served are due to public support of special education. The social conditions which existed at the time these rules initially were adopted have changed; however, the public's expectations for educating the handicapped have not. Public advocacy groups were largely responsible for affecting legislation for the handicapped in the past. Presently, there is large scale support for programs from a variety of sources including legislators, parents, former pupils and community-based groups. The parents of handicapped pupils are accustomed to the level of services being offered today and want to maintain and improve quality programs.

A schedule of the growth of handicapped children counted for United States P.L. 94-142 follows:

Year	P.L.94-142, Child Count
1978	142,121
1979	144,424
1980	141,994
1981	151,303
1982	158,951
1983	159,506

Economic Impact

The amended rules will not have a significant economic impact that would increase State or local expenditures. The rules incorporate provisions for implemention of L.1981, c.415, which mandates that district boards of education provide information to their communities regarding early intervention programs available to children below the age of three.

A schedule of total State aid for educating handicapped pupils from 1978 to 1982 is listed below. The State aid includes categorical aid, transportation costs, pilot preschool programs and aid to the Katzenbach School for the Deaf.

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Fiscal Year	Total State Aid
1978	$107,000,000
1979	124,000,000
1980	136,000,000
1981	162,000,000
1982	186,000,000

Full text of the proposal follows with substantive changes on which comment is desired indicated in boldface type.

CHAPTER 28
SPECIAL EDUCATION

SUBCHAPTER 1. GENERAL PROVISIONS

6:28-1.1 General requirements

(a) The rules in this chapter, adopted by the State Board of Education, supersede all existing rules pertaining to educationally handicapped pupils.

(b) The purpose of these rules is to:

1. Ensure that all educationally handicapped pupils have available to them a free, appropriate public education which includes special education and/or related services;

2. Ensure that the rights of educationally handicapped pupils and their parents are protected;

3. Assist public and private agencies providing educational services to educationally handicapped pupils; and

4. Ensure the evaluation of the effectiveness of the education for these pupils.

(c) The rules in this chapter shall apply to all public and private agencies providing publicly funded educational programs and services to educationally handicapped pupils.

1. Programs and services shall be provided to pupils between ages three and 21.

2. Programs and services may be provided to pupils below the age of three and above the age of 21.

3. Each district board of education also shall provide information regarding services available through other State, county and local agencies to parents of handicapped children below the age of three.

(d) Each district board of education is responsible for providing a system of free, appropriate special education and/or related services which shall:

1. Be provided at public expense, under public supervision, and with no charge to the parent(s);

2. Include preschool, elementary school and/or secondary school programs;

3. Be administered, supervised and provided by appropriately certified professional staff members;

4. Be located in State approved facilities that are accessible to the handicapped; and

5. Meet all requirements of this chapter.

(e) Each district board of education, independently or through joint agreements, shall employ child study teams, speech correctionists and other school personnel in numbers sufficient to ensure provision of required programs and services pursuant to this chapter.

(f) When a district board of education provides its educational programs through another New Jersey public school district, responsibility for the requirements of this chapter shall be according to the following:

1. In a formal sending-receiving relationship, when all the pupils of a district board of education attend schools operated by another district board of education, the receiving school shall be responsible for determining the pupil's eligibility and the individualized education program.

2. In other than formal sending-receiving relationships, a contractual agreement shall be made between district boards of education which specifies responsibility for providing instruction, related services and child study team services to educationally handicapped pupils.

(g) All public and private agencies which provide educational programs and services to handicapped pupils shall establish written policies regarding the compilation, maintenance, access to and confidentiality of pupil records according to N.J.A.C. 6:3-2.

(h) All special education programs and related services provided under this chapter shall be subject to review and approval by the Department of Education.

(i) All public and private agencies which provide educational programs and services to handicapped pupils shall maintain documentation of compliance with this chapter.

6:28-1.2 Plans for special education

(a) Each district board of education, jointure commission, county special services school district, educational services commission, approved private school and State-operated program for the educationally handicapped shall develop a written plan for special education. The plan shall be in conformance with the State plan for the educationally handicapped. Plans for special education shall be submitted for approval to the Department of Education through its county office for a period not to exceed three years.

(b) The development of the plan for special education shall include the participation of professional staff serving the district, parents, community members, and handicapped individuals and groups representing the handicapped population. The plan shall be presented at a public meeting prior to approval by the district board of education.

(c) The plan shall include:

1. The special education needs, goals, objectives and plan of action of the district;

2. A tabulation of the numbers of educationally handicapped pupils according to their classifications and types of programs served in public school programs, in State facilities and through programs and services for nonpublic school pupils;

3. A tabulation of the professional staff employed to identify, evaluate, determine eligibility, develop individualized education programs, provide related services and instruct educationally handicapped pupils and the full-time equivalence of their assignments;

4. A description of the procedure used to identify, screen and refer potentially handicapped pupils (see N.J.A.C. 6:28-3.2, 3.3);

5. A description of the process by which the district provides the full range of special education programs and services (see N.J.A.C. 6:28-3.1 through 4.4);

6. An assurance that an appropriate individualized education program is being implemented for each educationally handicapped pupil (see N.J.A.C. 6:28-4.1);

7. The criteria and process used to evaluate the district special education programs and services (see N.J.A.C. 6:28-4.1);

8. The administrative review process used by the district to settle parental disputes (see N.J.A.C. 6:28-2.6);

9. A district-wide comprehensive system of personnel development which includes:

i. A needs assessment procedure;

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ii. The annually established plans to meet these needs;

iii. The personnel development completed during the past year; and

iv. The description of the procedures used to evaluate training.

10. An assurance that pupil records are maintained according to N.J.A.C. 6:3-2.

11. An assurance that the plan has been prepared according to the paragraphs above.

(d) Annually the district board of education shall submit assurances that paragraphs 1, 4, 5, 6, 7, 8, 9, 10 and 11 of (c) above continue to be applicable. If modifications have been made to any of those paragraphs, the district shall submit the new material and the annual assurance for these changes to the Department of Education through its county office.

(e) Annually the district board of education shall update and submit (c)2, (c)3, and (c)9 ii., iii. above to the Department of Education through its county office.

(f) Upon request, additional reports shall be made available to the Department of Education.

6:28-1.3 Definitions

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

"Adaptive behavior" means the ability to demonstrate personal independence and social responsibility according to age and sociocultural group expectations.

"Department of Education" means the Commissioner of Education or designee.

"Educationally handicapped pupil" means a pupil who has been determined to be eligible for special education and/or related services according to N.J.A.C. 6:28-3.5.

"Individualized education program" means a plan written jointly by the school personnel and parent(s). This plan sets forth goals and measurable objectives and describes an integrated, sequential program of individually designed educational activities and/or related services necessary to achieve the stated goals and objectives. This plan establishes the rationale for the pupil's educational placement, serves as the basis for program implementation and shall comply with the mandates set forth in this chapter.

"Least restrictive environment" means a setting which is as similar as possible to the regular setting in which the pupil would be educated if not considered handicapped. Such a setting is selected in light of a pupil's special education needs.

"Native language" means the language or **mode of communication** normally used by a person with a limited ability to speak or understand the English language.

"Parent(s)" means the natural parent(s); or the legal guardian(s), foster parent(s), surrogate parent(s) or person acting in the place of a parent with whom the pupil legally resides. Where parents are separated or divorced, parent means the person(s) who has legal custody of the pupil.

"Parental consent" means a written agreement of a parent(s) to a specific action regarding the provision of special education and/or related services.

"Preschool" means between the ages of three and five.

"Pupil" means a person who is or was enrolled in a public school.

"Pupil age" means the school age of a pupil as defined by the following:

1. "Age three" means the attainment of age three by the month and day established as the kindergarten entrance cut off date by the district board of education. **Children enrolled in early intention programs according to N.J.A.C. 6:28-10 attaining the age of three during the school year shall be provided required services for the balance of that school year by those programs.**

2. "Age five" means the attainment of age five by the month and day established as the kindergarten entrance cut off date by the district board of education. **Educationally handicapped pupils attaining age five during the school year shall be provided required preschool services for the balance of that school year.**

3. "Age 21" means the attainment of the twenty-first birthday before July 1. Educationally handicapped pupils attaining age 21 during the school year shall be provided required services for the balance of that school year.

"Recreation" for educationally handicapped pupils means instruction to enable the pupil to participate in appropriate leisure time activities, including involvement in recreation programs offered by the district board of education and the facilitation of a pupil's involvement in appropriate community recreation programs.

"Referral" means the making of a written request that a child study team conduct an evaluation. Referral does not include informal reviews or consultations by child study team members or assessments by teachers.

"Related services" for educationally handicapped pupils means counseling for pupils, counseling and/or training for parents relative to the education of a pupil, speech correction, recreation, occupational therapy, physical therapy, transportation, as well as any other appropriate educational services required **for a pupil to benefit from education and as indicated** in the pupil's individualized education program.

"Special education" means specially designed instruction to meet the educational needs of handicapped pupils including, but not limited to, subject matter instruction, physical education and vocational training.

SUBCHAPTER 2. PROCEDURAL SAFEGUARDS

6:28-2.1 General requirements

(a) Each district board of education shall provide a free, appropriate public education program and related services for handicapped pupils in the least restrictive environments.

(b) When an educationally handicapped pupil between the ages of 16 and 21 voluntarily, and before receiving a high school diploma, leaves a public school program, he or she may reenroll at any time up to and including the school year of the pupil's twenty-first birthday.

(c) After a pupil has been identified as potentially handicapped and parental consent for initial evaluation has been received, the district board of education shall within 90 calendar days evaluate, determine eligibility, and develop and implement the basic plan section of the individualized education program for the pupil. **Within the 90 calendar days no more than 30 calendar days shall elapse between the development and implementation of the basic plan section of the individualized education program.**

(d) When a district board of education requests parental consent for initial evaluation or sends a notice to reevaluate, parents shall receive a copy of their procedural safeguard rights under this subchapter and N.J.A.C. 1:6A.

(e) Upon determination of a pupil's eligibility for special education and/or related services, parents shall receive a copy of this chapter.

(f) Upon receipt of parental requests, each district board of education shall provide copies of special education law

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(N.J.S.A. 18A:46-1 et seq.), special education rules (N.J.A.C. 6:28), pupil records rules (N.J.A.C. 6:3-2) and due process rules (N.J.A.C. 1:6A).

(g) Each district board of education shall develop a written policy to prevent the needless public labeling of educationally handicapped pupils.

(h) Pending the outcome of a conflict resolution effort or due process hearing according to this subchapter, no change shall be made to a pupil's classification, program or placement unless emergency relief is granted by the Office of Administrative Law according to N.J.A.C. 6:28-2.7.

6:28-2.2 Surrogate parents

(a) Each district board of education shall ensure that the rights of a pupil are protected through the provision of a surrogate parent who shall assume all parental rights under this chapter, when either:

1. The parent(s) cannot be located after reasonable efforts; or

2. The pupil is a ward of the State of New Jersey.

(b) Each district board of education shall establish a method for selecting and training surrogate parents.

(c) The person serving as a surrogate parent shall have:

1. No interest that conflicts with those of the pupil he or she represents;

2. Knowledge and skills that ensure adequate representation of the pupil.

(d) The person(s) serving as a surrogate parent may not otherwise be an employee of the local school district. A surrogate parent may be paid solely to act in that capacity.

6:28-2.3 Parental notice, consent and participation

(a) Written notice which meets the requirements of this section shall be provided to a parent(s) when a district board of education:

1. Requests parental consent to refer a pupil to the child study team or for initial implementation of a special education program and/or related services;

2. Schedules a conference to determine a pupil's eligibility for special education and/or related services or schedules a conference to develop an individualized education program. Such notice shall be provided at least 15 calendar days prior to the proposed conference unless the parent(s) consents to a shorter time period.

i. Notice regarding an eligibility or individualized education program conference(s) shall indicate the purpose, time, location and participants.

ii. Such conference(s) shall be scheduled at a time and location mutually agreed upon by the parent(s) and district representative.

3. Plans to conduct a reevaluation. Such notice shall be provided at least 15 calendar days prior to the proposed reevaluation.

4. Denies the written request of a parent to initiate or change a special education program or service pursuant to this chapter. Such notice shall be provided within 30 calendar days of receipt of the parental request.

(b) Each notice shall be clearly written and shall include:

1. A description of the action proposed or denied by the district board of education including:

i. An explanation of why it is taking such action;

ii. A description of any options the district board of education considered and the reasons why those options were rejected;

2. A description of the procedures and factors used by the district board of education in determining whether to propose or deny an action;

3. A full explanation of the parental rights to appeal and the process for appealing a district board of education's proposal or denial of an action according to N.J.A.C. 6:28-2.7 and N.J.A.C. 1:6A.

(c) A district board of education shall take steps to ensure that the parent(s) participate in:

1. The evaluation of the pupil;

2. The decision to determine the pupil's eligibility for special education and/or related services;

3. The development of an individualized education program according to N.J.A.C. 6:28-3.6.

6:28-2.4 Native language

(a) Written notice to the parent(s), evaluation of a pupil and parent conferences required by this chapter shall be conducted in the language used for communication by the parent and pupil unless it is not feasible to do so.

1. Foreign language interpreters or translators and sign language interpreters for the deaf shall be provided, when necessary, by the district board of education at no cost to the parent(s).

2. The determination of the language or mode of communication and written justification for its choice shall be documented in the pupil record.

3. If it is not feasible to translate the individualized education program or eligibility reports into another language, the professional(s) making this decision shall ensure and document that the parent(s) is given an English language copy of the report(s) and appropriate explanation of its contents in the language of the parent.

6:28-2.5 Protection in evaluation procedures

(a) Each district board of education shall ensure that evaluation procedures used to determine eligibility and placement of handicapped pupils are selected and administered according to the following criteria:

1. A multidisciplinary team of professionals, each employing several appropriate evaluation procedures, shall conduct each initial evaluation and reevaluation.

2. Evaluation procedures shall be used by personnel certified and trained in the administration and interpretation of such procedures.

3. Evaluation procedures selected shall have been validated for the purpose(s) for which they are administered.

4. Evaluation procedures shall be selected and administered so that the pupil's cultural background and language abilities are taken into consideration.

5. Evaluation procedures are selected, administered and interpreted so that when a pupil has sensory, manual or communication impairments the results accurately reflect the ability which that procedure purports to measure, rather than the impairment.

(b) A parent may request an independent child study team evaluation if there is disagreement with the evaluation provided by a district board of education.

1. Such independent child study team evaluation(s) shall be provided at no cost to the parent(s) unless the district board of education initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

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2. Any independent child study team evaluation purchased at public expense shall meet the following criteria:

i. Be conducted according to N.J.A.C. 6:28-3.4; and

ii. Be obtained from another public school district or a clinic or agency approved under N.J.A.C. 6:28-5.

3. Any independent evaluation submitted to the district child study team shall be considered in making decisions regarding special education and/or related services.

6:28-2.6 Conflict resolution efforts

(a) Conflict resolution efforts shall include local district administrative review and Department of Education mediation and shall be provided in accordance with the following:

1. Attempts to resolve conflicts between a parent(s) and a school district prior to a request for a due process hearing are encouraged; however, a request for a conflict resolution effort is not a prerequisite to a hearing.

2. If either party is unwilling to participate in a conflict resolution effort, a request for a due process hearing under N.J.A.C. 6:28-2.7 may be made directly to the Department of Education.

3. Parents or the district board of education may request an administrative review or a mediation conference any time prior to a request for a hearing.

4. Either party may be accompanied and advised at an administrative review and/or mediation conference by legal counsel or other person with special knowledge or training with respect to educationally handicapped pupil needs.

5. If the conflict resolution effort is successful, the conclusions shall be incorporated into a written agreement, signed by each party.

(b) Attempts to resolve conflicts through an administrative review by the local district shall be provided as follows:

1. Each district board of education shall establish an administrative review procedure consistent with the following.

2. Within 20 calendar days after a written request for an administrative review is received, the responsible agent of the district shall conduct an administrative review which shall be:

i. Informal;

ii. Held at a time and place convenient to the parties in the dispute.

(c) Attempts to resolve conflicts through mediation by the Department of Education shall be provided as follows:

1. A request for mediation shall be made in writing to the Department of Education with a copy to the other party.

2. The Department of Education shall provide a mediation conference within 20 calendar days after receipt of a written request at which time:

i. Issues shall be determined;

ii. Options explored;

iii. Conflict resolution attempts made within the confines of New Jersey law and code.

3. The role of the Department of Education in mediation is not judgmental.

6:28-2.7 Due process hearings

(a) The parent(s) may request a hearing after receiving a written notice of proposed or denied action or after 30 calendar days have elapsed from the date of the parent's written request for an action under this chapter. The district board of education, through its chief school administrator, may request a hearing when it is unable to obtain required parental consent to a proposed action.

1. A request for a due process hearing shall be made in writing to the Department of Education with a copy to the other party.

2. The Department of Education shall acknowledge receipt of the request and provide information regarding free and low cost legal services to both parties.

3. Immediately upon receiving the Department of Education's acknowledgement, the parties shall exchange relevant records and information according to the time limits in N.J.A.C. 1:6A-3.3.

4. Within seven calendar days of receipt of the written request, the Department of Education shall conduct a settlement conference as part of the due process hearing.

5. **When a hearing has been requested by the district board of education, the parent may request and shall receive a postponement of the settlement conference for up to 15 calendar days.**

6. If agreement between the parties is not reached at the settlement conference, the matter is transmitted to the Office of Administrative Law for a hearing according to N.J.A.C. 1:6A.

7. The decision of the administrative law judge is final, binding on both parties and to be implemented without undue delay.

(b) The district board of education, through its chief school administrator, or the parent(s) may apply in writing for emergency relief as part of a request for a hearing, or at any time after such request. The applicant shall provide copies of the request to the other party.

1. Prior to transmittal of the hearing request to the Office of Administrative Law, application for emergency relief shall be made to the Department of Education. After transmittal, application for emergency relief shall be made to the Office of Administrative Law.

2. The Office of Administrative Law shall process and consider the application for emergency relief after all parties have had an opportunity to be heard. If it is determined that irreparable harm might otherwise result, emergency relief may be granted pending the full hearing decision.

(c) The parent(s) may file a written complaint with the Department of Education according to N.J.A.C. 6:28-9.2 if the district board of education fails to implement a hearing decision of the Office of Administrative Law.

6:28-2.8 Disciplinary action

(a) Educationally handicapped pupils are subject to the same disciplinary procedures as nonhandicapped pupils; however:

1. No educationally handicapped pupil may be disciplined if the pupil's behavior is primarily caused by his or her educational handicap; or

2. No educationally handicapped pupil may be disciplined if the program that is being provided does not meet the pupil's educational needs.

(b) **Before a school staff member can discipline an educationally handicapped pupil, consideration shall be given to the nature of the offending behavior in light of the pupil's handicapping condition and educational needs, except as follows:**

1. On a temporary basis, if there is ongoing peril of physical harm to self or other of substantial disruption of the educational process; or

2. If there is a component of disciplinary action set forth in the pupil's individualized education program.

(c) When an educationally handicapped pupil is suspended, the principal shall forward, at the time of suspension, written notification and description of the reason(s) for such action to the parent(s) with a copy to the child study team.

(d) When the suspension of an educationally handicapped pupil exceeds a total of 10 school days accumulated in a

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school year, the child study team shall review the status of that pupil in order to:

1. Determine if the behavior which resulted in the suspension was primarily caused by the pupil's handicapping condition;

2. Determine if the pupil's individualized education program is appropriate; and

3. Prepare and forward to the principal and parent(s) a written report with recommendations.

(e) Before an educationally handicapped pupil can be considered for expulsion, the pupil shall be reevaluated by the child study team according to N.J.A.C. 6:28-3.4.

(f) Before a noneducationally handicapped pupil is considered for expulsion, the child study team shall conduct a comprehensive evaluation according to N.J.A.C. 6:28-3.4.

(g) The child study team shall submit a written report to the chief school administrator and the pupil's parent(s) stating the results of the reevaluation or comprehensive evaluation required by N.J.A.C. 6:28-2.8(e) or (f).

1. This report shall indicate whether the pupil's behavior is primarily caused by a handicapping condition and if the pupil's education program needs modification.

2. All decisions resulting from this report are subject to due process procedures according to this subchapter and N.J.A.C. 1:6A.

6:28-2.9 Pupil records

(a) All pupil records shall be maintained according to N.J.A.C. 6:3-2.

(b) The parent(s) or adult pupil shall be permitted to review and appeal the contents of the pupil's education records maintained by the district board of education under this chapter.

1. A parent(s) or adult pupil appealing the contents of education records shall notify the chief school administrator in writing of the specific challenge.

2. Within 30 calendar days of receipt of the written request, the chief school administrator shall ensure that a meeting with the parent(s) or adult pupil has been held, a decision has been reached and copies of the decision have been given to each party.

3. If the matter is not resolved satisfactorily, the chief school administrator shall inform the parent(s) or adult pupil that he or she may appeal according to N.J.A.C. 6:28-2.7.

SUBCHAPTER 3. SERVICES

6:28-3.1 Child study teams

(a) A child study team is an interdisciplinary group of appropriately certified persons who shall:

1. Evaluate and determine eligibility of pupils for special education and/or related services;

2. Coordinate the development, monitor and evaluate the effectiveness of the individualized education programs;

3. Deliver appropriate related services to educationally handicapped pupils;

4. Provide preventive and support services to non-handicapped pupils;

5. Provide services to the general education staff regarding techniques, materials and programs for pupils experiencing difficulties in learning. Services include, but are not limited to, the following:

i. Consultation with school staff and parents;

ii. The design, implementation and evaluation of techniques to prevent and/or remediate educational difficulties.

(b) A child study team shall consist of a school psychologist, a learning disabilities teacher-consultant and a school social worker. For pupils ages three to five, the child study team shall include a speech correctionist. All members of the child study team shall be employees of a district board of education, have an identifiable, apportioned time commitment to the local school district and shall be available during the hours pupils are in attendance.

(c) The child study team shall act in consultation with a school physician when considering medical diagnostic services and with any other professional staff member(s) or consultant(s) deemed appropriate by the child study team, the parent(s) or the chief school administrator.

6:28-3.2 Identification

(a) Each district board of education shall adopt written procedures for screening and identifying those pupils between the ages of three and 21 who reside within the local school district who may be educationally handicapped and who are not receiving special education and/or related services as required by this chapter.

(b) These procedures shall include criteria to identify pupils who may be experiencing physical, emotional, communication, cognitive or social difficulties.

(c) The identification procedures shall provide for participation of instructional, administrative and other professional staff of the local school district, parents and agencies concerned with the welfare of pupils.

(d) A pupil new to the local school district and identified, but not classified as educationally handicapped, by the school district from which the pupil came shall be placed in a regular public school program. If the chief school administrator, after consultation with the child study team, determines that such placement of the pupil may do serious harm to the pupil or to others, the pupil may be placed on home instruction for a period not to exceed 30 calendar days pending evaluation and determination of special education eligibility.

6:28-3.3 Referral

(a) Prior to any decision regarding referral of a pupil to a child study team for determination of eligibility for special education programs or services, interventions in the regular public school program to alleviate educational problems shall be provided to the pupil and written documentation by the staff of the regular program shall be made of their effect.

1. Parents shall be informed of the interventions attempted and receive a copy of the written documentation.

2. Prereferral intervention is not required for a pupil whose educational problem(s) is such that direct referral to the child study team can be supported.

(b) Pupils identified as being potentially educationally handicapped and considered to require services beyond those available within the regular public school program shall be referred to the child study team in conformance with written procedures adopted by the district board of education. Referral to the child study team shall take place after written parental consent has been received.

(c) The parent(s) of a pupil being considered for referral to a child study team shall receive written notification according to the procedural safeguards described in N.J.A.C. 6:28-2.3.

(d) When parental consent for a pupil's referral to the child study team is withheld, a distrtict board of education may request a due process hearing according to N.J.A.C. 6:28-2.7.

(e) Audiometric screening shall be conducted for every pupil referred to the child study team according to N.J.A.C. 6:29-8.

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(f) When a parent identifies a child age three to five as potentially preschool handicapped, the district board of education shall use a screening procedure to determine if the child should be referred to the child study team for comprehensive evaluation.

(g) When a child who has been enrolled in an early intervention program becomes age three, as defined in N.J.A.C. 6:28-1.3, the district board of education shall accept the child as identified and proceed with referral.

(h) When the Division of Youth and Family Services, Department of Human Services, identifies a potentially educationally handicapped pupil for whom a local school district is responsible, that district shall accept the pupil's identification by the Division of Youth and Family Services and shall **request parental consent to** refer the pupil to its child study team according to this subchapter.

6:28-3.4 Comprehensive evaluation

(a) Following receipt of parental consent for referral of a pupil, the child study team shall meet and determine the need for a comprehensive evaluation and design an evaluation plan. Prior to the development of the evaluation plan, a determination of the pupil's communication skills and dominance in English and the native language shall be completed. The evaluation plan shall include:

1. The specific information to be obtained;

2. The evaluation procedures necessary to obtain this information;

3. The language(s) or method of communication to be used in the evaluation process;

4. The designation of a child study team member as case manager.

(b) All evaluations leading to a determination of a pupil's eligibility for special education and/or related services shall be completed without undue delay consistent with the timelines established in N.J.A.C. 6:28-2.1.

(c) All evaluations specified in this chapter shall:

1. Be conducted on an individual basis;

2. Use information from group tests only to supplement individual evaluations;

3. Be conducted in the language(s) or method of communication determined in the evaluation plan;

4. Consider the pupil's sociocultural background and adaptive behavior in home, school and community.

(d) The chief school administrator or designee shall request that the parent(s) provide information to the child study team to be considered as part of the evaluation data.

(e) A comprehensive evaluation shall consist of the following:

1. A comprehensive health appraisal for pupils ages three to 21 shall be performed by a physician employed by the district board of education.

i. The comprehensive health appraisal shall include, but not be limited to, an assessment of prenatal, perinatal, postnatal factors, developmental and early childhood illnesses and injuries and a review of health screenings.

ii. The school physician shall examine the pupil, including all body systems, and write a summary indicating the effect of any current health problem or medical treatment on the pupil's learning.

iii. If the parent(s) of the pupil chooses to employ a private physician, a report of this comprehensive health appraisal shall be completed on a form developed by the school physician.

iv. The school nurse shall review and summarize all other available health information regarding the pupil and transmit it to the child study team.

2. A psychological assessment shall be the responsibility of a school psychologist employed by the district board of education. The psychological assessment shall include teacher conferences and observation of the pupil in other than a testing session. The assessment also shall include an appraisal of the current cognitive, social, adaptive and emotional status of the pupil.

3. An educational assessment shall be the responsibility of a learning disabilities teacher-consultant employed by the district board of education. It shall include observation of the pupil in other than a testing session, review of the pupil's educational history, conferences with the pupil's teacher(s), and an evaluation and analysis of the pupil's academic performance and learning characteristics.

4. A social assessment shall be the responsibility of a school social worker employed by the district board of education. The social assessment shall include observation of the pupil and communication with the pupil and parent(s). It shall also include an evaluation of the pupil's adaptive social functioning and emotional development and of the family, social and cultural factors which influence the pupil's learning and behavior in the educational setting.

5. The child study team shall include pertinent information from the parent(s) and certified school personnel when rendering evaluation and eligibility decisions.

(f) In addition to evaluations conducted by the school physician and the child study team, a determination of certain handicapping conditions requires the evaluation by specialists as listed in N.J.A.C. 6:28-3.5.

(g) Examination results and findings of other specialists shall be included in the comprehensive evaluation where appropriate.

(h) The requirements for evaluation by the child study team do not apply to a pupil confined at home or to a hospital by a physician or to a pupil with a speech or language problem when the nature of that problem does not warrant a comprehensive evaluation by a child study team.

(i) If the reports and evaluations of other New Jersey public school district child study team members, a Department of Education approved clinic or agency, or a professional in private practice are accepted by members of the child study team, such acceptance shall be noted in writing and shall become part of the report(s) of the child study team member(s). If a report or evaluation is rejected, a written rationale shall be provided.

(j) A reevaluation to determine the status of each educationally handicapped pupil shall be conducted at least every three years. Reevaluation shall be conducted sooner if conditions warrant.

1. The child study team shall determine which evaluations are needed based upon demonstrated pupil progress in meeting the goals and objectives of the individualized education program.

2. The child study team shall design an evaluation plan as described in N.J.A.C. 6:28-3.4. The parent(s) shall be notified in writing of the evaluation plan.

3. When a change in classification is being considered, written documentation supporting this decision shall be developed by the child study team.

(k) By June 30 of a pupil's last year in a program for the preschool handicapped, the child study team shall review available assessment information and obtain the additional

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evaluations necessary to determine eligibility and, if appropriate, classification according to N.J.A.C. 6:28-3.5.

6:28-3.5 Determination of eligibility

(a) When an evaluation is completed, the child study team and parent(s) shall meet with the school principal and referring staff member(s), if they choose to participate, in order to:

1. Develop a collaborative evaluation summary;

2. Determine whether the pupil is eligible for special education and/or related services;

i. If a pupil is determined to be eligible for special education and/or related services, the collaborative evaluation summary shall become the basis for the current educational status statement of the individualized education program.

3. Determine a classification category as defined in (d) below;

(b) Whether or not a pupil is determined eligible for special education and/or related services, the parent(s) and the referring staff member shall be given a written summary, signed by the child study team, of all decisions and any recommended course(s) of action.

(c) **When an educationally handicapped pupil transfers into a local school district, review of the appropriateness of the classification and individualized education program shall be conducted within 30 calendar days.**

(d) The child study team, after parental notification, shall terminate a pupil's eligibility when sufficient written documentation is presented to indicate that the pupil no longer requires special education and/or related services.

(e) Classification of pupils determined to be eligible for special education and/or related services shall be based on the evaluations of the child study team, the school physician and such other specialists as noted and shall be according to the following definitions:

1. "Auditorily handicapped" means an inability to hear within normal limits due to physical impairment or dysfunction of auditory mechanisms characterized by i. and ii. below. Evaluations by a specialist qualified in the field of audiology and a speech and language evaluation by a certified speech correctionist are required.

i. The pupil is impaired in processing linguistic information through hearing, with or without amplification; and

ii. The loss of hearing may be permanent or fluctuating and adversely affects the pupil's education.

2. "Chronically ill" means a health condition which makes it impractical to receive adequate instruction through a regular school program and characterized by i. or ii. below. Evaluation by the school physician or his or her review and written acceptance of the medical report of another physician is required. The school nurse shall assist in the accumulation of the data necessary to determine eligibility.

i. "Chronic illness" means a condition such as tuberculosis, cardiac condition, leukemia, asthma, seizure disorders or other medical disability.

ii. "Eligible for home instruction" means a temporary health condition which requires individual instruction be provided to a pupil confined to home or hospital for at least a two week period of time as determined by the school physician.

3. "Communication handicapped" means impaired native speech or language which is outside the range of acceptable variation, adversely affects a pupil's educational performance and is not due primarily to hearing impairment as defined under "auditorily handicapped." It is characterized by i. or ii. below. An evaluation by a certified speech correctionist is required.

i. "Communication handicapped" means a severe speech or language disorder which interferes with the ability to use oral language to communicate;

ii. "Eligible for speech correction" means a mild to moderate disorder in language, articulation, voice or fluency which requires instruction by a speech correctionist.

4. "Emotionally disturbed" means the exhibiting of seriously disordered behavior over an extended period of time which adversely affects educational performance and may be characterized by i. or ii. below. **An evaluation by a psychiatrist experienced in working with children is required.**

i. An inability to build or maintain satisfactory interpersonal relationships;

ii. Behaviors inappropriate to the circumstances, such as, a general or pervasive mood of depression or the development of physical symptoms or irrational fears.

5. "Mentally retarded" means cognitive, social and academic functioning which is seriously below age expectations. Such functioning is comprehensive in nature being demonstrated in home, school and community settings, and characterized by one of the following:

i. "Educable" means a level of cognitive development and adaptive behavior in home, school and community settings that are moderately below age expectations with respect to all of the following:

(1) The quality and rate of learning;

(2) The use of symbols for the interpretation of information and the solution of problems;

(3) Performance on an individually administered test of intelligence that falls within a range of two to three standard deviations below the mean.

ii. "Trainable" means a level of cognitive development and adaptive behavior that is severely below age expectations with respect to all of the following:

(1) The ability to use symbols in the solution of problems of low complexity;

(2) The ability to function socially without direct and close supervision in home, school and community settings;

(3) Performance on an individually administered test of intelligence that falls three standard deviations or more below the mean.

iii. "Eligible for day training" means a level of functioning profoundly below age expectations whereby on a consistent basis the pupil demonstrates an inability to understand and respond to simple verbal or nonverbal communication, demonstrates an inability to make known basic wants or needs, and requires total personal care and supervision.

6. "Multiply handicapped" means the presence of two or more educationally handicapping conditions which interact in such a manner that programs designed for the separate handicapping conditions will not meet the pupil's educational needs. All evident educational handicaps shall be documented. Eligibility for speech correction as defined in this section shall not be one of the handicapping conditions which forms the basis for the classification of a pupil as "multiply handicapped." Evaluations by all specialists required in this subsection for the separate handicapping conditions being considered for the determination of "multiply handicapped" are required.

7. "Neurologically or perceptually impaired" means impairment in the ability to process information due to physiological, organizational or integrational dysfunction which is not the result of any other educationally handicapping condi-

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tion or environmental, cultural or economic disadvantage and is characterized by i. or ii. below.

i. "Neurologically impaired" means a specific impairment or dysfunction of the nervous system which adversely affects the education of a pupil. An evaluation by a physician trained in neurodevelopmental assessment is required.

ii. "Perceptually impaired" means a specific learning disability manifested in a disorder in understanding and learning, which affects the ability to listen, think, speak, read, write, spell and/or compute to the extent that special education is necessary for achievement in an educational program.

8. "Preschool handicapped" means a condition which seriously impairs a child's functioning and which has a high predictability of seriously impairing normal educational development.

9. "Orthopedically handicapped" means a condition which, because of malformation, malfunction or loss of bones, muscle or body tissue, necessitates special education and/or related services. An evaluation by a physician qualified to conduct an orthopedic evaluation is required.

10. "Socially maladjusted" means a consistent inability to conform to the standards for behavior established by the school. Such behavior is seriously disruptive to the education of the pupil or other pupils and is not due to emotional disturbance as defined in 4. above. An evaluation by a psychiatrist experienced in working with children is to be obtained if determined necessary by the child study team.

11. "Visually handicapped" means an inability to see within normal limits as characterized by i. or ii. below. An evaluation by a specialist qualified to determine visual disability is required. Visually handicapped pupils eligible for special education and/or related services shall be reported to the Commission for the Blind and Visually Impaired.

i. "Blind" means a loss of acuity or field restriction so great that a pupil cannot rely on sight to learn.

ii. "Partially sighted" means a field restriction or loss of visual acuity which adversely affects a pupil's education, but which does not warrant classification of a pupil as "blind." A partially sighted pupil is able to use sight to learn.

6:28-3.6 Individualized education program

(a) The individualized education program for each educationally handicapped pupil shall consist of a basic plan and an instructional guide.

(b) The basic plan of the individualized education program shall be written upon completion of the child study team's evaluation and **within 30 calendar days** of the determination that the pupil is eligible for special education and/or related services and according to the timelines in N.J.A.C. 6:28-2.1.

(c) The basic plan of the individualized education program shall be developed at a meeting attended by the child study team, the parent(s), teacher(s) having knowledge of the pupil's educational performance and the pupil, when appropriate. The referring certified school personnel, the school principal or designee and other appropriate individuals may participate in the meeting. A curriculum consultant from the Division of Mental Retardation, Department of Human Services, shall be included for those pupils classified as "eligible for day training."

1. Prior to the meeting to develop the basic plan, the chief school administrator or designee shall provide written notification to the parent(s) according to N.J.A.C. 6:28-2.3.

2. The meeting shall be scheduled at a mutually agreed upon time and place. If the parent(s) cannot attend the meeting(s), the chief school administrator or designee shall ensure parental participation, including the use of individual or conference telephone calls. Records shall be maintained of all attempts to secure parental participation.

3. Arrangements shall be made for a qualified interpreter to assist parents who are deaf or whose native language is other than English.

4. School personnel and parent(s) of an educationally handicapped pupil shall be allowed to use an audio-tape recorder during the individualized education program meetings.

(d) When a pupil has been **classified as eligible for speech correction or eligible for home instruction, the individualized education program meeting shall be as follows:**

1. The meeting shall be attended by parent(s) and, when appropriate, the pupil and/or a member(s) of the child study team **and, depending on the classification, either the school physician or speech correctionist.**

2. A school nurse shall attend the meeting **for a pupil eligible for home instruction** on behalf of the school physician if so designated by the school physician.

3. For a pupil eligible for home instruction the teacher(s) having knowledge of the pupil's educational performance shall participate in the meeting.

4. Other certified school personnel and the principal or designee may participate in the meeting.

(e) The basic plan of the individualized education program shall include, but not be limited to:

1. A statement of the pupil's eligibility for special education and/or related services;

2. A statement of current educational status, drawn from the collaborative evaluation summary, which describes the pupil's present levels of educational performance and adaptive behavior, including academic achievement, cognitive functioning, personal and social development, physical and health status, and where appropriate, language proficiency, communication style, physical education and recreation needs, prevocational, vocational and self-help skills;

3. A statement of annual goals which describes the educational performance expected to be achieved under the pupil's individualized education program. Annual goals shall be related to the special education and/or regular education curriculum;

4. A statement of objectives, which describes specific measurable steps between the current educational status and the annual goals;

5. A description of the pupil's educational program which includes:

i. A rationale for the type of educational program and placement selected;

ii. An explanation of why the type of program and placement is the least restrictive environment appropriate in light of the pupil's needs. Determination of pupil's least restrictive environment shall also include the following:

(1) When an appropriate program is not available in the school which the pupil would attend if not handicapped, the placement shall be in an appropriate educational setting as close to his or her home as possible.

(2) In selecting the least restrictive environment, consideration shall be given to any potentially harmful effect on the pupil.

iii. A description of the extent to which the pupil will participate in regular educational programs. The participation of an educationally handicapped pupil in regular school programs or activities shall be based on the nature and extent of the pupil's educational needs. Appropriate curricular or instructional modifications shall be stipulated. Precautionary

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arrangements shall be made to protect the safety and well-being of the pupil.

iv. A description of exemptions from regular education program options and/or graduation requirements;

v. A statement and rationale for the length of time the pupil is expected to be in a special education program including the length of the school day and an extended academic year, when appropriate;

vi. A statement specifying the language to be used for instruction, if other than English;

vii. A statement which describes the specific related services, including the date when they will begin and the length of time they will be provided;

viii. A statement describing the roles of specific school personnel and their responsibilities for implementing the various aspects of the individualized education program;

ix. The procedure and schedule to determine if the pupil's goals and objectives are being met.

(f) Following the development of the basic plan, the case manager shall coordinate the development of the instructional guide.

(g) The instructional guide shall be developed jointly by the teacher(s) responsible for implementing the pupil's instructional program and the case manager. The parent(s) of the educationally handicapped pupil may participate in the development of the instructional guide, along with other appropriate certified school staff members.

(h) The instructional guide shall be completed within 20 calendar days after the program has been implemented.

(i) The instructional guide shall include, but not be limited to, the following:

1. A planned schedule of time the pupil will be served by specialists, special education teachers, bilingual or English as a second language teachers and regular education teachers;

2. Instructional strategies fitted to the pupil's learning style;

3. Techniques and activities designed to support the personal and social development of the pupil;

4. Any special equipment and instructional media and materials needed for learning.

(j) Annually, or more often if necessary, the case manager, parent(s), teacher(s) and the pupil, if appropriate, shall meet to review and revise the instructional guide and the basic plan of the individualized education program as specified in this subchapter.

1. This meeting shall occur by June 30 of a handicapped pupil's last year in a preschool program.

2. This meeting shall occur by June 30 of a handicapped pupil's last year in an elementary school program and shall include input from the staff of the secondary school.

(k) A copy of the individualized education program shall be signed by members of the child study team and provided to the parent(s) in their native language according to N.J.A.C. 6:28-2.4.

(l) The basic plan of the individualized education program shall be implemented within 90 calendar days after receipt of parental consent to refer the pupil to the child study team. If parental consent for the initial placement is withheld, the district board of education may appeal the parental refusal in accordance with the procedures for a due process hearing according to N.J.A.C. 6:28-2.7.

(m) During a 21 year old handicapped pupil's last year in an educational program, a meeting shall be held including the parent(s), the case manager and other individuals as appropriate to develop nonbinding written recommendations concerning services and resources available after the responsibility of the district board of education has ended.

6:28-3.7 Related services

(a) Related services shall be provided to an educationally handicapped pupil according to his or her individualized education program and may include the following:

1. Counseling services shall be provided in the following manner:

i. Counseling services for an educationally handicapped pupil shall be provided within the public schools during the school day by certified school psychologists, social workers and guidance counselors.

ii. Counseling and/or training services for parents shall be provided to assist them in understanding the special educational needs of their child.

2. Occupational and physical therapy shall be provided in the following manner:

i. Occupational and/or physical therapy shall be provided by educationally certified or licensed therapists.

ii. A district board of education may contract with approved clinics and agencies for the provision of occupational and/or physical therapy.

3. Recreation shall be provided by certified school personnel.

4. Speech correction for a pupil classified other than "eligible for speech correction," may be provided as a related service. Additional classification as "eligible for speech correction" is not required.

5. Transportation shall be provided in the following manner:

i. The district board of education shall provide transportation as required in the individualized education program or as prescribed by the school physician. Such services shall include special transportation equipment, transportation aides and special arrangements for other assistance to and from and in and around the school.

ii. When out-of-district placement for educational reasons is made by a district board of education, transportation shall be provided consistent with the school calendar of the receiving school.

iii. When necessary, the case manager shall provide the transportation coordinator and the bus driver with specific information including safety concerns, mode of communication, health and behavioral characteristics of a pupil assigned.

iv. When transportation is provided for handicapped pupils below the age of five, safety belts or restraint systems are required.

6. Other related services, as necessary, shall be specified in the pupil's individualized education program.

(b) Consistent with professional practice, school personnel may give advice regarding additional services which are not required by this chapter. Such advice places no obligation on the district board of education to provide or fund such services.

6:28-3.8 Services to pupils in programs operated by the State of New Jersey

(a) For a pupil classified as eligible for day training attending an approved day program, the district board of education shall provide the services described in N.J.A.C. 6:28-3.2 through 3.6.

(b) For a pupil in residence in a State facility, the responsible district board of education shall:

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1. Maintain the educational records sent by the State facility according to N.J.A.C. 6:3-2;

2. Facilitate the entry of the pupil into the local district program, as appropriate.

(c) For a pupil in a program operated by or under contract with the Department of Education, the district board of education retains responsibility for programs and services under this chapter.

SUBCHAPTER 4. PROGRAMS

6:28-4.1 General requirements

(a) Each district board of education shall provide educational programs and related services for handicapped pupils in accordance with their individualized education programs.

(b) Special education programs shall be consistent with the special education plan submitted by the district board of education and approved by the Department of Education.

(c) A district board of education proposal to establish, change or eliminate special education programs or services shall be approved by the Department of Education through its county office.

(d) Appropriate facilities shall be provided for educationally handicapped pupils according to N.J.A.C. 6:22-1.

(e) Appropriate written curricula shall be developed and appropriate materials shall be provided for educationally handicapped pupils.

(f) The length of the school day and the academic year for programs for educationally handicapped pupils shall be at least as long as that established for all pupils.

1. Programs for the preschool handicapped shall be in operation five days per week, one day of which may be used for parent training and at least four days of which shall provide a minimum total of 10 hours of pupil instruction.

2. An extended academic year program shall be comparable to the special education program offered during the regular academic year.

(g) All professional personnel serving educationally handicapped pupils shall hold the appropriate New Jersey certification or license commensurate with their assignments.

(h) A classroom aide, under the direction of a principal, special education teacher, general education teacher or other appropriately certified personnel, may assist in a special education program. The job description of a classroom aide shall be approved by the Department of Education through its county office.

(i) The district board of education through its chief school administrator or designee shall be responsible for the placement of an educationally handicapped pupil in conformance with the pupil's individualized education program.

1. When an educationally handicapped pupil transfers from one New Jersey school district to another, and immediate review of the individualized education program cannot be conducted, the pupil shall be placed in a program consistent with the current individualized education program for a period not to exceed 30 calendar days.

2. When appropriate, an educationally handicapped pupil shall be grouped with or participate with noneducationally handicapped pupils or less severely handicapped pupils in activities that are part of the educational program.

3. When the individualized education program of a handicapped pupil does not describe any restrictions, the pupil shall be included in the regular school program provided by the district board of education.

i. This includes participation in health and physical education, industrial arts, fine arts, music, home economics, vocational and other regular education programs, intramural and interscholastic sports, extracurricular and cocurricular activities.

ii. When instruction in these areas is provided to groups consisting solely of educationally handicapped pupils, the size of the groups and the age range shall conform with the requirements for special class programs described in this subchapter.

(j) Each district board of education, through appropriate personnel, shall establish and implement a plan to evaluate special education programs and services according to N.J.S.A. 18A:7A-4 through 16 and this chapter.

6:28-4.2 Program implementation

(a) Educational program options shall include the following:

1. Instruction in school which complements regular or special class programs through the following means:

i. Modification of a regular program, including, but not limited to, academic instruction, vocational, home economics, art, music, physical education and health education programs;

ii. Supplementary instruction;

iii. Speech correction;

iv. Resource room;

2. A special class program in the pupil's local school district;

3. A special education program in the following settings:

i. Another local school district;

ii. A vocational and technical school;

iii. A county special services school district;

iv. An educational services commission;

v. A jointure commission;

4. Programs in hospitals, convalescent centers or other medical institutions;

5. A program operated by a department of New Jersey State government;

6. Vocational rehabilitation facilities;

7. An approved privately operated special class in the continental United States, when it is not appropriate to provide services according to paragraphs 1 through 6 above. Placement in a privately operated special class shall only be made with the prior written approval of the Department of Education through its county office.

8. Individual instruction at home or in school, excluding home instruction for medical reasons, with the prior written approval of the Department of Education through its county office, when it is not appropriate to provide a special education program for an educationally handicapped pupil according to paragraphs 1 through 7 above.

(b) The following program criteria shall be met:

1. Supplementary instruction and speech correction provided to educationally handicapped pupils shall be in addition to the regular instructional program and shall meet the following criteria:

i. Speech correction may be given individually or in groups not to exceed three pupils.

ii. Supplementary instruction may be given individually or in groups not to exceed five pupils.

iii. A teacher providing supplementary instruction shall be appropriately certified for the subject or level in which instruction is given.

iv. Speech correction shall be provided by a certified speech correctionist.

2. Resource room programs shall be instructional centers offering individual and small group instruction in place of

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regular classroom instruction and shall meet the following criteria:

i. An educationally handicapped pupil in a resource room shall be enrolled on a regular public school class register with his or her chronological peers. Instructional responsibility for such a pupil shall be shared between the resource room teacher and the regular class teacher(s).

ii. Depending on the type of resource room program, the resource room teacher shall hold certification as teacher of the handicapped, or teacher of blind or partially sighted, or teacher of deaf or hard of hearing.

iii. A resource room teacher shall be provided one hour per day or, in the secondary or departmentalized program one instructional period per day, for consultation with the regular teaching staff.

iv. Types of resource room programs shall be designated as follows:

(1) Single handicap program for pupils with the same classification;

(2) Mixed handicap program for pupils with different classifications;

(3) Open program for nonhandicapped and handicapped pupils.

v. The number of pupils in a resource room at any given time shall not exceed five. The total number of pupils assigned to a resource room teacher shall be no more than 20.

vi. The maximum amount of time per day a pupil shall participate in a resource room program at the elementary level is two hours; at the secondary level, two instructional periods.

3. Special class programs shall meet the following criteria:

i. An educationally handicapped pupil in a special class program shall be enrolled on a special class register.

ii. Pupils shall be the primary instructional responsibility of the special education teacher. Such teachers shall work cooperatively with other teachers to whom the educationally handicapped pupil may be assigned for portions of his or her educational program.

iii. Depending on the educational handicaps of the pupils assigned to the special class program, the special class teacher shall hold certification as teacher of the handicapped, or teacher of blind or partially sighted, or teacher of deaf or hard of hearing. Teachers of the preschool handicapped shall additionally hold nursery school endorsement.

iv. The age span in special class programs shall not exceed four years.

v. A special class program shall serve pupils who have the same classification. Class sizes shall not exceed the following:

(1) Auditorily handicapped-8 pupils;

(2) Chronically ill-15 pupils;

(3) Communication handicapped-8 pupils;

(4) Emotionally disturbed-8 pupils;

(5) Mentally retarded, educable-15 pupils;

(6) Mentally retarded, trainable-10 pupils;

(7) Mentally retarded, eligible for day training-9 pupils (pupil to staff ratio of three to one);

(8) Multiply handicapped-8 pupils;

(9) Neurologically impaired-8 pupils;

(10) Orthopedically handicapped-10 pupils;

(11) Perceptually impaired-12 pupils;

(12) Preschool handicapped-8 pupils (classroom aide required);

(13) Socially maladjusted-12 pupils;

(14) Visually handicapped-8 pupils.

vi. The above maximum class sizes may be increased no more than one-third with the addition of a classroom aide by obtaining prior written approval from the Department of Education through its county office.

4. Enrollment in secondary special class programs may be increased by one-half the maximum class size for pupils with the same classification as noted in 3.v. above. For instructional purposes, no group shall contain more than the maximum number of educationally handicapped pupils with the same classification as noted in 3.v. and vi. above.

i. An educationally handicapped pupil enrolled on the register of a secondary special class program shall receive a minimum of three instructional periods with the certified teacher(s) of the handicapped who maintains primary instructional responsibility for the pupil. The remainder of the pupil's instruction may be provided in the following settings, as appropriate.

(1) A class period(s) consisting solely of educationally handicapped pupils instructed by a regular education teacher where an adapted general education curriculum is used. In such classes enrollment for each period shall be as follows:

(A) In class groups comprised of pupils with a single classification, class sizes shall be according to 3.v. above.

(B) In class groups comprised of pupils with mixed handicaps, the group shall be limited to eight educationally handicapped pupils.

(2) A regular education class instructed by an appropriately certified subject area teacher. The number of educationally handicapped pupils who are enrolled on a special class register who can attend any given instructional period in such classes shall be limited to four.

ii. Vocational education programs shall be made available to an educationally handicapped pupil at the secondary level consistent with his or her individualized education program.

(1) For the pupil placed in a vocational program outside of the local district, responsibility shall be as follows:

(A) In a full-time county vocational school, all responsibility for programs and services rests with the receiving district board of education.

(B) In a shared-time county vocational school and in an area vocational technical school, primary responsibility rests with the sending district board of education. Vocational personnel shall participate in the individualized education program decisions.

(2) In vocational program class sizes shall be as follows:

(A) For a class consisting solely of educationally handicapped pupils, the limit shall be 10;

(B) For participation in a regular class, the number of educationally handicapped pupils shall be limited to four if program modification is required.

5. Instruction provided in lieu of classroom instruction for pupils classified by the school physician as eligible for home instruction shall meet the following criteria:

i. Instruction shall be provided at the pupil's place of confinement.

ii. The pupil shall be carried on an individual instruction register.

iii. Instructional services shall begin within seven calendar days after eligibility has been established.

iv. The teacher providing instruction shall be appropriately certified for the subject or level in which the instruction is given.

v. The pupil shall receive a program that meets the requirements of the district board of education for promotion and graduation.

vi. Instruction shall be provided for no fewer than five hours per week. The five hours of instruction per week shall

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be accomplished in no fewer than three visits by a teacher on three separate days. When instruction is provided by direct communication to a classroom program by telephone or television, this instruction shall be in addition to the basic five hours of instruction by a teacher.

vii. Instruction may be provided for up to 60 calendar days in a school year. If the school physician believes that instruction for a longer period of time is indicated, referral shall be made according to N.J.A.C. 6:28-3.3 for determination by the child study team of eligibility for special education and/or related services.

6. A pupil classified as educationally handicapped by a child study team may have the individualized education program implemented through instruction at home when it can be demonstrated that no other program option is appropriate at that time.

i. Prior written approval to provide home instruction shall be obtained from the Department of Education through its county office.

ii. Approval shall be obtained for a maximum of 60 calendar days.

iii. Subparagraphs ii., iv., v. and vi. of paragraph 5 above shall apply to the home instruction program of pupils classified by the child study team.

(c) Any exceptions regarding the requirements of this subchapter shall be made only with prior written approval of the Department of Education through its county office.

6:28-4.2 Transition of an educationally handicapped pupil from an elementary to a secondary school

Transition from elementary school to the secondary school shall be based on the recommendation of the child study team and shall be consistent with the pupil's individualized education program. Transition shall be determined by factors including number of years in school; social, academic and vocational development; chronological age; and need for the opportunities of the secondary school.

6:28-4.4 Diplomas and graduation

(a) A handicapped pupil who entered a high school program prior to September 1981 and who successfully completes his or her individualized education program shall receive the secondary diploma of the school district responsible for his or her education.

(b) An educationally handicapped pupil who entered a high school program in September 1981 or thereafter shall meet the high school graduation requirements according to N.J.A.C. 6:8-4.2, unless exempted in his or her individualized education program. The individualized education program must specifically address these graduation requirements. Fulfillment of the individualized education program requirements would qualify the educationally handicapped pupil for a State endorsed diploma issued by the school district responsible for his or her education.

(c) If a pupil attends a school other than that of the school district of residence which is empowered to grant a diploma, the pupil shall have the choice of receiving the diploma of the school attended or the diploma of the school district of residence.

(d) If a district board of education grants an elementary school diploma, an educationally handicapped pupil who fulfills the requirements of his or her individualized education program shall qualify for a diploma.

(e) Educationally handicapped pupils shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

SUBCHAPTER 5. APPROVED CLINICS AND AGENCIES

6:28-5.1 General requirements

(a) Clinics and agencies approved by the Department of Education are organizations which provide contracted services to district boards of education as delineated in this subchapter.

(b) In order to provide services to a district board of education according to these rules, clinics and agencies shall be approved annually by the Department of Education.

(c) Services provided shall be restricted to the following:

1. For public school pupils, clinics and agencies may provide:

i. Child study team diagnostic services to supplement existing local district services; and

ii. The related services of occupational therapy and physical therapy.

2. For nonpublic school pupils, clinics and agencies may provide:

i. Evaluation, determination of eligibility for special education and/or related services, classification and the development of an individualized education program;

ii. Supplementary instruction, speech correction and home instruction for pupils determined eligible for such services; and

iii. English as a second language according to N.J.A.C. 6:31-1.4 and compensatory education according to N.J.A.C. 6:8-1 for pupils eligible for such services.

3. Medical clinics and agencies approved by the New Jersey Department of Health or appropriate State agency outside of New Jersey may conduct diagnostic medical services. These agencies do not have to obtain Department of Education approval nor do district boards of education have to receive prior approval of the Department of Education to purchase the diagnostic medical services.

(d) District boards of education may purchase services listed under (c)1. and 2. above from approved clinics and agencies with the prior written approval of the Department of Education through its county office according to the following:

1. A request for approval to purchase services shall include the proposed terms of the contract.

2. The district board of education shall be notified of approval or disapproval within 30 calendar days of the request.

3. The approval shall be for one year.

6:28-5.2 Approval procedures

(a) Approval of clinics and agencies shall include, but not be limited to, submission of the following criteria:

1. A valid certification of incorporation or certificate of formation, certificate of trade, or business name, any licenses or permits required by laws, regulations, ordinances in effect within the state, county or municipality where the clinic or agency provides its services;

2. A description of the scope and nature of services to be offered;

3. A list of professional staff who will provide services which indicates each individual's certification or license and the function he or she will fulfill;

i. All staff shall be appropriately certified or licensed.

ii. All educational certificates shall be recorded with the Department of Education through the county office in which the clinic or agency is located.

iii. Professional staff employed by a clinic or agency who work full time for a district board of education shall not

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provide service for the clinic or agency during the hours of that individual's public school employment.

iv. An employee of a district board of education shall not provide service to a pupil who is the responsibility of his or her employing district board of education.

4. A description of the facility or facilities in which services shall be provided;

5. Fiscal information concerning the cost and method of payment for services;

6. Assurance of an adequate accounting system according to generally accepted accounting principles;

7. Assurance of a system for the collection, maintenance, confidentiality and access of pupil records which is according to N.J.A.C. 6:3-2.

(b) Any clinic or agency may appeal the approval decision to the Commissioner of Education for a hearing according to N.J.A.C. 6:24. Such hearing shall be governed by the provisions of the Administrative Procedure Act (see N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., as supplemented by N.J.A.C. 1:1).

SUBCHAPTER 6. SERVICES FOR NONPUBLIC SCHOOL PUPILS

6:28-6.1 General requirements

(a) Each district board of education shall provide pupil evaluation to determine eligibility for special education and/or related services, compensatory education, supplementary instruction, home instruction and instruction in English as a second language for pupils enrolled in nonpublic schools.

(b) Each district board of education shall provide the programs and services required by this subchapter by itself, or through joint agreements with other district boards of education or through contracts with educational services commissions or with clinics and agencies approved under N.J.A.C. 6:28-5.

(c) Specifications of contracts to provide programs and services covered by this subchapter shall prior to bidding be approved by the county superintendent of schools.

6:28-6.2 Definitions

"Nonpublic school" means an elementary or secondary school, other than a public school, within the State, providing education in grades kindergarten through 12, or any combination of them, in which a pupil age five through 20 may fulfill compulsory school attendance and which complies with Title VI of the Civil Rights Act of 1964 (P.L. 88-352).

"Nonpublic school pupil" means any pupil who is enrolled full time in a nonpublic school. A pupil who boards at a nonpublic school shall be considered a resident of the New Jersey district in which the parent(s) resides.

6:28-6.3 Provision of programs and services

(a) Identification, referral, evaluation, determination of eligibility, development of individualized education programs and provision of speech correction for articulation disorders, home instruction and supplementary instruction shall be provided according to this chapter.

(b) English as a second language shall be provided according to N.J.A.C. 6:31-1.4.

(c) Compensatory education shall be provided according to N.J.A.C. 6:8-1.

(d) All programs and services required by this subchapter shall be provided only with parental consent.

(e) All procedural safeguards specified in N.J.A.C. 6:28-2 apply to nonpublic school pupils eligible for the services listed in (a) above.

(f) Personnel providing a program or service under this subchapter shall meet appropriate certification requirements and shall not be employed by the nonpublic school in which the pupil is enrolled.

(g) Programs and services for nonpublic school pupils shall be provided in facilities approved by the Department of Education through its county superintendent of schools.

(h) Public and nonpublic school pupils may be grouped for speech correction and the other instructional programs provided under this subchapter, when appropriate.

(i) When the provision of programs and/or services under this subchapter requires transportation, the district board of education shall provide the transportation and the cost shall be paid from State aid received under this subchapter by the district board of education.

(j) The district board of education shall maintain all records of nonpublic school pupils receiving programs and/or services under this subchapter according to N.J.A.C. 6:3-2.

6:28-6.4 Fiscal management

(a) Each district board of education shall provide programs and services under this subchapter up to the amount of State aid received for that year according to N.J.S.A. 18A:46A-1 et seq.

(b) Each district board of education shall maintain an accounting system for nonpublic programs and services according to procedures established by the Department of Education.

(c) At the close of each school year, the district board of education shall report to the Department of Education the total district cost for programs and services provided under this subchapter.

(d) Each district board of education shall receive State aid for programs and services required by this subchapter for the succeeding school year, as determined by the Department of Education and as available from appropriated funds for nonpublic school programs and services.

6:28-6.5 End of the year report

(a) Annually, the district board of education shall submit to the Department of Education a report describing the programs and services provided under this subchapter.

(b) The end of the year report shall include the numbers of pupils provided each program or service and other information as required by the Department of Education.

SUBCHAPTER 7. PROGRAMS BY EDUCATIONAL SERVICES COMMISSIONS, JOINTURE COMMISSIONS, REGIONAL DAY SCHOOLS, COUNTY SPECIAL SERVICES SCHOOL DISTRICTS, THE MARIE H. KATZENBACH SCHOOL FOR THE DEAF AND PRIVATE SCHOOLS

6:28-7.1 General requirements

(a) Educational services commissions, jointure commissions, regional day schools, county special services school districts, the Marie H. Katzenbach School for the Deaf and private schools shall obtain prior written approval from the Department of Education to provide programs for education-

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ally handicapped pupils through contracts with district boards of education.

1. Approval shall be based upon the criteria established by the Department of Education.

2. Monitoring and approval shall be conducted on an ongoing basis by the Department of Education.

3. Approval for private schools shall be obtained annually and shall include, but not be limited to, the provisions of N.J.A.C. 6:28-7.2(e)4, 5 and 6.

(b) "District board of education" as used in this subchapter means the local district legally responsible for the pupil's education.

(c) Programs for educationally handicapped pupils provided under this subchapter shall be operated according to this chapter.

1. Exceptions regarding pupil placement shall be made with the prior written approval of the Department of Education through its county office in the county in which the responsible district board of education is located.

2. Exceptions from all other requirements in this subchapter shall be made only with prior written approval from the Department of Education.

(d) All special education programs in this subchapter shall prepare and submit a special education plan according to N.J.A.C. 6:28-1.2.

6:28-7.2 Approval procedures

(a) At least six months prior to the initiation of a program for educationally handicapped pupils, an application shall be submitted to the Department of Education.

(b) The Department of Education shall determine if the program is needed or in conflict with an existing or planned program.

(c) The Department of Education shall notify the applicant of its approval decision no later than three months after receipt of the application.

(d) An appeal of the decision by staff of the Department of Education shall be made to the Commissioner of Education according to N.J.A.C. 6:24.

(e) The applicaiton for approval to establish a program for educationally handicapped pupils shall include, but not be limited to:

1. A statement of need indicating the number and age of educationally handicapped pupils to be served by category of handicap, and the existing programs and services available to these pupils;

2. A rationale for each new program;

3. The projected program for each group of educationally handicapped pupils with the same handicapping condition including:

i. The objectives of the program;

ii. The organizational structure, including projected number of personnel by title and certification;

iii. The administrative policies and procedures;

iv. The nature and scope of the program and services to be offered and the number and type of educationally handicapped pupils to be served;

v. A description of the proposed curriculum;

4. A copy of the approval of the facility by the Department of Education through its county office;

5. An assurance that health, safety and necessary emergency procedures will be followed; and

6. Additionally each private school shall submit:

i. An affidavit that its programs and services for the educationally handicapped are nonsectarian;

ii. A copy of the certificate of incorporation;

iii. The names of the members of the board of directors which:

(1) Shall be comprised of at least six members, 50 percent of whom shall be disinterested parties and not related to employees of the private school;

(2) May include the director of the private school in a monitoring capacity, but no other employee or officer of the school; and

iv. All materials shall be submitted by January 1, 1985, and annually thereafter.

6:28-7.3 Responsibilities of district boards of education

(a) The educational program of a handicapped pupil provided through contractual agreements as described in N.J.A.C. 6:28-7.1(a) shall be considered the educational program of the district board of education. The district board of education shall be responsible for the services required in N.J.A.C. 6:28-3.

1. Contracts may be made between district boards of education and program providers for the services required in N.J.A.C. 6:28-3.

i. A district board of education representative(s) shall participate in any decision-making meeting(s) unless this is documented not to be feasible.

ii. The district board of education's child study team shall review any child study team reports developed under the contract according to N.J.A.C. 6:28-3.4(i).

(b) The placement of an educationally handicapped pupil in a program as described in N.J.A.C. 6:28-7.1(a) shall be made only with the prior written approval of the Department of Education through its county office.

1. A district board of education shall seek approval to place an educationally handicapped pupil in such a program only when it can assure that the individualized education program can be implemented in that setting.

2. Prior to placement in a program in New Jersey, a representative of the district board of education and, if possible, the parent(s) shall visit the school.

3. If an educationally handicapped pupil has available a free, appropriate education offered by a district board of education and the parent(s) chooses to place the pupil in a private school, neither the State nor the district board of education shall be responsible for the cost of the private school placement.

4. When a district board of education is able to demonstrate to the Department of Education through its county office that the individualized education program of an educationally handicapped pupil cannot be provided by a public program or private day school program, the pupil shall be placed in a residential private school at no cost to the parent(s). The district board of education shall be responsible for special education costs, room and board.

5. Placement of an educationally handicapped pupil in a residential private school by a public agency, other than the district board of education, shall be subject to rules governing such agencies and to this chapter. The district board of education shall pay the day special education costs.

i. When the pupil has been placed by a public agency empowered to make such placement, the placement shall meet the individualized education program requirements of the pupil.

ii. The chief school administrator or designee shall participate with the public agency in the placement decision when a district board of education is expected to be responsible for the special education costs.

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6:28-7.4 Provision of programs

(a) An educational program provided under this subchapter shall conform to the requirements of N.J.A.C. 6:28-4 and to the pupil's individualized education program. Physical education, industrial arts, fine arts, home economics, health services and other educational services shall be provided on a basis comparable to that provided in the pupil's local school district.

(b) Educational programs shall be open to observation at any time to the representatives of the sending district board of education and of the Department of Education.

(c) With prior written approval of the Department of Education, a school described in N.J.A.C. 6:28-7.1(a) may operate an extended academic year program.

6:28-7.5 Termination or withdrawal from an educational program

(a) Prior to the termination or withdrawal of any educationally handicapped pupil from an approved program described in N.J.A.C. 6:28-7.1(a), there shall be an individualized education program review conference which shall include participation of appropriate personnel from the receiving school and the pupil's parent(s). Fifteen calendar days prior written notice of termination or withdrawal shall be made by the parent(s), the district board of education or the school providing the program to the other parties.

(b) When an educationally handicapped pupil completes his or her individualized education program, the pupil shall receive a diploma according to N.J.A.C. 6:28-4.4.

6:28-7.6 Fiscal management

(a) A district board of education shall pay tuition for all special education programs and required services provided only after receiving individual pupil placement approval.

(b) The district board of education shall establish a written contract for each handicapped pupil it places in a program approved under this subchapter. The contract shall include written agreement concerning tuition charges, costs, terms, conditions, services and programs to be provided for the educationally handicapped pupil.

(c) Daily transportation costs shall be paid by the district board of education.

(d) Transportation for pupils in residence at the Marie H. Katzenbach School for the Deaf shall be the responsibility of the Katzenbach School.

(e) Annual program budgets shall be submitted for approval to the Department of Education by each provider on forms distributed by the department.

(f) All providers under this subchapter shall submit a certified audit to the Department of Education at the end of each school year.

6:28-7.7 Records

(a) All providers under this subchapter shall conform to the requirements of N.J.A.C. 6:3-2 pertaining to pupil records. In addition:

1. All pupil records maintained by a provider under this subchapter shall be returned to the responsible district board of education when a pupil's program is terminated.

2. Requests for access to pupil records by authorized organizations, agencies or persons as stated in N.J.A.C. 6:3-2 shall be directed to the chief school administrator or designee of the local school district having responsibility for the handicapped pupil.

3. The daily attendance record of all pupils in approved programs under this subchapter shall be maintained in registers provided by the Department of Education and made available to the district board of education upon request. Habitual tardiness or prolonged absences shall be reported to the chief school administrator of the local school district.

(b) Pupil progress reports shall be submitted at least three times a year or as stipulated in the contract.

SUBCHAPTER 8. PROGRAMS OPERATED BY OTHER DEPARTMENTS OF NEW JERSEY STATE GOVERNMENT

6:28-8.1 General requriements

(a) The requirements of this chapter shall apply to all educational programs provided for handicapped pupils by a department of New Jersey State government, except as otherwise provided in this subchapter.

1. This shall include but not be limited to the Department of Corrections, the Department of Higher Education and the Department of Human Services.

2. This shall not include the Department of Education.

(b) All educationally handicapped pupils shall receive an educational program based on an individualized education program. A pupil who has an individualized habilitation plan or an individual treatment plan, as defined by the Department of Human Services, shall have the individualized education program incorporated into the plan.

(c) Once a pupil has been placed in a State-operated or contracted residential facility, the placing State agency is responsible for the identification, evaluation, determination of eligibility, development and implementation of the individualized education program.

(d) All educationally nonhandicapped pupils in State facilities shall receive an educational program according to N.J.A.C. 6:8 (Thorough and Efficient System of Free Public Schools).

(e) All other general education rules apply to educational programs in which a department of New Jersey State government serves pupils.

(f) Educational programs and services shall be provided and attendance is compulsory for each pupil between the ages of three and 21 who does not hold a high school diploma.

(g) An education program shall be scheduled for at least four hours per day and no fewer than 180 days each year.

(h) Activities shall not be scheduled that conflict with educational programs. Pupils shall not be excused from attending educational programs except for reasons of illness, religious observance, court appearance or other compelling personal circumstances.

(i) Each State facility shall develop a special education plan according to N.J.A.C. 6:28-1.2 which additionally shall include:

1. A list of all State and Federal funding sources;

2. A separate educational budget statement for each State facility.

6:28-8.2 Pupil records

(a) In addition to the records provisions of N.J.A.C. 6:3-2, all educational records shall be maintained in files separate from juvenile justice and other institutional records required to be safeguarded from public inspection by N.J.S.A. 2A:4-65.

(b) All educational records must be transmitted to the responsible district board of education, as indicated in N.J.S.A. 18A:7B-12, in order to assure credit for work completed by the pupil. District boards of education shall grant appropriate

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credit and diplomas for educational work completed by pupils enrolled in State facilities.

6:28-8.3 Procedural safeguards

(a) A due process hearing request may be made to the Department of Education for a pupil confined in a residential facility operated by or under contract to a department of State government on issues of classification or the components of an education program but not placement.

(b) A request for an administrative review shall be made directly to the appropriate department of State government.

1. The Department of Corrections and the Department of Human Services shall develop written administrative review procedures which shall be approved by the Department of Education.

(c) Mediation efforts by the Department of Education as described in N.J.A.C. 6:28-2 may be requested for handicapped pupils.

(d) The educational rights of nonhandicapped pupils to procedural safeguards are the same as nonhandicapped pupils in local district schools in New Jersey.

(e) A handicapped pupil shall not be suspended or expelled from an educational program for manifestations or consequences of the pupil's handicap, except on an emergency basis to prevent imminent danger of injury to the pupil or others.

(f) Surrogate parents shall be appointed according to N.J.A.C. 6:28-2.

6:28-8.4 Provision of programs

(a) Educational programs shall be provided in physical locations separate from sleeping areas, except where appropriate for instructional or medical reasons. School facilities shall comply with the provisions of N.J.A.C. 6:8-4.8(b).

(b) A State residential facility may recommend placement of a pupil in a local school district if the pupil is capable of participating in an educational program offered by a district board of education. The district board of education may accept or reject the pupil. If accepted, tuition shall be paid by the State facility to the district board of education.

(c) Educational certificates for professional staff shall be on file in the respective department's education office or in the appropriate county office of the Department of Education.

1. Classroom teachers of the handicapped shall hold certificates as teacher of the handicapped.

2. All other educational staff shall hold the certification determined appropriate by the directors of the offices of education in the departments operating educational programs or by the appropriate county office of the Department of Education.

3. The appropriateness of certification will be reviewed annually by the Department of Education.

(d) Class size for all pupils enrolled in State-operated programs shall not exceed the following:

1. Residential youth center-10 pupils;

2. Child treatment center or psychiatric hospital-8 pupils;

3. Training school or correctional facility-10 pupils;

4. Day training center-9 pupils per classroom with a pupil to staff ratio of three to one;

5. Residential facilities for the retarded-according to N.J.A.C. 6:28-4.2.

6. Programs operated by the Department of Higher Education-according to N.J.A.C. 6:28-4.2.

(e) Day training programs shall be provided in the following manner:

1. The Department of Human Services shall provide educational programs and related services for pupils classified as eligible for day training in State-operated or contracted facilities.

2. A day training program is responsible for carrying out the individualized education program.

3. In classes for pupils classified as eligible for day training, the age range may exceed four years. If a pupil is placed in a class in which he or she is not within the four-year age range of the other pupils, the rationale for placement shall be noted in the individualized education program.

4. An educational program for pupils classified as eligible for day training in a State residential facility shall be commensurate with those in a day training center.

5. No exception shall be granted regarding class size in classes for pupils classified as eligible for day training.

(f) An educational plan shall be developed by the approved facility for each school age pupil leaving a Department of Corrections or Department of Human Services education program which shall include:

1. The current individualized education program or a description of the general education program.

2. Any other educational information necessary to formulate an appropriate educational program when the pupil returns to a local district.

6:28-8.5 Eligibility to receive State funds

(a) The Departments of Corrections and Human Services shall submit annually to the Department of Education the resident enrollment of pupils in State education programs on the last school day of September.

(b) The Commissioner of Education shall notify the Commissioners of the Departments of Corrections and Human Services of the entitlement for the following fiscal year under the State Facilities Education Act, N.J.S.A. 18A:7B-1 et seq.

(c) The Department of Education shall forward first-quarter State Facilities Education Act funds to the Department of Corrections and the Department of Human Services by July 1. All subsequent funding for the fiscal year shall be contingent upon acceptance of the special education plan or annual update by the Department of Education.

(d) The determination of the district of residence for funding purposes for pupils in programs operated by the Department of Corrections or the Department of Human Services shall be according to N.J.S.A. 18A:7B-12.

(e) Annually the Department of Corrections and the Department of Human Services shall submit a composite education program budget for all programs and services under its jurisdiction.

6:28-8.6 Program review and approval

(a) Annually the Department of Education shall review all educational programs provided for handicapped pupils by a department of State government for compliance with New Jersey Statutes Annotated, New Jersey Administrative Code, and adherence to their approved special education plan and budget.

(b) All educational programs and fiscal information shall be available for audit by the Department of Education.

SUBCHAPTER 9. MONITORING, CORRECTIVE ACTION AND COMPLAINT INVESTIGATION

6:28-9.1 Monitoring and corrective action

(a) The Department of Education shall monitor all programs and services required by this chapter for compliance

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with New Jersey Statutes Annotated, New Jersey Administrative Code and the approved special education plan.

(b) The monitoring process shall include, as necessary:

1. Review of data and reports;

2. Conducting on-site visits;

3. Comparison of a sample of individualized education programs with the programs and services offered;

4. Audit of Federal and State funds.

(c) After the monitoring process is completed, a report shall be written and sent to the public or private agency.

(d) If the public or private agency receives a review report that indicates noncompliance, an improvement plan shall be developed by the agency and submitted to the Department of Education for approval.

(e) The improvement plan shall be submitted according to a format provided by the Department of Education and shall include, but not be limited to, the following:

1. Objectives and strategies for correcting each noncompliance item cited, including resources needed;

2. Target dates for correction of noncompliance.

(f) The Department of Education shall review the improvement plan and notify the agency if it is acceptable.

(g) When an improvement plan is not submitted or found unacceptable or not implemented, the Department of Education shall notify the agency of the sanctions that it intends to apply.

(h) An appeal of the decision by staff of the Department of Education shall be made to the Commissioner of Education according to N.J.A.C. 6:24.

6:28-9.2 Complaint procedures

(a) The Director of the Division of Special Education shall be responsible for implementing the procedures to review, investigate and take action on any written complaint of substance regarding the provision of special education or related services covered under this chapter. The procedures may include:

1. Referral by the director to the county office of the Department of Education for fact finding, and if possible, a negotiated settlement;

2. Monitoring by the Division of Special Education according to N.J.A.C. 6:28-9.1.

(b) A written report of the actions taken by the Division of Special Education and the results of these actions shall be completed within 60 calendar days of the receipt of the written complaint. The report shall be sent to all parties involved.

SUBCHAPTER 10. EARLY INTERVENTION PROGRAMS

6:28-10.1 General requirements

(a) This subchapter applies to all agencies that receive public funds from the Department of Education for the provision of early intervention programs to handicapped children between birth and age three. Early intervention programs shall be comprehensive, interdisciplinary programs that address a child's education, health and human service needs.

(b) Early intervention programs shall be approved annually by the Department of Education.

(c) Approved early intervention programs shall be funded to the extent provided by appropriations to the Department of Education for these purposes and shall be based on guidelines established by the Department of Education in consultation with the Departments of Health and Human Services.

(d) The Department of Education, in consultation with the Departments of Health and Human Services, shall monitor and review annually the programs and services of each approved early intervention program according to N.J.A.C. 6:28-9.

6:28-10.2 District board of education responsibilities

(a) Each district board of education shall have a procedure to ensure that parents of all potentially eligible children within its jurisdiction are provided information regarding early intervention programs. This procedure shall include, but not be limited to, a variety of activities to disseminate information to the community.

(b) When a child who has been enrolled in an early intervention program becomes age three as defined in N.J.A.C. 6:28-1.3, the district board of education shall consider the child as identified according to N.J.A.C. 6:28-3.2 and shall initiate referral procedures.

6:28-10.3 Approval process

(a) At least six months prior to the initiation of an early intervention program, an application shall be submitted to the Department of Education.

(b) An application for funding of an early intervention program shall include:

1. A program plan which incorporates the following:

i. A statement of need indicating the number of children to be served and the existing programs and services available to them;

ii. The screening procedures;

iii. The assessment procedures;

iv. The intervention plan;

v. A family involvement plan;

vi. The personnel development policies;

vii. A procedure for interagency coordination;

viii. The program evaluation process.

2. Projected number of personnel by title and certification;

3. The administrative policies and procedures;

4. A copy of the approval of the facility by the Department of Education through its county office;

5. A copy of procedures for health, safety and necessary emergency procedures;

6. An assurance that the fiscal management system includes:

i. An annual written budget; and

ii. An annual audit performed by a certified public accountant;

7. A copy of the written policy describing compliance with all pupil record requirements according to N.J.A.C. 6:3-2;

8. A copy of the procedure used to notify appropriate district boards of education of the need for services for a child age three;

9. For each private agency, an affidavit that the early intervention program is nonsectarian; and

10. All other information required for approval.

(c) The Department of Education, in consultation with the Departments of Health and Human Services, shall review and determine eligibility for funding of an early intervention program.

(d) The Department of Education shall notify the early intervention program of the approval decision no later than three months after receipt of the application.

(e) An appeal of the decision by staff of the Department of Education shall be made to the Commissioner of Education according to N.J.A.C. 6:24.

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ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Water Supply Bond Loan Programs

Proposed Amendments: 7:1A-1 and 2
Proposed Repeal: 7:1G-1, 2 and 3 (except for 7:1G-2.13 and 3.1)
Proposed New Rule: 7:1A-5
Recodification: N.J.A.C. 7:1G-2.13 to 7:1A-4.1; 7:1G-3.1 to 7:1A-4.2; 7:1A-2.3 to 3.1 and 7:1A-2.12 to 3.2

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: Water Supply Bond Act of 1981, P.L. 1981, c.261, section 4, as amended by P.L. 1983.
DEP Docket No. 013-84-03.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions and responses should be addressed to:

William Whipple, Administrator
Water Supply and Watershed Management Administration
Division of Water Resources
CN-029
Trenton, New Jersey 08625

The Department of Environmental Protection thereafter may adopt the 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 1984-179.

The agency proposal follows:

Summary

The proposal has two primary purposes. The first is to consolidate all of the Department's rules concerning applications for bond loans under the Water Supply Bond Act of 1981, as amended. To accomplish this purpose the proposal: (1) makes minor amendments to 7:1A, previously adopted for rehabilitation projects; (2) makes the 7:1A provisions generic for the entire bond loan program; (3) repeals 7:1G which contains virtually identical administrative provisions found at 7:1A; and (4) recodifies the specific programatic requirements of 7:1G-2.13 and 7:1G 3.1 for interconnections projects, to 7:1A-4. The consolidation eliminates needless duplication in these two regulatory programs and enables the Department to address any additional substantive programs under the Water Supply Bond Act of 1981, as amended, by only proposing substantive provisions for the programs. This eliminates unnecessary rulemaking activities for further needs.

The second purpose of the rules is to propose the substantive requirements for the water supply contamination bond loan program authorized by the 1983 amendments to the Water Supply Bond Act of 1981.

Minor revisions are being proposed to the procedural requirements for all programs to clarify existing ambiguities and to streamline application procedures based upon the Department's experience in the administration of this program over the past two years.

Social Impact

This proposal should have minimal social impact as it is intended to consolidate all the water supply bond loan programs for clarity and consistency purposes. The primary social impacts will result from the inclusion of the water supply bond loan program to address contamination problems, with the resultant positive impacts from eliminating contaminated water supply sources.

Economic Impact

A positive economic impact will result from this proposal by establishing the water supply bond loan program to address contamination problems in New Jersey, as authorized by the 1983 amendments to the Water Supply Bond Act of 1981. This program enables the State to utilize bond funds to address rehabilitation, interconnection and contamination problems and thereby create greater economic incentive by municipalities to undertake these programs.

Environmental Impact

The environmental impact will be positive by the continuation of the rehabilitation and interconnection programs, and the initiation of the program to resolve contamination problems will greatly increase the positive environmental impacts resulting from the Water Supply Bond Act of 1981, as amended.

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

CHAPTER 1A
WATER SUPPLY BOND LOAN [REGULATIONS FOR THE REHABILITATION OF WATER SUPPLY FACILITIES] **PROGRAMS**

SUBCHAPTER 1. GENERAL PROVISIONS

7:1A-1.1 Scope and construction of rules

(a) The following shall constitute the rules governing [disposition of appropriations for the purposes of providing] loans for State or local projects for the rehabilitation or repair of antiquated, obsolete, damaged or inadequately operating publicly owned water supply facilities, **for the interconnection of unconnected or inadequately connected water supply systems, and water supply facilities to resolve contamination problems as identified by the Department,** pursuant to the Water Supply Bond Act of 1981, P.L. 1981, c.261, and as recommended by the New Jersey Statewide Water Supply Plan. These rules prescribe procedures, minimum standards for conduct for borrowers, and standards for the rehabilitation of water supply facilities, **for interconnection between water supply systems, and water supply systems to resolve contamination problems.**

(b) These rules shall be liberally construed to permit the Department to effectuate the purposes of the law.

7:1A-1.2 Purpose of rules

(a) These rules are promulgated for the following purposes:

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1. To implement the purposes and objectives of the Water Supply Bond Act of 1981, P.L. 1981, c.261, and the New Jersey Statewide Water Supply Plan; and amendments.

2. To establish policies and procedures for administration of funds appropriated pursuant to the Act for the purpose of making State loans for State or local projects for the rehabilitation or repair of antiquated, obsolete, damaged or inadequately operating water supply transmission facilities, **for the interconnection of unconnected or inadequately connected water supply systems, and water supply systems to resolve contamination problems identified by the Department;**

3. To protect the public and the State of New Jersey by insuring that funds appropriated are spent in a proper manner and for the intended purposes;

4. To assure that the distribution and use of funds are consistent with the laws and policies of the State of New Jersey.

5. To establish minimum standards of conduct to prevent conflicts of interest and insure proper administration of loans;

6. To establish accounting procedures for the administration of loans.

7:1A-1.3 Practice where rules do not govern

The Commissioner may rescind, amend, or expand these rules from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

7:1A-1.4 Annual budget request

(a) The Commissioner shall submit to the State Treasurer and the New Jersey Commission on Capital Budgeting and Planning with the Department's annual budget request, a plan for the expenditure of funds from the "Water Supply Fund" for the upcoming fiscal year.

(b) The plan shall include the following information:

1. A performance evaluation of the expenditures of the fund to date;

2. A description of programs planned during the upcoming fiscal year;

3. A copy of these rules governing the purposes conducted pursuant to P.L. 1981, c.261;

4. An estimate of expenditures for the upcoming fiscal year.

7:1A-1.5 Request for legislative appropriations

The Department shall periodically request that the Legislature appropriate funds under the Water Supply Fund pursuant to [Section 14 of] the Water Supply Bond Act of 1981, P.L. 1981, c.261, **and amendments thereto.**

7:1A-1.6 Procedure for obtaining a water supply bond loan

(a) Each potential applicant for a water supply bond loan shall:

1. Determine if it meets the eligibility criteria of N.J.A.C. 7:1A-[2.3] **3.1, 4.1 or 5.1, as appropriate;**

2. Arrange for a preapplication conference as required in N.J.A.C. 7:1A-[2.4] **2.3;**

3. Complete the application procedures required by N.J.A.C. 7:1A-[2.5] **2.4.**

7:1A-1.7 Severability

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

SUBCHAPTER 2. LOAN PROCEDURES AND REQUIREMENTS

7:1A-2.1 Scope

This subchapter shall prescribe procedures and requirements for the award of State loans for [the rehabilitation of water supply facilities] **projects** pursuant to Section 4 of the Water Supply Bond Act of 1981, P.L. 1981, c.261, and as recommended by the New Jersey Statewide Water Supply Plan.

7:1A-2.2 Definitions

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

"Act" means the Water Supply Bond Act of 1981, P.L. 1981, c.261.

"Administrator" means the Administrator of the Water Supply and Watershed Management Administration of the Division of Water Resources of the Department of Environmental Protection.

"Applicant" means any political subdivision of the State or agency thereof that applies for a loan pursuant to the provisions of these rules and regulations.

"Bonds" means the bonds authorized to be issued, or issued under the Water Supply Bond Act of 1981, P.L. 1981, c.261.

"Borrower" means an applicant which has received a loan pursuant to the Water Supply Bond Act, P.L. 1981, c.261 and these rules, and which has executed a loan award document.

"Commission" means the New Jersey Commission on Capital Budgeting and Planning.

"Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection or his designated representative.

"Construct" and "Construction" mean, in addition to the usual meaning thereof, acts of construction, reconstruction, replacement, improvement and betterment.

"Contamination problems" means an existing potable groundwater supply whose physical, chemical, biological or radiological condition, is or may reasonably be expected to become, such that its continued use is detrimental to the public health.

"Department" means the Department of Environmental Protection.

"Division" means the Division of Water Resources of the Department of Environmental Protection. [which constitutes the agency designated to administer the program pursuant to this chapter for and on behalf of the Department and the State.]

"Eligible project cost" means the costs which are determined by the Department under this chapter to be eligible for a water supply bond loan.

"Eligible project scope" means: **(1)** the repair, replacement or reconstruction of antiquated, obsolete, damaged or inadequately operating water supply transmission facilities consisting of pipes and appurtenances including but not limited to pump stations, valves, surge chambers, existing interconnections and storage tanks which convey water; **or (2) the construction, repair, replacement or reconstruction of parts of an inadequate or non-existent water supply system interconnection; or (3) the planning, design and construction of water supply facilities to resolve contamination problems as identified by the Department.** The applicant's project scope must

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conform to **one of these** [this] definitions to be funded pursuant to this chapter.

"Interconnection" means a water supply **system** connection with another water supply system, **or with more than one.**

"Local unit" means any political subdivision of the State or agency thereof that applies for a loan under the Act.

"Project" means any work relating to the rehabilitation of water supply transmission facilities, **the construction or rehabilitation of interconnections between water supply systems, or construction of water supply facilities to resolve contamination problems.**

"Transmission Facilities" means those pipes and appurtenances including but not limited to pump stations, valves, surge chambers, interconnections and storage tanks which convey water.

"Water Supply Facilities" means and refers to the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, personal and mixed, constructed or operated, or to be constructed or operated, in whole or in part by or on behalf of the State, or of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering or transmitting of water, and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources, and facilitating incidential recreational uses thereof.

7:1A-2.3 Recodified as **7:1A-3.1.**

7:1A-[2.4] **2.3** Preapplication procedures

(a) Every applicant shall request an informal conference prior to making a formal application for a loan. During the conference the Division shall identify and explain all loan application documents. It shall also identify and answer questions concerning other Departmental permits the applicant must obtain prior to being awarded a loan. This conference is not part of the application procedure and verbal statements made during the conference shall not bind the Department. **Such conferences may be waived at the discretion of the Department.**

(b) Questions concerning the program and requests for a preapplication conference should be directed to:

Division of Water Resources
Water Supply and Watershed Management
Administration
P.O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

7:1A-[2.5] **2.4** Application procedures

(a) To apply for a water supply [rehabilitation] loan, an applicant shall comply with all the pertinent requirements of this section. The application shall be submitted to the Division on the forms provided for that purpose.

(b) An applicant for a water supply [rehabilitation] loan shall submit:

1. A completed loan application;

2. A description of how it plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete, implement, operate and maintain the project;

3. Evidence that all Federal, State, regional and local agencies with jurisdiction over the area have been notified of the project, including but not limited to the applicable municipal planning board and environmental commission; county planning board and environmental commission; [Division of Planning, Department of Community Affairs;] any areawide or regional agencies concerned; and any interconnected **or other** water systems that may be affected;

4. A written explanation of the need for the project **along with distribution system maps of the project area(s);**

5. A complete proposal outlining the problem, cause and effect of these problems, the proposed solution along with a discussion of alternatives to the proposed solution. **In the case of loans to remedy water supply contamination problems, a feasibility study, as approved by the Department, shall be submitted;**

6. A proposed construction schedule for the project;

7. Proposed financial arrangements for both construction of the project and sale of water between the purveyors concerned, if any, and written confirmation that the proposed arrangements are acceptable to both purveyors and the New Jersey Board of Public Utilities, if applicable.

[7.] **8.** All other forms, agreements and subagreements the Department may require;

[8.] **9.** An estimate of preliminary, developmental, and construction costs by unit prices for the project. Labor, equipment, materials, supplies, overhead and contractor's and consultant's profit with supporting background and summary sheets may be requested by the Department to substantiate the estimates of unit costs. Total project costs and those project costs that the applicant anticipates to be eligible for a bond loan shall be separately summarized;

[9.] **10.** A brief description of the environmental impact of the proposed project, including brief identifications of environmental impacts of the proposed project on water quality, plant and animal life, project site land characteristics, historical sites and other environmental factors; and

11. Proof of ownership of the project, and the real property on which it is located, or the capability to use that property for water supply purposes.

[10.] **12.** All documentation and other information as may be necessary for the Division to adequately determine the applicant's priority point total pursuant to section **3.2, 4.2 or 5.2, as appropriate.**

[1.] **(c)** Applications shall be signed for the applicant by a person authorized by resolution or ordinance to file an application for a State loan, to represent the applicant in all matters relating to the application process, and to obligate the applicant to the terms and conditions of the loan award document.

[2.] **1.** Each application shall constitute an undertaking to accept the requirements of this [sub]chapter and the terms and conditions of the loan award document.

(d) Applications should be submitted well in advance of the application closing date for the application period in which the applicant wishes to be awarded a loan. **There shall be at least one application period in each fiscal year. For the rehabilitation loan program,** the application closing date for the initial application period for each year of the program shall be October 1 of the appropriate fiscal year.

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1. For the interconnection loan program, the application closing date for the initial application period shall be June 18, 1984. In the case of loans for remedying water supply contamination problems, two annual application periods will be established with closing dates of December 15 and June 15, respectively. However, applications will be received and reviewed on a continuous basis. Those projects meeting exigency standards, as defined at N.J.A.C. 7:1A-5.2(b), shall be processed for immediate funding, if available.

[1.] **2.** Additional application periods may be established as deemed necessary by the Divsion upon publication of a notice of the details of the additional application period in the New Jersey Register.

[2.] **3.** The application closing date for any application period may be extended, if deemed necessary by the Division, upon publication of a notice of extension in the New Jersey Register.

(e) [Generally, processing of a completed application by the Department will be completed 90 calendar days after the application closing date. However, no] **No** loan shall be awarded until a State appropriation is made.

(f) Applications shall be sent to:

Division of Water Resources
Water Supply and Watershed Management Administration
P.O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

7:1A-[2.6] **2.5** Use and disclosure of information

All loan applications, preapplications, and other submittals, when received by the Division, constitute public records. The Division shall make them available to persons who request their release, to the extent allowed by New Jersey and federal law.

7:1A-[2.7] **2.6** Evaluation of application

(a) The Division shall notify the applicant that it has received the application and is evaluating it pursuant to this section. Each application shall be subjected to:

1. Preliminary administrative review to determine the completeness of the application;

2. Program, technical, scientific and environmental evaluation to determine the merit and relevance of the project to the Department of Environmental Protection program objectives, especially those recommendations described in the New Jersey Statewide Water Supply Plan;

3. Budget evaluation to determine whether proposed project costs are eligible, reasonable, applicable, and allowable; and

4. Final administrative evaluation.

5. In cases of loans for water supply contamination problems, priority scoring of each application shall be made as soon as possible.

7:1A-[2.8] **2.7** Department approval/disapproval

(a) After a full review and evaluation of an application, the Division shall take one of the following actions:

1. Approve for priority ranking, **if applicable,** and possible loan;

2. Disapprove the application.

3. Approve for immediate funding, if available.

(b) The applicant shall be promptly notified in writing of any disapproval. A disapproval of an application shall not preclude its reconsideration or resubmittal [for the next application period] if resubmitted by the applicant.

7:1A-[2.9] **2.8** Amount and terms of loan

(a) The amount of the loan, determined by the [Division] **Department,** shall be based upon eligible project costs as set forth in this chapter.

(b) The interest rate for the loan shall be established at a rate deemed appropriate by the Department of Treasury.

(c) The loan maturity period shall be for a period of no more than 10 years from the date payments to the borrower begin, unless a longer loan maturity period not to exceed 20 years can be justified to the satisfaction of the Department. Principal and accrued interest may be prepaid by the borrower prior to the end of the loan maturity period without penalty.

(d) A rate schedule[, for rehabilitation projects] setting forth the amounts charged for the sale of water by the borrower shall be established **for each rehabilitation, interconnection or water supply contamination loan. For all borrowers a portion** [A percentage] of [these] receipts, as stipulated by the loan award document, shall be dedicated to a specific fund for the purpose of assuring repayment of the loan by the borrower. The Department may require additional collateral to secure the loan when deemed necessary.

1. When applicable, a New Jersey Board of Public Utilities approved rate schedule setting forth the amounts charged for the sale of water by the borrower shall be established.

(e) All other financial loan terms shall be established by agreement between the Department and the Department of Treasury. Loan terms shall be made available to all applicants by the Department in all cases prior to execution of any loan award document.

7:1A-[2.10] **2.9** Loan award document

(a) The Division [of Water Resources of the Department] shall prepare and transmit four copies of the loan award document to the applicant.

1. The applicant shall execute the loan award document and return it within 30 calendar days after receipt. The Department may, in its discretion, extend the time for execution. The loan award document shall be signed by a person authorized by resolution or ordinance to obligate the applicant to the terms and conditions of the loan award document.

2. The loan award document shall set forth the terms and conditions of the loan, approved project scope, budget, approved project costs, and the approved commencement and completion dates for the project or major phases thereof.

3. The loan award document shall be deemed to incorporate all requirements, provisions, and information in documents or papers submitted to the Department in the application process.

4. After the Department has completed its internal processing of the loan award document it shall transmit a copy of the executed loan award document to the borrower.

7:1A-[2.11] **2.10** Effect of loan award

(a) The loan award document shall become effective immediately after its execution by the Department and the applicant, and shall constitute an obligation of the Water Supply Fund in the amount and for the purposes stated in the loan award document.

(b) The award of the loan shall not commit or obligate the Department to award any continuation loan to cover cost overruns for any project. The Department's policy is that cost overruns for any project or portion thereof are solely the responsibility of the borrower. **However, if the award covers testing of an interconnection, the costs of subsequent repair, replacement or rebuilding of that interconnection may be**

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allowed as an addition to the contract amount subject to the provisions of N.J.A.C. 7:1A-4.2(e) and if approved by the Department.

7:1A-2.12 recodified as **7:1A-3.2.**

7:1A-2.11 Notice of intent

(a) The Department shall send a Notice of intent to award a loan to those approved applicants ranking high enough on the appropriate priority list, if applicable, to receive funds.

[j] **(b)** The applicants receiving a Notice of Intent to Award a loan shall obtain all necessary Federal, State and local permits and approvals within six months of receipt of the Notice of Intent to Award a loan. Failure to obtain the required permits within the required time period shall make the project ineligible for a loan for that application period unless prior approval for an extension has been granted by the Division pursuant to N.J.A.C. 7:1A-2.13(h).

[k] **(c)** If subsequent to the issuance of a Notice of Intent to Award, the applicant discovers that costs will exceed those previously estimated, or that the scope of the project will be modified, or any other circumstances appear which affect the award of priority points, the applicant shall notify the Department immediately. The Department shall then recalculate, if appropriate, the applicant's priority determination utilizing the new information submitted.

1. At the discretion of the Department, the Notice of Intent to Award may be recalled if the revised priority determination indicates that some other project should be given priority for selection or that sufficient funds would not be available for the project, **or that the project no longer meets exigency standards as defined at N.J.A.C. 7:1A-5.2(b).**

2. In addition, if any changes in the project costs, scope or other circumstances result in a reduction in the total eligible loan amount from the total amount specified in the Notice of Intent to Award, the Notice of Intent to Award may be recalled and revised to reflect the irrevocable reduction in the total eligible loan amount approved for the project.

[l] **(d)** Any applicant receiving a Notice of Intent to Award who decides not to proceed with a project shall notify the Department [promptly] within 30 days of the date of the notice. **Failure to notify the Department within this time period will result in the application being removed from consideration for a loan in the current application period, as applicable.**

[m] **(e)** Applicants with approved projects on a priority list that are not awarded loans in any application period, **as applicable,** who wish to apply for a position on any subsequent priority list in any subsequent application period, may apply by a timely filing of a new water supply loan application form and by updating the other application documents required by N.J.A.C. 7:1A-[2.5] **2.4.** This application will be treated as a new application for a water supply loan and evaluated in accordance with this chapter.

7:1A-[2.13] **2.12** Project development phase of water supply bond loan program

(a) Each applicant receiving a Notice of Intent to Award a loan shall arrange to have a pre-design conference within 30 days after receipt of the notice, with personnel of the Division and shall submit all materials required by this section to the Division within six months after receipt of the notice or within the time limits of any extension granted pursuant to [(g)] **(h)** below.

(b) During the pre-design conference the Division personnel shall identify and explain the requirements of this section, including design criteria and review of the requirements of the Environmental Assessment specified in (d) below. Based on information furnished by the applicant, Division personnel shall also determine if an approval is required for the project or any portion thereof pursuant to the Standards for Construction of Public Community Water Systems, N.J.A.C. 7:10-11.1 et seq., [or the Standards for the Construction of Public Non-Community and Non-Public Community Water System, N.J.A.C. 7:10-12.1 et seq].

1. If an approval is not required pursuant to the construction standards referred to in [2.13] (b) above, the applicant shall still be required to comply with the requirements of said construction standards.

2. If an approval is required pursuant to the construction standards referred to in [2.13] (b) above, the Division shall provide reasonable assistance to the applicant to insure compliance with the requirements of said construction standards as applicable. The Department reserves the right to require approval in accordance with said construction standards at a later date should revised or additional information so indicate.

(c) [The] **All applicants for water supply bond loans** shall submit all materials required by this subsection, prepared in accordance with accepted engineering practices within the specified time period.

1. A complete Engineer's Report shall be prepared, signed and sealed by a New Jersey licensed professional engineer experienced in the field of water supply. The Report shall include but not be limited to the engineering assumptions, references, calculations and conclusions relative to the structural, sanitary and hydraulic design of all elements within the project scope including all information, narrative, data, and computations necessary to support and describe the design developed and shall be in such detail as to permit complete understanding of the project design. Depending on the project scope, the Engineer's Report shall address the distribution network, topographic conditions, geotechnical consideration, pump station performance, and operating characteristics of the distribution storage system, capacity, adequacy, condition, and any changes in estimated priority points.

2. The plans for the water supply [rehabilitation] **bond loan** project shall be prepared by an engineer licensed by the State of New Jersey. Each drawing shall be signed and sealed and shall have a title block giving the name and location of the project, the scale or scales used, date, the name of the engineer and his license number. Plans shall show clearly the datum to which elevations shown are referred. The National Geodetic Vertical Datum of 1929, (U.S.G.S.), should be used wherever possible or an equation converting to that datum given. The plans shall clearly reflect and label all existing and proposed features and shall include but not be limited to:

i. A vicinity map showing the location of the water supply system rehabilitation project. A U.S.G.S. 7 1/2 Minute Quadrangle map or acceptable substitute shall be used for this purpose.

ii. A profile and a plan, if required in the judgement of the Division, of the entire transmission-grid system that is to be rehabilitated. The plan shall include but be limited to an index map, water mains, service connections, fire hydrants, gage valves, blowoff valves, air relief valves, pressure reducing valves, pumping stations, surge chambers, storage tanks. The Plan shall also include but not be limited to the location of all utilities and sewer lines, i.e. pipelines, telegraph and telephone

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lines, electrical conduits, and sanitary and storm sewers that will have an effect on the project implementation.

iii. If required by the Division, a topographic and pressure contour map of the transmission grid system showing ground elevations, and water pressure at various points in the system.

iv. Plan and elevation views of all storage tanks that are to be renovated, as applicable.

v. Plan and elevation views of all pumping stations that are to be renovated, **as applicable**.

vi. Standard details of all gate valves, check valves, air release valves, drains, surge control equipment, expansion joints, insulation joints, manholes, pump stations, gages, risers, headers and other components of the system that are to be renovated.

3. The operation, maintenance and water sale pricing provisions for the proposed interconnection, covering the responsibilities of the two purveyors interconnected, as applicable.

4. Documents assuring performance of responsibilities of all other purveyors involved with the interconnection project, as applicable.

[3] **5.** [The] Construction specifications [for all water supply rehabilitation projects] **which** shall include but not be limited to:

i. The general provisions, which shall specify the rights, duties, and responsibilities of the Owner, Applicant, engineer, builder and the prescribed order of work.

ii. The technical provisions, which shall describe carefully and in detail the approved work methods, equipment, materials to be used, the results to be obtained and the project and payment schedule.

iii. All other provisions, submissions and certifications as deemed necessary by the Department or required in the loan award document.

6. A detailed cost estimate of **expenses related to the planning** engineering, design, and [rehabilitation of the system, testing of the interconnection, and appurtenances thereto] **construction of the water supply bond loan project**. The breakdown of the cost estimates shall be by unit prices covering estimated labor, equipment, materials, supplies and contractors overhead and profit. Background sheets will be furnished detailing the computation of the unit prices. A summary form showing Item No., description, estimated quality, unit, unit price, and estimated amount is required.

7. A report from the applicant's governing body detailing its plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, a rate schedule setting forth the amounts charged for the sale of water by the borrower, the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan guaranteeing that at the time of signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project.

(d) The Department reserves the right to waive any of the submission requirements of N.J.A.C. 7:1A-2.12(c) above, subject to the provisions of the Standards for Construction of Public Community Water Systems, N.J.A.C. 7:10-11.1 et seq., when it has determined that submission of such information is not required or necessary in order for the Department to enter into a Loan Agreement with the applicant.

[d]**(e)** All applicants except those excluded by (f) below shall submit with the materials required by this section an Environmental Assessment which shall include but not be limited to:

1. A written explanation of the need for the project;

2. A map showing the location and boundaries of the system service area;

3. A statement describing and analyzing possible direct and indirect effects of the proposed activity on the system itself as well as on adjacent and non-contiguous areas with particular reference to the effect of the project on public safety, health and welfare, public and private property, water quality and quantity, the preservation of areas, sites, structures and objects determined to have significant historical, archeological, architectural or cultural value, the public trust in wetlands and wildlife and fisheries; and the protection, preservation and enhancement of the natural environment. It shall describe and analyze:

i. The reasons why this plan and design are the most appropriate for the project;

ii. Temporary and permanent physical changes which would be caused by the proposed activity and the impact of these changes on the activity area and immediate environs;

iii. Alternatives to the proposed project which would reduce or avoid environmental damage;

iv. All measures to be taken during and after the completion of the project to reduce detrimental onsite and offsite effects;

v. Adverse environmental impacts which cannot be avoided and why they cannot be avoided;

vi. The specific benefits of the project.

[e]**(f)** At the pre-design conference the Department will specify for each project those aspects of the Environmental Assessment it wants emphasized. The Department reserves the right to waive the Environmental Assessment requirement for those projects having no significant impact on the environment.

[f]**(g)** The Department shall award a loan to those applicants receiving a Notice of Intent to Award a loan, **subject to available appropriations,** [to] **and** the provisions of 7:1A-[3.2 (m)] **2.11(c),** who obtain and submit all required permits and all materials, prepared to the satisfaction of the Department, within six months after the Notice of Intent to Award a loan or within the time limits of any extension granted pursuant to (h) below.

[g]**(h)** Any applicant who fails to submit the required materials prepared in a proper manner and the required permits within the six month period shall lose its eligibility for a loan during that application period, **as applicable,** unless the time period is extended by the [Division] **Department**.

1. The [Division] **Department** may extend the time for submission of the required materials and/or permits for up to three months if the applicant justifies the need for such extension to the satisfaction of the [Division] **Department**.

2. The [Division] **Department** may grant an additional three months' extension for the submission of the required permits if the applicant demonstrates to the satisfaction of the [Division] **Department** that the permits are delayed through no fault of its own and that the delay is due to extremely unusual circumstances.

7:1A-[2.14] **2.13** Eligibile project costs

(a) Project costs shall be allowed to the extent permitted by this [sub]chapter and the loan award document. Eligible project costs shall be those costs set forth below:

1. Repair, replacement, or reconstruction of all or part of any obsolete, damaged, antiquated, or inadequately operating water supply transmission system, **or any obsolete or antiquated water supply interconnection or construction of a new interconnection, or the planning, design and construction of**

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water supply facilities to resolve contamination problems as identified by the Department, within the scope of the approved feasibility study, including planning costs when so approved by the Department.

2. Geological and hydraulic services,

3. Interconnection testing

4. Engineering and inspection costs,

5. Legal expenses,

6. Financial, professional, and other estimates and advice,

[7. Organization, operating, and other expenses prior to or during repair, replacement, or reconstruction and,]

[8.] **7.** All other such expenses as may be necessary or incidental to the **administration,** financing, **construction,** reconstruction, and completion of the project, or part thereof and the placing of same in operation except as excluded by [N.J.A.C. 7:1A-2.14(b)] **this section.**

(b) Ineligible project costs shall be those costs set forth below:

1. Land acquisition costs,

2. Project design and development costs incurred prior to November 3, 1981,

3. Any costs associated with a project for which construction commenced prior to **the filing of a loan application with the Department.**

4. Salaries of regular water purveyor employees, expenses for governmentally owned or purveyor owned equipment, and other such force account expenses, **except upon sufficient justification to and special approval of the Department,** and

5. Interest expenses.

(c) Development and Construction project contracts must be awarded in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and the rules and regulations adopted pursuant thereto, N.J.A.C. 5:30-14.1 et seq.

(d) Borrowers shall be provided the actual costs incurred and properly documented for the total cost of the project by the contractor(s) and subcontractors(s).

(e) Project application, design and development costs shall not be reimbursed until construction contracts have been awarded.

(f) Prior to any final award of bids for construction contracts the borrower shall submit for departmental review and approval the final construction contracts with work specifications detailing any changes made since previous departmental design approval.

1. The borrower shall **provide a tabulation of bids received and** name the party to be awarded the construction contract for the project. **In the event contracts are not proposed to be awarded to the contractor submitting the lowest bid, the borrower shall provide adequate justification for said award.**

2. The Department reserves the right to require the borrower to readvertise the bid specifications for the project if the certifications required in (f)3 below are deemed unsatisfactory by the Department.

3. The borrower shall certify to the Department the following:

i. The borrower's compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.;

ii. That all contracts for the project will be awarded to the qualified, responsible and responsive bidder submitting the lowest acceptable bid; and

iii. That the bid prices included in the bid specifications are reasonably balanced.

(g) The borrower shall forward copies of the executed construction contracts and subcontracts and associated documents to the Department within 10 days of their execution.

7:1A-[2.15] **2.14** Unused loan funds

Funds saved from projects whose actual eligible implementation costs are less than the estimated eligible costs, shall be retained by the State and deposited in the Water Supply fund to be applied to new water supply rehabilitation, **interconnection or contamination projects, as appropriate,** pursuant to the act and this chapter.

7:1A-[2.16] **2.15** Recycling of funds

Funds from repayment of loans issued under the authority of the Act and this chapter shall be deposited in the Water Supply Fund created pursuant to the Act and shall remain available for further disbursements as new loans to be awarded pursuant to these regulations.

7:1A-[2.17] **2.16** Fraud and other unlawful or corrupt practices

(a) The borrower shall administer loans, award contracts and subcontracts pursuant to the loans free from bribery, graft, and other corrupt practices. The borrower bears the primary responsibility for the prevention, detection and cooperation in the prosecution of any such conduct.

(b) The borrower shall pursue available judicial and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of such illegality or corrupt practices. The borrower shall notify the Administrator immediately after such allegation or evidence comes to its attention, and shall periodically advise the Administrator of the status and ultimate disposition of any matter.

7:1A-[2.18] **2.17** Loan conditions

(a) The following requirements, in addition to such other statutes, rules, terms and conditions as may be applicable to particular loans, are conditions of each loan and conditions precedent to each payment under a loan award document:

1. The borrower shall certify that the project or phase of the project was initiated and completed in accordance with the time schedule specified in the loan award document.

2. The borrower must submit proof of its and its contractors and subcontractors compliance with all hazard insurance requirements of the loan award document and certify that the insurance is in full force and effect and that the premiums have been paid.

3. The borrower shall certify that it and its contractors and subcontractors are maintaining their financial records in accordance with generally accepted accounting principles.

4. The borrower shall certify that it and its contractors and their subcontractors are in compliance with the discrimination and affirmative action provisions of N.J.S.A. 10:2-1 through 10:2-4, the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and the rules and regulations promulgated pursuant thereto.

5. The borrower shall certify that the borrower includes in all its construction or development contracts for the project a requirement that the contractor post a performance bond or other performance guarantee in an amount equal to the full cost of the project.

i. This performance bond or guarantee shall remain in effect until the Division's final inspection of the project and determination in writing that the project is satisfactorily completed.

ii. The performance bond or performance guarantee shall be both nondiscriminatory and financially satisfactory to the Department, and meet all statutory requirements.

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6. The borrower shall certify that it is in compliance with all other requirements and conditions of the loan award document.

[7. The borrower shall certify that in the construction of the project, including letting of contracts in connection therewith, it has conformed to all applicable requirements of Federal, State and local laws, ordinances, rules, and regulations.]

[8.] **7.** Bid specifications shall require that [rehabilitation] **water supply** project elements which constitute ineligible project costs be bid as separate line items in the total bid specifications from **water supply** [rehabilitation] project elements which constitute eligible project costs.

[9.] **8.** Bid specifications shall require that each general contractor bidding on the [rehabilitation] **water supply** project name the principal subcontractors at the time of his bid submission to the borrower.

7:1A-[2.19] **2.18** Administration and performance of loan

The borrower bears primary responsibility for the administration and success of the project, including any subagreements made by the borrower for accomplishing loan objectives. Although borrowers are encouraged to seek the advice and opinion of the Department on problems that may arise, the giving of such advice shall not shift the responsibility for final decisions to the Department. The primary concern of the Department is that loan funds awarded be used in conformance with these rules and the loan agreements to achieve loan objectives and to insure that the purposes set forth in the Water Supply Bond Act of 1981, and amendments, and the recommendations of the New Jersey Statewide Water Supply Plan are fully executed.

7:1A-[2.20] **2.19** Access

The borrower and its contractor and subcontractors shall provide access to the Department personnel and any authorized representative of the Department to the facilities, premises and records related to the project.

1. All contracts executed by the borrower and its contractors and subcontractors shall contain provisions allowing for departmental access to any facilities, premises and records related to the project. 2. The borrower shall submit to the Department such documents and information as requested by the Department.

i. All borrowers, contractors and subcontractors may be subject to a financial audit.

ii. Records shall be retained and available to the Department for a minimum of three years after issuance of the final payment[s] by the Department.

7:1A-[2.21] **2.20** State payment

State funds shall be released to the borrower upon completion of the entire project to the satisfaction of the Department, or, on an interim basis. If interim payments are made, they will be equal to the loan amount corresponding to the percent of the total project completed. Ten percent of all payments shall be withheld until the whole project has been completed to the satisfaction of the Department. No payments shall be made until the Department receives satisfactory cost documentation which shall include all forms and information required by the Department and completed in a manner satisfactory to the Department.

7:1A-[2.22] **2.21** Assignment

The right to receive payment from the State under a loan may not be assigned, nor may payments due under a loan be similarly encumbered.

7:1A-[2.23] **2.22** Publicity and signs

(a) Press releases and other public dissemination of information by the borrower concerning the project work shall acknowledge State loan support.

(b) A project identification sign, at least eight feet long and four feet high, bearing the emblem of the New Jersey Department of Environmental Protection, shall be displayed in a prominent location at each publicly visible project site and facility. The sign shall identify the project, State loan support, and other information as required by the Division.

7:1A-[2.24] **2.23** Debarment

(a) No borrower shall enter into a contract for work on a water supply [Bond] loan project with any person debarred, suspended or disqualified from Department contracting pursuant to N.J.A.C. 7:1-5.

(b) Borrowers shall insert in every contract for work on a water supply [rehabilitation] **loan** project a clause stating that the contractor may be debarred, suspended or disqualified from contracting with the State and the Department if the contractor commits any of the acts listed in N.J.A.C. 7:1-5.2.

(c) Bid Specifications prepared by the borrower shall require bidders to submit a sworn statement of the bidder, or an officer or partner of the bidder, indicating whether or not the bidder is, at the time of the bid, included on the State Treasurer's List of Debarred, Suspended and Disqualified bidders. Bid specifications shall also state that the borrower will immeditately notify the Department whenever it appears that a bidder is on the Treasurer's list. The Department reserves the right, in such circumstances, to immediately suspend such bidder from Department contracting, and to take such other action pursuant to N.J.A.C. 7:1-5 as is appropriate.

(d) Whenever a bidder is debarred, suspended or disqualified from Department contracting pursuant to N.J.A.C. 7:1-5, the borrower may take into account the loss of Department loan funds under these regulations which would result from awarding a contract to such bidder, in determining whether such bidder is the lowest responsible bidder pursuant to law; and the borrower may advise prospective bidders that these procedures will be followed.

(e) Any person included on the Treasurer's List as a result of action by a state agency other than the Department, who is or may become a bidder on any contract which is or will be funded by a loan under this chapter may present information to the Department why this section should not apply to such person. If the Commissioner of the Department determines that it is essential to the public interest and files a finding thereof with the Attorney General, the Commissioner may make an exception from the application of this section with respect to a particular contract, in keeping with N.J.A.C. 7:1-5.9. In the alternative the Department may suspend or debar any such person, or take such other action as may be appropriate, pursuant to N.J.A.C. 7:1-5.

7:1A-[2.25] **2.24** Project changes and loan modifications

(a) A loan modification means any written alteration of the loan terms or conditions, budget or project method or other administrative, technical or financial agreements.

(b) Due to the limited amount of funds available for water supply [rehabilitation] projects there shall be no loan modification increasing the loan amount. Increased costs resulting from a loan modification shall be the responsibility of the borrower.

(c) The borrower shall promptly notify the Administrator in writing (certified mail, return receipt requested) of events

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or proposed changes which may require a loan modification including but not limited to:

1. Rebudgeting;
2. Changes in approved technical plans or specifications for the project;
3. Changes which may affect the approved scope or objective of a project;
4. Significant, changed conditions at the project site;
5. Deceleration in the time for the performance of the project or any major phase thereof;
6. Changes which may increase or substantially decrease the total cost of a project;
7. Changes in key personnel identified in the loan award document or a reduction in time or effort devoted to the project by such personnel.

(d) If the Department decides a formal loan amendment is necessary, it shall notify the borrower and a formal loan amendment shall be prepared in accordance with N.J.A.C. 7:1A-[2.26] **2.25**. If the Department decides a formal loan amendment is not necessary, it shall follow the procedures of N.J.A.C. 7:1A-[2.28] **2.26 or 2.27, as applicable**.

7:1A-[2.26] **2.25** Formal loan award amendments

(a) The Department shall require a formal loan award amendment to change principal provisions of a loan where project changes substantially alter the cost or time of performance of the project or any major phase thereof.

(b) The Department and borrower shall effect a formal loan award amendement only by a written amendment to the loan award document.

7:1A-[2.27] **2.26** Administrative loan changes

Administrative changes by the Department, such as change in the designation of key Department personnel or of the office to which a report is to be transmitted by the borrower, or a change in the payment schedule for loans for planning, design, and construction of water supply [rehabilitation] projects, constitute changes to the loan award document (but not necessarily to the project work) and do not affect the substantive rights of the Department or the borrower. The Department may issue such changes unilaterally. Such changes shall be in writing and shall generally be effected by a letter (certified mail, return receipt requested) to the borrower.

7:1A-[2.28] **2.27** Other changes

All other project changes, which do not require formal loan award amendment, require written approval of the Administrator.

7:1A-[2.29] **2.28** Noncompliance

(a) In addition to any other rights or remedies available to the Department pursuant to law, in the event of noncompliance with any loan conditions, requirement of this [sub]chapter, or loan award document requirement or specifications, the Department may take any of the following actions or combinations thereof:

1. Issue a notice of noncompliance pursuant to N.J.A.C. [7:1A-2.30] 7:1A-2.29;
2. Withhold loan funds pursuant to N.J.A.C. [7:1A-2.31] **7:1A-2.30**;
3. Order suspension of the project work pursuant to N.J.A.C. [7:1A-2.32] **7:1A-2.31**;
4. Terminate or annul a loan pursuant to N.J.A.C. [7:1A-2.33] **7:1A-2.32** and [7:1A-2.34] **7:1A-2.33**.

7:1A-[2.30] **2.29** Notice of noncompliance

When the Department determines that the borrower is in noncompliance with any condition or requirement of these rules or with any loan award document specification or requirement, it shall notify the borrower of the noncompliance. The Department may require the borrower, its engineer, and/or contractor to take and complete corrective action within 10 working days of receipt of notice. If the borrower, its engineer, and/or contractor do not take corrective action or if it is not adequate, then the Department may issue a stop work order or withhold payment. The Department may, however, withhold payment pursuant to N.J.A.C. [7:1A-2.31] **7:1A-2.30** or issue a stop work order pursuant to N.J.A.C. [7:1A-2.32] **7:1A-2.31** without issuing a notice pursuant to this section.

7:1A-[2.31] **2.30** Withholding of funds

The Department may withhold a loan payment or any portion thereof when it determines in writing that a borrower has failed to comply with any loan condition, provisions of this chapter, or loan award document specification or requirement.

7:1A-[2.32] **2.31** Stop work orders

(a) The Department may order work to be stopped for good cause. Good cause shall include, but not be limited to, default by the borrower or noncompliance with the terms and conditions of the loan. The Department shall limit use of a stop work order to those situations where it is advisable to suspend work on the project or portion or phase of the project for important program or Department considerations.

(b) Prior to issuance, the Department shall afford the borrower an opportunity to discuss the stop work order with the Department personnel. The Department shall consider such discussions in preparing the order. Stop work orders shall contain:

1. The reasons for issuance of the stop work order;
2. A clear description of the work to be suspended:
3. Instructions as to the issuance of further orders by the borrower for materials or services;
4. Guidance as to action being taken on subagreements;
5. Other suggestions to the borrower for minimizing costs.

(c) The Department may, by written order to the borrower (certified mail, return receipt requested) require the borrower to stop all, or any part of, the project work for a period of not more than 45 days after the borrower receives the order, and for any further period to which the parties may agree.

(d) Effect of stop work order.

1. Upon receipt of a stop work order, the borrower shall immediately comply with the terms thereof and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within the suspension period or within any extension of that period to which the parties shall have agreed, the Department shall either:

i. Rescind the stop work order, in full or in part;
ii. Terminate the work covered by such order;
iii. Authorize resumption of work.

2. If a stop work order is cancelled or the period of the order or any extension thereof expires, the borrower shall promptly resume the previously suspended work. An equitable adjustment shall be made in the loan period, the project, or both of these, and the loan award document shall be modified accordingly within discretion of the Department.

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7:1A-[2.33] **2.32** Termination of loans

(a) The Department may terminate a loan in whole or in part for good cause subject to negotiation and payment of appropriate termination settlement costs. The term "good cause" shall include but not be limited to substantial failure to comply with the terms and conditions of the loan, or default by the borrower.

1. The Department shall give written notice to the borrower (certified mail, return receipt requested) of intent to terminate a loan in whole or in part at least 10 days prior to the intended date of termination, stating reasons for the proposed termination.

2. The Department shall afford the borrower an opportunity for consultation prior to any termination. After such opportunity for consultation, the Department may, in writing (certified mail, return receipt requested) terminate the loan in whole or in part.

(b) A borrower shall not unilaterally terminate the project work for which a loan has been awarded, except for good cause and subject to negotiation and payment of appropriate termination settlement costs. The borrower shall promptly give written notice to the Administrator of any complete or partial termination of the project work by the borrower. If the Department determines that there is good cause for the termination of all or any portion of a project for which the loan has been awarded, the Department may enter into a termination agreement or unilaterally terminate the loan effective with the date of cessation of the project work by the borrower. If the Department determines that a borrower has ceased work on a project without good cause, the Department may unilaterally terminate the loan pursuant to this section or annul the loan pursuant to N.J.A.C. [7:1A-2.34] **7:1A-2.33**.

(c) The Department and borrower may enter into an agreement to terminate the loan at any time pursuant to terms which are consistent with this [sub]chapter. The agreement shall establish the effective date of termination of the project and loan, basis for settlement of loan termination costs, and the amount and date of payment of any sums due either party.

(d) Upon termination, the borrower shall refund or credit to the State of New Jersey that portion of loan funds paid to the borrower and allocable to the terminated project work, except such portion thereof as may be required to meet legal obligations incurred prior to the effective date of termination and as may be otherwise allowable. The borrower shall make no new commitments without Department approval.

1. The borrower shall reduce the amount of outstanding commitments insofar as possible and report to the Administrator the uncommitted balance of funds awarded under the loan. The Department shall make the final determination of the allowability of termination costs.

7:1A-[2.34] **2.33** Annulment of loan

(a) The Department may, in writing, annul the loan if it determines that:

1. Without good cause therefor substantial performance of the project work has not occurred;

2. The loan was obtained by fraud; or

3. Gross abuse or corrupt practices in the administration of the project have occurred.

(b) At least 10 days prior to the intended date of annulment, the Department shall give written notice to the borrower (certified mail, return receipt requested) of intent to annul the loan. The Department shall afford the borrower an opportunity for consultation prior to annulment of the loan. Upon annulment of the loan, the borrower shall return all loan funds previously paid to the borrower. The Department shall make no further payments to the borrower. In addition, the Department shall pursue such remedies as may be available under Federal, State and local law.

7:1A-[2.35] **2.34** Administrative hearings

(a) The Director of the Division shall make the initial decision regarding all disputes arising under a loan. The borrower shall be required to specify in writing and in detail the basis for its appeal. When a borrower so requests, the Division shall reduce a decision to writing and mail or otherwise furnish a copy thereof to the borrower.

(b) A borrower may request a hearing within 15 days of a decision by the Director of the Division. [Where required by law the Department shall hold a hearing based upon such request.] **The request for a hearing shall specify in detail the basis for the appeal.**

(c) Following receipt of an acceptable request for a hearing pursuant to (b) above, the Department may attempt to settle the dispute by conducting such proceedings, meetings and conferences as deemed appropriate. [If such efforts at settlement fail, the Department may file the request for a hearing with the Office of Administrative Law.]

(d) **If the borrower raises a substantial and meritorious issue and such efforts at settlement fail, the Department shall file the request for a hearing with the Office of Administrative Law. Such hearings**–[The Commissioner] shall **be** grant**ed** and conduct**ed** [such hearings] in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. and any rules promulgated pursuant to those Acts [provided the conditions of (b) above have been satisfied by the borrower].

AGENCY NOTE: The current text of 7:1A-3 concerning emergency interim repair of water systems is recodified to 7:1A-6 (see 14 N.J.R. 1075(b), 15 N.J.R. 141(d)).

SUBCHAPTER 3. REHABILITATION

7:1A-[2.3] **3.1** Eligibility and criteria

(a) Any applicant operating an antiquated, obsolete, damaged or inadequately operating water supply transmission facility in need of rehabilitation or repair is eligible for a loan in any application period where it satisfactorily completes the loan application process in a timely manner, meets the eligibility criteria set forth in this subchapter, receives the minimum priority score, and ranks high enough on the priority list to be funded. To receive a loan the project shall meet the following criteria to the satisfaction of the Department:

1. The minimum priority score set out in N.J.A.C. 7:1A-[2.12] **3.2** below.

2. The project shall be an independent and complete water supply rehabilitation project. An independent and complete project is one which by its implementation alone will render the specified portion**(s)** of the system adequate and efficient and will accomplish the purpose set forth in the application.

3. The project shall not be excessively expensive or cause unacceptably high environmental damage.

4. The project shall not conflict with any other State projects.

5. The application must be accompanied by adequate explanation of how the applicant plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and the steps it plans to take before receiving the loan that will

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guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project. The applicant must comply with all standard loan provisions of the State of New Jersey.

6. The application documents shall clearly state and document how the loan will accomplish the goal set out in the application.

7:1A-[2.12] **3.2** Priority determination

(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives.

1. A water supply system serving less than or equal to 10,000 residents shall be eligible for a loan if it receives at least eight priority points.

2. A water supply system serving between 10,001 and 50,000 residents shall be eligible for a loan if it receives at least twelve priority points.

3. A water supply system serving greater than 50,000 residents shall be eligible for a loan if it receives at least twenty priority points.

4. In the instance of systems with a large seasonal variation in the number of residents, the residential population figure utilized for the purpose of **this** section [2.12] shall be the mean of the greater and twice the lower residential population as determined by data deemed acceptable to the Department for the most recent calendar year.

5. If in any application period there shall be less eligible projects than funds available for any of the three size categories, the eligible projects shall only be required to receive the minimum number of priority points set forth in (a) 1 through 3 above and the remainder of the competitive priority ranking provisions of this section shall be waived.

(b) All applications must also meet the criteria set forth in N.J.A.C. 7:1A-[2.3] **3.1** to be eligible for a loan.

(c) Three separate priority lists shall be established in each application period according to the size of the water supply system as set forth in **this section** [2.12(a)]. Appropriations for each of the three separate priority lists shall be determined as a percentage of the total periodic appropriations by the Legislature to the Department for the purpose of implementing this chapter.

1. Thirty percent of the total Department appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve less than or equal to 10,000 residents.

2. Thirty percent of the total Department appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve between 10,001 through 50,000 residents; and

3. Forty percent of the total Departmental appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve greater than 50,000 residents.

(d) If in any application period there are an insufficent number of eligible projects on any of the three separate priority lists, the funds designated for said category shall be disbursed to eligible projects on the other priority lists in the same proportions as set forth in (c) above.

(e) A maximum loan amount for each project shall be set for each of the three categories of projects as follows:

1. A water supply system serving less than or equal to 10,000 residents may receive a loan of up to five hundred thousand dollars maximum;

2. A water supply system serving between 10,001 and 50,000 residents may receive a loan of up to one million dollars maximum;

3. A water supply system serving greater than 50,000 residents may receive a loan of up to three million dollars maximum;

4. Any loan funds appropriated for a project in excess of the actual costs spent for the completed project shall be returned to the Water Supply Fund created pursuant to the act within thirty days of final inspection of the project by the Department.

(f) Priority points shall be given for the following factors and in the amount shown below:

1. An applicant shall receive priority points listed in priority categories set forth in subsections (f)2, 3, 4, 5, 6 and 9 below only if the project scope includes the actual repair, rehabilitation, or correction of a problem item clearly related to said priority categories.

2. Priority points shall be awarded for the age of transmission lines and appurtenances including interconnections and surge tanks to be rehabilitated.

i. Two points shall be awarded for transmission lines and appurtenances constructed between the years 1966 through 1970;

ii. Four points shall be awarded for transmission lines and appurtenances constructed between the years 1951 through 1965;

iii. Eight points shall be awarded for transmission lines and appurtenances constructed between the years 1926 through 1950;

iv. Twelve points shall be awarded for transmission lines and appurtenances constructed between the years 1901 and 1925;

v. Sixteen points shall be awarded for transmission lines and appurtenances constructed in or before the year 1900.

3. The applicant shall be required to submit justification to the satisfaction of the Department before priority points are awarded under priority categories (f)4 and 5 below. The justification may consist of, but not be limited to, a technical analysis, a professional certification, unresolved Departmental administrative orders, unresolved Departmental directive letters, verifiable system failures and malfunctions, or other justifications as deemed acceptable by the Department.

4. Priority points shall be awarded, subject to (f)3 above, for the age of the pump station(s) to be rehabilitated.

i. Two points shall be awarded for each pump station constructed between the year 1960-65.

ii. Four points shall be awarded for each pump station constructed between the year 1955-59.

iii. Eight points shall be awarded for each pump station constructed between 1950-54.

iv. Twelve points shall be awarded for each pump station constructed before the year 1950.

5. Priority points shall be awarded, subject to (f)3 above, for the age of storage tank(s) to be rehabilitated.

i. Two points shall be awarded for each storage tank constructed between the years 1960-65.

ii. Four points shall be awarded for each storage tank constructed between 1955-59.

iii. Eight points shall be awarded for each storage tank constructed between 1950-54.

iv. Twelve points shall be awarded for each storage tank constructed before 1950.

6. In the instance where the project scope includes rehabilitation of different items, items of different ages, or both, the

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total points awarded under priority categories in (f)1, 2, 3, 4 and 5 above shall be the weighted average in accordance with the capital value associated with each item. Capital value is defined as the estimated installed cost of an **existing** item in its new state at the present time.
As an example see boxed table below:

[i]i. The points awarded [under 2.12f (1, 2, 3, 4 and 5)] above shall be rounded to the nearest whole number. In the example [in f(6)i] above, 7 priority points would be awarded.

7. Priority points shall be awarded for the percentage of the present daily demand of the applicant's water supply system that can be augmented from usable interconnections with other water systems. The present daily demand for the applicant's service area shall be calculated by totaling the daily water supply demand over a one year period ending in the month of the submission of the applicant's rehabilitation loan application and dividing this sum by 365.

i. One point shall be awarded for a system having usable interconnections that can augment between 71 through 80 percent of the present daily demand for the service area;

ii. Two points shall be awarded for a system having usable interconnections that can augment between 61 through 70 percent of the present daily demand for the service area;

iii. Three points shall be awarded for a system having usable interconnections that can augment between 41 through 60 percent of the present daily demand for the service area;

iv. Four points shall be awarded for a system having usable interconnections that can augment between 21 through 40 percent of the present daily demand for the service area;

v. Five points shall be awarded for a system having usable interconnections that can augment less than or equal to 20 percent of the present daily demand for the service area;

vi. Six points shall be awarded for a system having no usable interconnections with any other water supply system.

8. Priority points shall be awarded to systems serving a greater number of residents in proportion to net water usage. The net water usage shall be calculated by subtracting the unaccounted for water usage from the present daily demand, as calculated in [(f)7 above] **(f)9 below**. In the instance of systems with a large seasonal variation in the number of residents, the residential population figure shall be determined pursuant to [2.12(a)4 above.] **this section.**

i. 70 gallons per capita per day or less: 12 points
ii. 71-90 gallons per capita per day: 10 points
iii. 91-100 gallons per capita per day: 8 points
iv. 101-130 gallons per capita per day: 6 points
v. 131-154 gallons per capita per day: 4 points
vi. 155 **or more** gallons per capita per day: 2 points

9. Priority points shall be awarded for the leakage and other unaccountable water losses from the transmission system to be eliminated as part of the eligible project scope which shall be expressed as a percentage of the present daily demand, as calculated in (f)7 above.

i. Two points shall be awarded for the elimination of water losses of between 1 through 2 percent of the present daily demand included as part of the eligible project scope.

ii. Seven points shall be awarded for the elimination of water losses of between 3 through 5 percent of the present daily demand included as a part of the eligible project scope.

iii. Twelve points shall be awarded for the elimination of water losses of between 6 through 8 percent of the present daily demand included as a part of the eligible project scope.

iv. Fourteen points shall be awarded for the elimination of water losses of between 9 through 11 percent of the present daily demand included as a part of the eligible project scope.

v. Sixteen points shall be awarded for the elimination of water losses of between 12 through 15 percent of the present daily demand included as a part of the eligible project scope.

vi. Eighteen points shall be awarded for the elimination of water losses of between 16 through 20 percent of the present daily demand included as a part of the eligible project scope.

vii. Twenty points shall be awarded for the elimination of water losses of 21 percent or more of the present daily demand included as a part of the eligible project scope.

10. Priority points shall be awarded to each application for its cost effectiveness as compared to all the other applications within each of the population size categories specified in [7:1A-2.12(a)] **this section**. The cost effectiveness of each project shall be expressed as gallons per day estimated to be saved [per thousand dollars of estimated to be saved] per thousand dollars of estimated loan amount. Mean cost effectiveness for each population size category will be estimated by dividing total estimated water savings within the category by the corresponding total estimated loan amount. Priority points will then be awarded in accordance with the following:

i. Cost Savings: Fifty percent or more above the mean: 30 points

ii. Cost Savings: Thirty percent or more above the mean: 25 points

iii. Cost Savings: Ten percent or more above the mean: 20 points

iv. Cost Savings: Within ten percent of the mean: 15 points

v. Cost Savings: Ten percent or more below the mean: 10 points

vi. Cost Savings: Thirty percent or more below the mean: 5 points

vii. Cost Savings: Fifty percent or more below the mean: 0 points

Item	Age Subcategory	Points	New Cap. Cost (Million $)	Fraction Total Cost	Points (weighted)
lines	1951-65	4	.5M	.213	.852
lines	1926-50	8	1.0	.426	3.408
tank	1950-54	8	.50	.213	1.704
pump sta.	1955-59	4	.10	.043	.172
pump sta.	1950-54	8	.25	.106	.848
			2.35M	1.001	6.984 weighted avg.

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viii. As an example:

	Applicant Savings (gal/day)	Estimated (thousand $) Loan Amount	Gal. saved/day/$1000 estimated loan amt.	Percentage of mean	Percentage Deviation from Mean	POINTS AWARDED
A	20,000	1300	15.4	87.5	− 12.5	10
B	30,000	1270	23.6	134	+ 34	25
C	50,000	2910	17.2	97.7	− 2.3	10
D	42,000	1960	21.4	121.6	+ 21.6	20
E	15,500	1520	10.2	58	− 42	5
	157,500 gal/day	$8960				

Mean: 157,500/8,960 = 17.6 gal/day per $1,000

(g) Total priority points shall be determined by totalling all the points awarded an applicant by (f) above.

(h) The Division shall establish and maintain a separate priority list for each application period for each of the size groups as set forth in [2.12(a) above] **this section** in accordance with the number of priority points awarded each project pursuant to this section.

SUBCHAPTER 4. INTERCONNECTION

[7:1G-2.13] **7:1A-4.1** Eligibility and criteria

(a) Any applicant whose system includes an antiquated, damaged, or inadequate water supply interconnection in need of rehabilitation, or repair or consolidation, or whose system lacks interconnections which qualify either as Class A or as Class B interconnections, as further defined in N.J.A.C. [7:1G-2.12] **7:1A-4.2**, is eligible for a loan in any application period where it satisfactorily completes the loan application process in a timely manner, meets the eligibility criteria set forth in this subchapter, receives the minimum priority score, and ranks high enough on the priority list to be funded. An applicant may apply for interconnections with privately owned as well as publicly owned systems. To receive a loan the project shall meet the following criteria to the satisfaction of the Department:

1. Except for the Great Notch and New Brunswick - South River area interconnection projects the minimum priority score set out in N.J.A.C. [7:1G-2.12] **7:1A-4.2**.

2. The project shall be an independent and complete water supply interconnection project. An independent and complete project is one which by its implementation alone will accomplish the purpose set forth in the application and raise at least one of the systems interconnected closer to the status of Class A or B interconnections.

3. The project shall have as its basic purpose the interconnection of water supply systems. It shall not be excessively expensive or cause unacceptable environmental damage.

4. The project shall not conflict with any other State projects.

5. The application shall be accompanied by adequate explanation of how the applicant plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan, and the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project. The applicant shall comply with all standard loan provisions of the State of New Jersey.

6. The application documents shall clearly state and document how the loan will accomplish the goal set out in the application; and

7. No water supply interconnection project is eligible for a loan if construction on the project has commenced prior to filing of the loan application with the Department.

[7:1G-3.1] **7:1A-4.2** Priority determination

(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives.

1. A water supply system serving 10,000 or fewer residents shall be eligible for a loan if it receives at least eight priority points.

2. A water supply system serving between 10,001 and 50,000 residents shall be eligible for a loan if it receives at least 12 priority points.

3. A water supply system serving more than 50,000 residents shall be eligible for a loan if it receives at least 20 points.

4. In the instance of systems with a large seasonal variation in the number of residents, the residential population figure utilized for the purpose of this section shall be the mean of the greater and twice the lower residential population as determined by data deemed acceptable to the Department for the most recent year.

5. If in any application period there shall be less eligible projects than funds available for any of the three size categories, the eligible projects shall only be required to receive the minimum number of priority points set forth in this subsection and the remainder of the competitive priority ranking provisions of this section shall be waived.

(b) All applications must meet the criteria set forth in N.J.A.C. 7:1A-4.1 to be eligible for a loan.

(c) Three separate priority lists shall be established in each application period according to the size of water supply systems as set forth in (a) above. Appropriations for each of the priority lists shall be determined as a percentage of the total periodic appropriations by the Legislature to the Department for the purpose of implementing this chapter. An interconnection shall be placed into its appropriate category according to the [size of the smaller of the systems interconnected.] **residential population served by the borrower.**

1. Forty percent of the total Departmental appropriation for the purposes of implementing this regulation shall be

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appropriated for those eligible water supply systems that serve less than or equal to 10,000 residents;

2. Thirty percent of the total Department approriation for the purposes of implementing this chapter shall be appropriated for those eligible water supply systems that serve between 10,001 through 50,000 residents; and

3. Thirty percent of the total Departmental appropriation for the purpose of implementing this chapter shall be appropriated for those eligible water supply systems that serve greater than 50,000 residents.

(d) If in any application period there are an insufficient number of eligible projects on any of the priority lists, the excess of funds designated for that category shall be disbursed to eligible projects on the other priority lists in the same proportions as set forth in (c) above.

(e) A maximum loan amount for each project shall be set for each of the three categories of projects as follows:

1. A water supply system serving 10,000 or fewer residents may receive a loan of up to $150,000 maximum;

2. A water supply system serving between 10,001 and 50,000 residents may receive a loan of up to $300,000 maximum;

3. A water supply system serving greater than 50,000 residents may receive a loan of up to $600,000 maximum;

4. Any loan funds appropriated for a project in excess of the actual costs spent for the completed project shall be returned to the Water Supply Fund pursuant to the act within thirty days of final inspection of the project by the Department.

(f) The specific goal of interconnections is to bring all purveyor systems as far as practicable into either Condition A or Condition B, as specified below.

1. In Condition A, a system shall have interconnection capacity from adjacent systems sufficient to maintain its water supply at 75 percent of its average water supply [usage] demand while [relying on] burdening no one adjacent system for more than 25 percent of [the] **its (the adjacent systems')** average water supply [of that system.] **demand.**

2. In Condition B, when Condition A is impracticable to achieve, the system shall have sufficient interconnection capacity from adjacent systems to maintain its water supply at 50 percent of its average water supply [usage,] demand while [relying on], burdening no one adjacent system for more than 35 percent of [the] **its (the adjacent systems')** average water supply [of that system.] **demand.**

3. The average water supply demand for the applicant's and interconnected purveyors service areas shall be calculated by totaling the daily water supply demand over a one year period ending in the month of the submission of the applicant's interconnection loan application and dividing this sum by 365.

4. In instances where Condition A is impractical to achieve, the applicant shall provide justification to the satisfaction of the Department why Condition A cannot be achieved.

5. If an interconnection project results in a burden upon any adjacent supplying system in excess of 25% under Condition A or 35% under Condition B, said project shall not be eligible for an interconnection loan. An interconnection project that will increase the total interconnection capacity of a system significantly in excess of Condition A criteria shall not be fully eligible for interconnection loan funding. [An interconnection project that will increase the total interconnection capacity of a system significantly in excess of the Condition B criteria shall not be fully eligible for interconnection loan funding.] An interconnection project that will increase the total interconnection capacity of a system significantly in excess of the Condition B criteria of 50% shall not be fully eligible for interconnection loan funding except when the project serves to decrease the reliance of the benefiting system on adjacent systems to significantly less than 35%.

(g) An interconnection shall be deemed to add to the water supply of either system when it is physically capable of providing an amount of additional flow under conditions of pressure and flow expected to prevail at such time, [at points] **and when located** where it may be distributed to points of use. An interconnection may be deemed to benefit both systems, if that will actually be the case under failure of either system.

(h) Priority points shall be governed by the following.

1. The percentage of the average water supply of a system which the interconnection can provide, up to the specific target level of 75 percent under Condition A and up to 50 percent under Condition B, computed for the two systems separately, will equal points allowed.

2. For each new interconnection **or each existing interconnection** not used or tested during the previous **five** years, which is proposed to be under the loan and which will have a capacity greater than one percent of the total **average** system demand, two points will be allowed.

3. Priority points shall be awarded in the amount of 10 priority points for any administrative order issued by the Department to the applicant requiring an interconnection, provided that the applicant's project scope provides for the implementation of the actions ordered by the Department in such relevant administrative order. Priority points shall also be awarded in the amount of five priority points for any directive or recommendation to provide and improve an interconnection provided that the applicant's project scope provides for the implementation of the actions directed by the Department in such relevant directive or recommendation letter.

i. No administrative order, directive or recommendation issued subsequent to September 20, 1982 may be counted towards the applicant's priority point total except for those orders issued in accordance with the procedures established by N.J.S.A. 58:1A-15e.

4. A ratio will be estimated of the maximum amount allowable for that **residential size** category of interconnection divided by the amount of the proposed loan.

5. A second ratio will be estimated of the residents served divided by 10,000 for small systems, 50,000 for intermediate systems, and 500,000 for the largest systems.

6. The product of these two ratios, times the sum of the points allowed under 1, 2 and 3 above, will equal the priority number allowed, for determination of priorities within each of the categories.

Full text of the proposed new rule follows.

SUBCHAPTER 5. CONTAMINATION

7:1A-5.1 Eligibility and criteria

(a) Any local unit which has received notification from the Division that contamination problems exist within their jurisdiction which adversely affect the potable water service of at least five dwelling units is eligibile for a loan, provided it satisfactorily completes the loan application, meets the eligibility criteria set forth in this subchapter, receives the minimum priority score and ranks high enough on the priority list (as applicable) to be funded. To receive a loan the project

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shall meet the following criteria to the satisfaction of the Department:

1. The minimum priority score set out in N.J.A.C. 7:1A-5.2 below.

2. The project shall be an independent and complete water supply project designed to relieve the impact levied by contaminated groundwater upon the existing water supply. An independent and complete project is one which by its implementation alone will resolve the water supply problem and will accomplish the purpose set forth in the application.

3. The project shall not be excessively expensive or cause unacceptably high environmental damage. The maximum loan amount for any one project shall be $3,000,000.

4. The project shall not conflict with any other State project nor enforcement proceedings.

5. The application must be accompanied by adequate explanation of how the applicant plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project. The applicant must comply with all standard loan provisions of the State of New Jersey.

6. The application documents shall clearly state and document how the loan will accomplish the goal set out in the application.

7. In cases where the project costs exceed the $3,000,000 maximum loan amount the application must be accompanied by a detailed financial assessment indicating how the applicant will finance and repay the entire project costs.

(b) A public meeting shall be held and pertinent project information disseminated to the public. The Department shall be responsible for holding this meeting.

7:1A-5.2 Priority determination

(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives, with those projects scoring the higher points preferred for funding.

(b) In order to be considered for funding a project must receive a minumum score of 100 priority points. Projects which receive a minimum score of 180 points will be considered "exigent" and will be processed for funding and the remainder of the competitive priority ranking provisions shall be waived except as noted in 7:1A-5.2(c).

(c) In cases where a project is classified "exigent" and processed for award but a notice of intent has not been issued **and** another project application is received and determined to have higher priority, the "exigent" project of lower priority score will be held and processed until after the higher scoring project is processed. In cases where a project attains "exigent" standing but sufficient loan funds are not available to cover the requested project costs, the Department may bypass the project to fund another "exigent" status project for which sufficient funds are available.

(d) Projects which receive the minimum priority score but do not obtain "exigent" status will be held over for the next competitive ranking determination. This determination will be made twice yearly, on January 2 and July 5 respectively, or the first working day thereafter unless extended as provided by N.J.A.C. 7:1A-2.4.

(e) Appropriations for each of the two annual application periods shall be 50 percent of the total annual water supply contamination program appropriations made by the Legislature to the Department.

1. Any appropriation not committed by a notice of intent to award, or released by a recalled Notice of Intent to Award, or by failure of applicant to execute loan documents within prescribed period, or through termination of project shall be carried over and added to the next application period appropriation.

(f) Priority points shall be awarded for the following three factors and in the amount shown below:

1. The total number of homes that will be serviced with potable water by the project will be calculated. The percentage of these homes that have confirmed levels of contaminants in excess of the maximum contaminant level (M.C.L.) will be calculated. The percentage of all homes that have confirmed levels of contaminants at or above twice the M.C.L. value will also be calculated.

i. The percentage of all homes to be serviced that at present are not above M.C.L. standards but can reasonably be expected to exceed that standard through continued contaminant movement, will be calculated. These three calculated percentages will be summed and the numerical value of the total will be equal to the points awarded for severity.

ii. Until the federal government or the State of New Jersey establishes final standards for volatile organics, the Department will use 100 parts per billion total volatile organic as the maximum contaminant level for volatile organics (V.O.).

2. In considering financial hardship, project costs and the relative income levels of those affected will be considered.

i. The total construction cost of the project shall be estimated as near as practicable. A full project cost shall be calculated as 120% of this estimate. This full project cost will be assumed to be financed over a nineteen year period at an interest rate to be determined by the Department. A yearly operation and maintenance (O&M) cost will be estimated. A yearly cost per service will be calculated based upon the sum of O&M and amortization of full project costs.

ii. The Median Family Income Level reported in the latest census for the municipality applying for the loan as well as the "low" and "moderate" family income levels established by the Federal Department of Housing and Urban Development for the municipality will be determined.

iii. A point system reflecting the degree of hardship will be used according to the following schedule:

Project Costs: 0 - $200/yr/service: 0 pts.
201 - $300/yr/service: 15 pts.
301 - $400/yr/service: 30 pts.
401 - $500/yr/service: 45 pts.
over - $501/yr/service: 60 pts.

Median Income Levels (M.I.L.)

For M.I.L. over $5,000 above established "moderate" level for area: 0 pts.

For M.I.L. less than $5,000 above established "moderate" level for the area but $5,000 above established low for area: 20 pts.

For M.I.L. less than $5,000 above established low for the area: 40 pts.

iv. The total priority points awarded for the financial burden will be the sum of points awarded for project costs plus those awarded for Median Income Levels.

3. Points will be awarded based upon the following schedule:

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For a project serving less than 50 people: 0 pts.

For a project serving less than 100 people but more than 49 people: 10 pts.

For a project serving 100 or more people: 20 pts.

(g) For ranking purposes the total priority score shall be the sum of points awarded for each of the three categories in N.J.A.C. 7:1A-5.2(f).

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 7:1G-1, 2, and 3 (except for 7:1G-2.13 and 3.1 which are not being repealed but recodified to 7:1A-4.1 and 4.2 respectively).

(a)

OFFICE OF SCIENCE AND RESEARCH

Worker and Community Right to Know Act Environmental Hazardous Substance List

Proposed New Rule: N.J.A.C. 7:1G-1,-2,-3, and -4 and -5

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

Authority: N.J.S.A. 34:5A-1 et seq. and N.J.S.A. 13:1D-9.

DEP Docket Number: 012-84-03.

Public hearings concerning this proposed new rule will be held at the following times and locations:

April 30, 1984
2:00 to 5:00 P.M. and 7:00 P.M. until the closing of testimony
Labor Education Center
Cook Campus
Rutgers, The State University
Ryder Lane
New Brunswick, New Jersey

May 2, 1984
2:00 to 5:00 P.M. and 7:00 until the closing of testimony
The Theatre in the Fine Arts Building
College of Arts and Sciences
Rutgers, The State University
Fourth and Linden Streets
Camden, New Jersey

Interested persons may submit in writing, data, views, or arguments relevant to the proposed new rule on or before May 9, 1984. These submissions and inquiries about submissions and responses, should be addressed to:

Dr. Judith Louis
New Jersey Department of Environmental Protection
Office of Science and Research
CN 402
Trenton, New Jersey 08625
(609) 984-6070

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.

Copies of this notice and background material and reference sources, may be obtained from the Department and will be available for inspection until May 3, 1984, during regular operating hours at:

State Library
Reference Department
New Jersey State Library
185 West State Street
Trenton, New Jersey 08625

County Libraries

County	Municipality
Burlington	Mount Holly
Camden	Echelon Urban Complex, Voorhees
Cape May	Cape May Court House
Cumberland	Bridgeton
Hunterdon	Flemington
Monmouth	Freehold
Morris	Whippany
Ocean	Toms River
Somerset	Somerville
Sussex	Newton

Public Libraries

Bloomfield, Cherry Hill, East Brunswick, East Orange, Elizabeth, Hackensack, Jersey City, Linden, New Brunswick, Newark, Paterson, Phillipsburg, Plainfield, Ridgewood, Salem, Trenton, Wayne, Woodbridge, and Woodbury.

This proposal is known as PRN 1984-180.

The agency proposal follows:

Summary

By this notice, the Department of Environmental Protection (hereinafter referred to as "Department", as appropriate), is proposing several actions pursuant to the Worker and Community Right to Know Act, P.L. 1983 c.315, N.J.S.A. 34:5A-1 et seq. (hereinafter referred to as the "Act"):

1. The Department is proposing for adoption a new rule, N.J.A.C. 7:1G, by which it would designate an "Environmental Hazardous Substance List" for use in completing the Environmental Survey, designate a "Hazardous Materials List", and establish requirements for the completion of an "Emergency Services Information (ESI) Survey" about Hazardous Materials present at specified facilities in the State;

2. The Department is providing the public with advance notice of the procedure it intends to follow concerning distribution of the "Environmental Survey" about "Environmental Hazardous Substances" and the ESI Survey; and

3. The Department is providing the public with information concerning the documented scientific evidence gathered during the development of the Environmental Hazardous Substance List.

Materials available for inspection at the above locations include copies of the Act and survey forms, additional information on the development of the Environmental Hazardous Substance List, and a listing of Standard Industrial Classification (SIC) codes.

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I. Summary of the Act

On August 29, 1983, Governor Thomas H. Kean signed the Worker and Community Right to Know Act (P.L. 1983 c.315). The Act becomes effective on August 29, 1984. It establishes a "comprehensive program for the disclosure of information about hazardous substances in the workplace and the community", and provides "a procedure whereby residents of the State may gain access to this information." (Section 2 of the Act.) The four departments of State government responsible for administering the Act are the Departments of Environmental Protection, Health, Labor, and Treasury.

The Department of Health is required to develop two hazardous substance lists: a workplace hazardous substance list and a special health hazardous substance list. The latter list contains particularly dangerous substances for which no trade secret claims will be allowed. The Department of Health is further required to develop a workplace survey to assist employers in reporting the hazardous substances in use at their facilities. In addition, the Department of Health is required to send employers fact sheets for each hazardous substance identified on a completed survey.

The Department of Labor is responsible for the distribution of the Workplace Survey to employers, investigation of employee complaints, and assessment of fees.

The Act establishes a Worker and Community Right to Know Fund in the Department of Treasury. Fees assessed on employers will be deposited in the Fund and used for the administration of the Act.

The Department of Environmental Protection is required to develop an Environmental Hazardous Substance List. The Act also requires the Department to prepare and distribute an Environmental Survey to those employers it determines should comply with the Act.

The Act applies to employers having a Standard Industrial Classification (SIC) code within Major Group Numbers 20-39, 46-49, 51, 75, 76, 80, 82 and 84 (hereinafter referred to as "employer" or "employers").

Employers are required to:

1) Report to the Department of Health those hazardous substances present at their places of business;

2) Maintain a file of basic safety information (supplied by the Department of Health) about these hazardous substances for their employee's use;

3) Provide their employees with education and training on how to handle these substances;

4) Label containers containing hazardous substances within 18 months, and all containers within three years, with the chemical name of their contents;

5) Disclose to the Department of Environmental Protection basic information concerning the storage, treatment, and emission into the environment of hazardous substances.

All disclosed information on hazardous substances will be available to employees at the workplace. Members of the community may obtain this information from county health departments, and from the State Department of Health and Department of Environmental Protection. Local police and fire departments will also receive information on Hazardous Materials to help them plan for and respond to emergencies involving hazardous substances.

II. Trade Secrets

The Act allows employers to protect legitimate proprietary information by allowing them to make a trade secret claim regarding any information required to be disclosed in an Environmental Survey or the Department of Health's workplace survey, except for the identity of a special health hazard substance or information concerning emissions. The Department of Environmental Protection and the Department of Health intend to jointly propose regulations concerning trade secrets in the spring of 1984. Additional regulations may be proposed concerning trade secret claims for information required to be disclosed on the Emergency Services Information (ESI) Survey.

III. The Environmental Survey

The Department will conduct the Environmental Survey by distributing survey forms to employers. Due to the extensive nature of the information required, the Department will conduct the Environmental Survey by way of a short form (Part I) and a long form (Part II). Part I will ask the employer to enter the code for a response to four (4) questions about each Environmental Hazardous Substance present at the facility. Part II will require employers to furnish detailed information and data for over 22 questions on each Environmental Hazardous Substance. All employers will be sent the short form, and selected employers will receive the long form.

While the Act requires the Department to send an Environmental Survey to employers, it does not require the Department to send a survey to every employer. The Act provides:

"Within five days of the effective date of this act (that is by September 5, 1984) the Department of Environmental Protection shall transmit an environmental survey to each employer who(se) business activities, according to criteria developed by the department, warrant the reporting of the information required on the environmental survey. The department may transmit an environmental survey to every employer." (Section 6(b) of the Act, Material in parentheses added.)

Part I "short form"—The Department proposes to begin a phased distribution of the Environmental Survey. Beginning September 5, 1984, the "short form" (Part I) Environmental Survey will be sent to all employers at a rate of approximately 10,000 per month. Since the master file of employers supplied by the Department of Labor contains approximately 40,000 employers, the Department anticipates it will complete distribution of Part I in four months.

Employers will be required to complete the following information on Part I: the names of the Environmental Hazardous Substances present at the facility, the range of the maximum inventory quantity of each Environmental Hazardous Substance, the unit of measure, the major method of storage or type of storage container and whether the substance is present in a mixture.

Employers will be required to transmit a copy of the completed Part I form to the Department of Environmental Protection and to the county health department (or county clerk if there is no health department). The Department of Environmental Protection intends to supply the employer with the appropriate county address. Employer compliance will be required within 90 days of receipt of a form from the Department.

Part II "long form"—The Department proposes to select employers whose business activities warrant complete reporting after a review of the information provided in Part I, however, the Department will develop a subset of employers to receive the Part II form at an earlier date based on the following considerations: Whether the employer is a major hazardous waste generator, whether the employer is a major producer of Environmental Hazardous Substances based on

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information reported on the Industrial Survey under N.J.A.C. 7:1F, Standard Industrial Classification (SIC) code, Department enforcement investigations, proximity to environmentally sensitive areas, population density in vicinity of facility, facilities which did not respond to the Industrial Survey, areas under public health investigations, number of employees at a facility, areas with a high incidence of disease, and a determination that such information would enable the Department to carry out its responsibilities under federal and State law.

In order to enable employers to report the use and environmental release of Environmental Hazardous Substances at their facilities, the Department will use a printed Part II "long form". The Act requires that information on the Environmental Survey include, but not be limited to twelve categories:

1. The chemical name and Chemical Abstracts Service number of the environmental hazardous substance;
2. A description of the use of the environmental hazardous substance at the facility;
3. The quantity of the environmental hazardous substance produced at the facility;
4. The quantity of the environmental hazardous substance brought into the facility;
5. The quantity of the environmental hazardous substance consumed at the facility;
6. The quantity of the environmental hazardous substance shipped out of the facility as or in products;
7. The maximum inventory of the environmental hazardous substance stored at the facility, the methods of storage, and the frequency and methods of transfer;
8. The total stack or point-source emissions of the environmental hazardous substance;
9. The total estimated fugitive or non point-source emissions of the environmental hazardous substance;
10. The total discharge of the environmental hazardous substance into the surface or groundwater, the treatment methods, and the raw wastewater volume and loadings;
11. The total discharge of the environmental hazardous substance into publicly owned treatment works;
12. The quantity and methods of disposal, of any wastes containing an environmental hazardous substance, the method of on-site storage of these wastes, the location or locations of the final disposal site for these wastes, and the identity of the "hauler of the wastes." (Section 3(k) of the Act.)

Employers will be required to transmit a copy of the completed "long form" to the Department and to the county health department (or county clerk if there is no health department). The Department of Environmental Protection intends to supply the employer with the appropriate county address. Employer compliance will be required within 90 days of receipt of a form from the Department. The Department will attempt to provide assistance, as requested.

IV. Emergency Services Information (ESI) Survey

The Department will require each employer to complete a separate survey, called an Emergency Services Information (ESI) Survey, about Hazardous Materials present at his facilities. Since the extent of the safety risk posed by these materials is related to the quantity of the substance and the type of container, the Department will require the following information:

The name of the Hazardous Material and its corresponding United Nations (U.N.) number, the United States Department of Transportation designated hazard class of the material, the approximate range of the maximum inventory, the unit of measure, the major method of storage or type of storage container, and whether the material is present in a mixture.

By limiting the requested information on Hazardous Materials, the Department will be able to fulfill the legislative intent without requiring employers to provide detailed environmental release information on substances not necessarily deemed to be environmental hazards.

Employers will be required to transmit a completed copy of the completed ESI Survey to the local fire department and the local police department and to the Department of Environmental Protection. Employer compliance will be required within 90 days of receipt of a form from the Department.

V. The Hazardous Materials List

One of the major purposes of the Act is to provide local health, fire, police, safety, and other government officials with detailed information about hazardous substances used and stored in their communities so that they can respond to emergencies and enforce compliance with applicable laws and regulations. There are numerous substances with may pose problems for emergency response personnel, but which are not likely to be environmental health hazards in non-emergency situations.

In order to gather information on these substances, the Department is proposing regulations which establish a list of Hazardous Materials in N.J.A.C. 7:1G-4, as distinct from Environmental Hazardous Substances in N.J.A.C. 7:1G-2. The Department further proposes a rule to require the reporting of Hazardous Materials on a separate survey form - the Emergency Services Information (ESI) Survey, N.J.A.C. 7:1G-5.

For the purpose of N.J.A.C. 7:1G-4 and -5, the Department proposes to define Hazardous Materials as those substances listed by the United States Department of Transportation (USDOT) on the Optional Materials Table in Title 49 of the Code of Federal Regulations, Part 172.102, as amended by publication in the Federal Register, 48 Fed. Reg. Vol. 48, No. 211, pp. 50234 - 50279 (Oct. 31, 1983). The Department of Environmental Protection proposes to adopt the USDOT list, as amended, by reference.

Amendments by the USDOT to its above-cited list shall become amendments to the Department of Environmental Protection's Hazardous Materials list upon publication of a notice of such amendment in the New Jersey Register. Any other amendments to the Department of Environmental Protection Hazardous Materials list will be in accordance with the notice and comment rulemaking requirements of the Administrative Procedure Act.

The Worker and Community Right to Know Act contemplates that there will be a periodic revision to the Environmental Hazardous Substance List. It establishes a Right to Know Advisory Council which shall advise the Department on revision to such list. The Department's future determinations on whether to add substances as Environmental Hazardous Substances will be based, in part, on the level of use of substances in the State. As a method of obtaining this use information, the Department will evaluate information reported on the Hazardous Materials at facilities throughout the State.

VI. Environmental Hazardous Substances List

The Act directs the Department of Environmental Protection to develop an Environmental Hazardous Substance List which: "shall include, but not be limited to, substances used, manufactured, stored, packaged, repackaged, or disposed of or released into the environment of the State which, in the

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department's determination, may be linked to the incidence of cancer; genetic mutations; physiological malfunctions, including malfunctions in reproduction; and other diseases; or which, by virtue of their physical properties, may pose a threat to the public health and safety. The department shall base the environmental hazardous substance list on the list of substances developed and used by the department for the purposes of the Industrial Survey Project, established pursuant to P.L. 1970, c.33 (C.13D-1 et seq.) and P.L. 1977, c.74 (C.58:10A-1 et seq.), and may include other substances which the department, based on documented scientific evidence determines pose a threat to the public health and safety." (Section 4(a) of the Act.)

The Department proposes to include 153 substances on the Environmental Hazardous Substance List; 97 were retained from the Selected Substances List of the Industrial Survey Project and 56 other substances were added which pose a potential threat to public health and safety.

The Department established the following criteria to be used in developing the Environmental Hazardous Substance List and determined that it would include substances which met both criteria.

Criteria 1: Evidence of a significant rate of use, production, or importation in New Jersey or the United States. The Department considered 10,000 pounds per year in the State or the country to be significant; and

Criteria 2: Evidence of at least one of the following health or environmental effects: carcinogenicity, teratogenicity, mutagenicity, other chronic toxic effects, acute toxicity, persistence, or ability to bioaccumulate.

The Department reviewed documented scientific evidence in order to determine which substances would meet the above criteria. The Department considered the following to be documented scientific evidence: technical information appearing in the available literature, MEDLARS computerized databases, the New Jersey Industrial Survey Project, and data submitted and collected by other government agencies.

The Department established standards for use in determining whether a candidate substance met the above criteria. These standards were established after reviewing documented scientific evidence. These standards or "categories" were found to be widely accepted in the scientific community. What follows is a summary of categories used in evaluating candidate substances. The categories (A through L) are not arranged in any order of priority. Within each category, however, the Department lists subcategories in order of importance.

Immediately following the table of "categories", is an extensive summary of the Department's basis for proposing Environmental Hazardous Substances. The table should be referred to in examining this summary.

VII. Environmental Hazardous Substance List - Categories

A. Production, Use, and Imports

1. Substantial - Greater than or equal to 1 million lbs/yr.
2. Moderate - Greater than or equal to 10 thousand lbs/yr and less than 1 million lbs/yr.
3. Minor - Greater than or equal to 1000 lbs/yr and less than 10 thousand lbs/yr.
4. Insignificant - Less than 1000 lbs/yr.

B. Carcinogenic Evidence

1. Human* - Sufficient epidemiological evidence, which indicates that there is a causal relationship between the substance and human cancer.
2. Human-Suspect* - Sufficient epidemiological evidence, which indicates that a causal interpretation is credible, but that alternative explanations, such as chance, bias or uncertainty due to multiple influences, could not adequately be excluded.
3. Animal* - Sufficient evidence of carcinogenicity, which indicates that there is an increased incidence of malignant tumors: (a) in multiple species or strains; or (b) in multiple experiments (preferably with different dose levels); or (c) to an unusual degree with regard to incidence, site or type of tumor, or age at onset. Additional evidence may be provided by data on dose-response effects.
4. Animal-Suspect* - Limited evidence of carcinogenicity, which means that the data suggest a carcinogenic effect but are limited because: (a) the studies involve a single species, strain, or experiment; or (b) the experiments are restricted by inadequate dosage levels, inadequate duration of exposure to the agent, inadequate period of follow-up, poor survival, too few animals, or inadequate reporting; or (c) the neoplasms produced often occur spontaneously and, in the past have been difficult to classify as malignant based on tissue characteristics alone.
5. Animal-Cocarcinogen - A cocarcinogen increases the overall carcinogenic process when administered with the carcinogen.
6. Animal-Promoter - A promoter increases the tumorigenic response when administered after the carcinogen.

* Derived from IARC Monographs of the evaluation of the Carcinogenic Risk of Chemicals to Humans, Supplement 4, International Agency for Research on Cancer, World Health Organization, October, 1982.

C. Mutagenic Evidence

1. In vivo - Mammalian - Alteration of the genetic material of a live mammal following exposure.
2. In vivo - Other - Alteration of the genetic material of a live non-mammalian organism following exposure.
3. Host-mediated assay - Alteration of the genetic material in indicator cells (e.g., bacteria, mammalian, human white blood cells) implanted in a host animal which is treated with the test agent and then acts as the source of chemical biotransformation.
4. In vitro - Mammalian cell - Alteration of the genetic material in cultured mammalian cells.
5. In vitro - Microorganisms - Alteration of the genetic material in cultured microorganisms (e.g. bacteria, yeast).
6. Chromosomal aberrations - Deviations from normal chromosomal structure, including breaks, gaps, rearrangements and fragments, sister chromatid exchange and change in chromosome number. Only in vivo experiments were considered under this category.

D. Teratogenic Evidence - A teratogen is any substance that can cause a structural, biochemical, or functional abnormality in the developing fetus.

1. Human - Epidemiological study with statistical validation.
2. Animal - Teratogenic effects observed in 2 species - 1 rodent and 1 non-rodent
3. Animal - Suspected - Teratogenic effects observed in 1 species and/or at high doses.

E. Embryotoxicity - An embryotoxic substance is one which can cross the placenta and exert a damaging effect on the developing embryo resulting in either stillbirth or reduced birth weight.

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F. Fertility and other reproductive effects - Includes sterility, reduced number of offspring, reduced sperm function and counts, impotence and reduced libido, menstrual effects, spontaneous abortions, absorption of the early embryo by the body, premature births, and changes in sex ratio.

G. Other Chronic Health Effects - Includes neurotoxicity impairment of hemopoietic system, organ dysfunction, and behavioral effects.

H. Acute Toxicity - Toxic effects induced by a single exposure or a multiple exposure occurring within a short time (24 hours or less) on a living organism.

I. Detection in Environmental Media
1. Frequent - Present in greater than or equal to 10% of all samples.
2. Moderate - Present in greater than or equal to 1% and less than 10% of all samples.
3. Infrequent - Present in less than 1% of all samples.

J. Bioaccumulation - Refers to the sorption and storage of the unchanged chemical by an organism.
1. Known - Determined by the direct measurement of an organism.
2. Potential - Based on physiochemical parameters, such as log octanol/water partition coefficient.

K. Persistence - The tendency of a substance to remain in the environment and retain its physical, chemical, and functional characteristics without undergoing degradation or transformation. It is measured by "half-life" which is the time required for a given concentration of a substance to be reduced by 50%.
1. High - A half-life greater than 6 months.
2. Moderate - A half-life of from 48 hours to 6 months.
3. Low - A half-life of less than 48 hours.

L. Regulated
1. State 2. Federal

VIII. Summary of Findings for Candidate Substances

Below is a summary of the Department's findings for each of the candidate chemical substances considered for inclusion on the Environmental Hazardous Substance List. The chemicals reviewed were classified according to their chemical group. Chemicals within a group, therefore, have similar structures. These groups are arranged alphabetically, as are chemicals within each group. Common synonyms are listed when applicable, and for some groups, the salts of certain chemicals have been included. In addition, the Chemical Abstract Services (CAS) number is listed. The CAS number is a unique identifier for each chemical substance. For each candidate chemical substance, one of four proposed actions is listed. They are:
1. "Retain"- means a candidate is on the Selected Substances List, N.J.A.C. 7:1F, and is proposed as an Environmental Hazardous Substance.)
2. "Delete"- means a candidate is on the Selected Substances List and is not proposed as an Environmental Hazardous Substance.
3. "Include"- means a candidate is not on the Selected Substances List and is proposed as an Environmental Hazardous Substance.
4. Insufficient data for inclusion at this time.
Compounds originally on the Selected Substances List are denoted by an asterisk (*).

Chemical (Synonyms) (CAS Number)	Basis for Proposed Action	Proposed Action
1. ACIDS & ACID CHLORIDES		
Acrylic acid (79-10-7)	Production-substantial in US Teratogenic evidence-animal suspect Embryotoxicity Regulated-Federal	Include
Benzoyl chloride (98-88-4)	Production & imports-substantial in US Carcinogenic evidence-human suspect Regulated-Federal	Include
Dimethylcarbamoyl chloride (79-44-7)	Production-insignificant in US Carcinogenic evidence-animal Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Insufficient data for inclusion at this time
Phosgene* (75-44-5)	Production & use-substantial in NJ Acute toxicity-human Regulated-Federal	Retain
2. ALDEHYDES		
Acetaldehyde (75-07-0)	Production-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
Acrolein* (107-02-8)	Production-substantial in US Use-moderate in NJ Mutagenic evidence-in vitro mammalian & microorganisms Acute toxicity-aquatic biota Regulated-Federal	Retain
Formaldehyde* (50-00-0)	Production & use-substantial in NJ Carcinogenic evidence-animal Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Retain
3. ALIPHATIC HYDROCARBONS		
Butadiene (106-99-0)	Production-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganism Regulated-Federal	Include
4. AMIDES		
Acetamide* (60-35-5)	Production & use-none in NJ Carcinogenic evidence-animal suspect	Delete
Benzamide* (55-21-0)	Production & use-none in NJ	Delete
5. ANHYDRIDES		
Maleic anhydride* (108-31-6)	Production & use-substantial in NJ Regulated-Federal	Delete
Phthalic anhydride (85-44-9)	Production-unknown amount in US Regulated-Federal	Insufficient data for inclusion at this time
6. AROMATIC AMINES		
Aniline* (62-53-3)	Production-substantial in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro mammalian Regulated-Federal	Retain
o-Anisidine (o-Methoxyaniline) (90-04-0) .HCl (134-29-2)	Imports-substantial in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
p-Anisidine (p-Methoxyaniline) (104-94-9) .HCl (20265-97-8)	Imports-moderate in US Regulated-Federal	Insufficient data for inclusion at this time
Benzidine* (92-87-5) .HCl (14414-63-7) .2HCl (531-85-1) .H_2SO_4 (531-86-2)	Production and use-none in NJ Imports-minor in US Carcinogenic evidence-human Carcinogenic evidence-animal Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Delete
2-Biphenylamine (90-41-5) .HCl (2185-92-4)	Production & use-unknown amount in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Insufficient data for inclusion at this time
4-Chloro-m-phenylenediamine (5131-60-2)	Production & use-unknown amount in US Imports-moderate Regulated-Federal	Insufficient data for inclusion at this time
4-Chloro-o-phenylenediamine (95-83-0)	Production & use-minor (1 NJ manufacturer) Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
p-Cresidine (5-Methyl-o-anisidine) (120-71-8)	**Production & imports-substantial in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms**	**Include**
2,4-Diaminoanisole (615-05-4) .H_2SO_4 (39156-41-7)	Production-one NJ producer listed Use-moderate in US Carcinogenic evidence-animal Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
2,4-Diaminotoluene* (95-80-7)	Use-moderate in NJ Carcinogenic evidence-animal Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro microorganisms Regulated-Federal	Retain

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Chemical (Synonyms) (CAS Number)	Basis for Proposed Action	Proposed Action
2,5-Dichloroaniline (95-82-9)	Production & use-none reported Regulated-Federal	Insufficient data for inclusion at this time
3,4-Dichloroaniline (95-76-1)	Production-unknown amount in US (one NJ producer listed) Regulated-Federal	Insufficient data for inclusion at this time
3,3'-Dichlorobenzidine* (91-94-1) .2HCl (612-83-9)	Use-substantial in NJ Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Retain
3,3'-Dimethylbenzidine (o-Tolidine) (119-93-7) .2HCl (612-82-8)	Imports-moderate in US Carcinogenic evidence-animal suspect Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
4,4'-Methylene bis(2-chloroaniline)* (MOCA) (101-14-4)	Production-substantial in NJ Carcinogenic evidence-animal Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Retain
4,4'-Methylenebis-(N,N-dimethyl) benzenamine (101-61-1)	Production-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro microorganisms	Include
4,4'-Methylenedianiline (101-77-9) .2HCl (13552-44-8)	Production & imports-moderate in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
1,5-Naphthalenediamine (2243-62-1)	Production & use-none in US Imports-minor in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Insufficient data for inclusion at this time
1-Naphthylamine* (134-32-7)	Production-substantial in NJ Mutagenic evidence-in vitro mammalian & microorganisms Acute toxicity-aquatic biota Regulated-Federal	Retain
2-Naphthylamine* (91-59-8)	Production & imports-none in US Carcinogenic evidence-human Carcinogenic evidence-animal Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Delete
5-Nitro-o-anisidine (99-59-2)	Production & imports-moderate in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Include
2,2',5,5'-Tetra-chlorobenzidine (15721-02-5)	Production-none in US Imports-minor in US Mutagenic evidence-in vitro microorganisms	Insufficient data for inclusion at this time
4,4'-Thiodianiline (139-65-1)	Production-unknown amount in US (one NJ manufacturer listed) Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Fertility effects	Include
o-Toluidine (2-Aminotoluene) (95-53-4) .HCl (636-21-5)	Production & imports-substantial in US (one NJ producer listed) Carcinogenic evidence-animal Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
2,4,5-Trimethylaniline (137-17-7) .HCl (21436-97-5)	Production & imports-none Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Insufficient data for inclusion at this time
2,4,6-Trimethylaniline (88-05-1) .HCl (6334-11-8)	Production & imports-none	Insufficient data for inclusion at this time
2,6-Xylidine (2,6-Dimethylaniline) (87-62-7) .HCl (21436-98-6)	Production-minor in US Imports-moderate in US Carcinogenic evidence-animal suspect Regulated-Federal	Include
7. AROMATIC HYDROCARBONS		
Anthracene* (120-12-7)	Use-substantial in NJ Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro mammalian & microorganisms Bioaccumulation-potential Regulated-Federal	Retain
Benzene* (71-43-2)	Production & use-substantial in NJ Carcinogenic evidence-human Mutagenic evidence-Chromosomal aberrations Detection in environmental media-frequent Regulated-Federal & State	Retain
Biphenyl* (92-52-4)	Use-substantial in NJ Mutagenic evidence-in vitro mammalian Regulated-Federal	Retain
Cumene (98-82-8)	Production & imports-substantial in US Detection in environmental media-frequent High photochemical reactivity Regulated-Federal	Include
Dibenzofuran (132-64-9)	Production-none	Insufficient data for inclusion at this time
Ethylbenzene* (100-41-4)	Production & use-substantial in NJ Detection in environmental media-frequent High photochemical reactivity Regulated-Federal	Retain
Naphthalene* (91-20-3)	Production & use-substantial in NJ Other chronic health effects Detection in environmental media-moderate Bioaccumulation-known Regulated-Federal	Retain
Styrene (100-42-5)	Production & imports-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo insect Mutagenic evidence-in vitro microorganisms Mutagenic evidence-Chromosomal aberrations Detected in air-frequent High photochemical reactivity Regulated-Federal	Include
Toluene* (108-88-3)	Production & use-substantial in NJ Detection in environmental media-frequent High photochemical reactivity Regulated-Federal	Retain
Xylenes (1330-20-7)	Production & imports-substantial in US Detected in air-frequent High photochemical reactivity Regulated-Federal	Include
8. AZO COMPOUNDS		
p-Aminoazobenzene* (60-09-3)	SEE DYES-C.I. Solvent Yellow 1	
Diazomethane (334-88-3)	Use-no commercial use Carcinogenic evidence-animal suspect Regulated-Federal	Insufficient data for inclusion at this time
9. CARBAMATES		
Urethane (Ethyl carbamate) (51-79-6)	Production-unknown amount in US (one NJ manufacturer listed) Carcinogenic evidence-animal Mutagenic evidence-in vivo mammalian & insect Mutagenic evidence-in vitro mammalian & microorganisms Teratogenic evidence-animal suspect Embryotoxicity	Include
10. DYES		
C.I. Acid Blue 1* (C.I. Food Blue 3) (129-17-9)	Use-insignificant in NJ Carcinogenic evidence-animal suspect	Delete
C.I. Acid Blue 9* (2650-18-2)	Use-moderate in NJ Carcinogenic evidence-animal suspect	Retain
C.I. Acid Green 3* (C.I. Food Green 1) (Guinea Green B) (4680-78-8)	Use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Retain
C.I. Acid Green 5* (C.I. Food Green 2) (5141-20-8)	Production & use-minor in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Delete
C.I. Basic Green 4* (Malachite Green) (569-64-2)	Use-moderate in NJ Acute toxicity-aquatic biota Mutagenic evidence-in vitro microorganisms	Retain
C.I. Basic Red 1* (Rhodamine 6G) (989-38-8)	Production & imports-moderate in US Use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Retain
C.I. Direct Black 38* (1937-37-7)	Production-moderate in NJ Carcinogenic evidence-human suspect Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Embryotoxicity	Retain
C.I. Direct Blue 6* (2602-46-2)	Production-moderate in NJ Carcinogenic evidence-human suspect Carcinogenic evidence-animal Teratogenic evidence-animal	Retain
C.I. Direct Brown 95* (16071-86-6)	Production-moderate in NJ Carcinogenic evidence-animal suspect	Retain
C.I. Disperse Orange 11 (1-Amino-2-methylanthraquinone) (82-28-0)	Production and use-none in US Carcinogenic evidence-animal suspect	Insufficient data for inclusion at this time
C.I. Disperse Yellow 3* (C.I. Solvent Yellow 77) (2832-40-8)	Use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-Chromosomal aberrations	Retain
C.I. Food Red 5* (Ponceau MX) (3761-53-3)	Use-moderate in NJ Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms	Retain
C.I. Food Red 6* (Ponceau 3R) (3564-09-8)	Production & use-None in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms	Delete
C.I. Food Red 15* (Rhodamine B) (81-88-9)	Production & use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Retain
C.I. Solvent Orange 2* (Oil Orange SS) (2646-17-5)	Use-insignificant in NJ Carcinogenic evidence-animal	Delete
C.I. Solvent Orange 7* (Sudan II) (3118-97-6)	Production-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Retain
C.I. Solvent Red 80*	Production & use-none in NJ	Delete

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Chemical (Synonyms) (CAS Number)	Basis for Proposed Action	Proposed Action
(Citrus Red No. 2) (6358-53-8)	Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	
C.I. Solvent Yellow 1* (p-Aminoazobenzene) (60-09-3)	Production & use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro mammalian & microorganisms	Retain
C.I. Solvent Yellow 2* (DAB) (Butter Yellow) (60-11-7)	Production & use-none in NJ Carcinogenic evidence-animal Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Delete
C.I. Solvent Yellow 3 (2-Amino-5-azoto luene) (97-56-3)	Production-unknown amount in US (four NJ producers listed) Carcinogenic evidence-animal Mutagenic evidence-in vitro mammalian & microorganisms	Include
C.I. Solvent Yellow 14* (Sudan I) (842-07-9)	Production-moderate in NJ Carcinogenic evidence-animal suspect	Retain
C.I. Vat Yellow 4* (128-66-5)	Production-moderate in NJ Carcinogenic evidence-animal suspect	Retain
11. EPOXIDES		
1,2-Butylene oxide (1,2-Epoxybutane) (106-88-7)	Production-substantial in US Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
Diepoxybutane* (1464-53-5)	Production & use-none in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo insect Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro microorganisms Regulated-Federal	Delete
Diglycidyl resorcinol ether (101-90-6)	Production-none in US Regulated-Federal	Insufficient data for inclusion at this time
Epichlorohydrin* (1-Chloro-2,3-epoxypropene) (106-89-8)	Use-substantial in NJ Carcinogenic evidence-animal Mutagenic evidence-in vivo insect Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal & State	Retain
Ethylene oxide (EtO) (75-21-8)	Production & imports-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo mammalian & insects Mutagenic evidence-in vitro mammalian & microorganisms Mutagenic evidence-Chromosonal aberrations Embryotoxicity Fertility effects Regulated-Federal	Include
Glycidaldehyde (2,3-Epoxypropanal) (765-34-4)	**Production-none in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Regulated-Federal**	**Insufficient data for inclusion at this time**
Glycidol (1,2-Epoxy-3-hydroxy-propane) (556-52-5)	Production-minor in US Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
Propylene oxide* (75-56-9)	Use-substantial in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo insect Mutagenic evidence-in vitro microorganisms Regulated-Federal	Retain
Styrene oxide (96-09-3)	Production-moderate in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo insect Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
Vinyl cyclohexene dioxide 1-Epoxyethyl-3,4-epoxycyclohexane) (106-87-6)	Production-unknown amount in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
12. STERS		
Allyl isovalerate (2835-39-4)	Production-minor in US Carcinogenic evidence-animal suspect Regulated-Federal	Insufficient data for inclusion at this time
Bis(2-ethylhexyl)-adipate (103-23-1)	Production-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo mammalian Fertility effects Regulated-Federal	Include
Bis(2-ethylhexyl)-phthalate* (117-81-7)	Production & use-substantial in NJ Carcinogenic evidence-animal Mutagenic evidence-in vivo mammalian Teratogenic evidence-animal suspect Embryotoxicity Fertility effects Bioaccumulation-known Regulated-Federal	Retain
Butyl benzylphthalate* (85-68-7)	Production & use-substantial in NJ Bioaccumulation-known Regulated-Federal	Retain
Diallyl phthalate (131-17-9)	Production-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
Di-n-butyl phthalate* (84-74-2)	Production & use-substantial in NJ Teratogenic evidence-animal suspect Bioaccumulation-known Regulated-Federal	Retain
Diethyl phthalate* (84-66-2)	Use-substantial in NJ Teratogenic evidence-animal suspect Regulated-Federal	Retain
Dimethyl phthalate* (131-11-3)	Production-substantial in US Use-moderate in NJ Teratogenic evidence-animal suspect Regulated-Federal	Retain
Di-n-octyl phthalate* (117-84-0)	Use-substantial in NJ Teratogenic evidence-animal suspect Bioaccumulation-known Regulated-Federal	Retain
Methylmethacrylate (80-62-6)	Production & imports-substantial in US Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
Vinyl acetate (108-05-4)	Production-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
13. ETHERS & LACTONES		
Bis (2-chloroethyl) ether* (Dichloroethyl ether) (111-44-4)	Use-insignificant in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro microorganisms Regulated-Federal	Delete
Bis(2-chloromethyl) ether* (542-88-1)	Production-none in US Carcinogenic evidence-human Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Delete
Bis(2-chloro-1-methylethyl) ether (Dichloroisopropyl ether) 108-60-1)	Production-significant in US Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
2-Chloroethyl vinyl ether (110-75-8)	Production-unknown amount in US Regulated-Federal	Insufficient data for inclusion at this time
Chloromethyl methyl ether (107-30-2)	Production-unknown amount in US Carcinogenic evidence-human Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
Decabromodiphenyl oxide* (Decabromobiphenyl ether) (1163-19-5)	Production-substantial in NJ Use-moderate in NJ Teratogenic evidence-animal suspect	Retain
4,4'-Diaminodiphenyl ether (101-80-4)	Imports-moderate in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms	Include
1,4-Dioxane* (123-91-1)	Production & use-moderate in US Carcinogenic evidence-animal Regulated-Federal & State	Retain
beta-Propiolactone* (57-57-8)	Production-insignificant in US Carcinogenic evidence-animal Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Delete
Safrole (94-59-7)	Production & imports-substantial in US Carcinogenic evidence-animal Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
Tetrahydrofuran (THF) (109-99-9)	Production-unknown amount in US Regulated-Federal	Insufficient data for inclusion at this time
14. HALOGENATED ALKANES		
Bromoform* (75-25-2)	Use-minor in NJ Mutagenic evidence-in vitro microorganisms Detection in environmental media-infrequent Regulated-Federal	Delete
Carbon tetrachloride* (56-23-5)	Production & use-moderate in NJ Carcinogenic evidence-animal Embryotoxicity Detection in environmental media-moderate to frequent Regulated-Federal & State	Retain
Chloroform* (67-66-3)	Production-minor in NJ Use-substantial in NJ Carcinogenic evidence-animal Embryotoxicity Detection in environmental media-frequent Regulated-Federal & State	Retain
1,2-Dibromo-3-chloropropane* (DBCP) (96-12-8)	Production & use-none Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Fertility effects Regulated-Federal (Prohibited Pesticides)	Delete

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Chemical (Synonyms) (CAS Number)	Basis for Proposed Action	Proposed Action
1,2-Dibromoethane* (Ethylene dibromide) (EDB) (106-93-4)	Production & use-substantial in NJ Carcinogenic evidence-animal Mutagenic evidence-in vivo insects & plants Mutagenic evidence-in vitro mammalian & microorganisms Detection in environmental media-moderate to frequent Regulated-Federal & State	Retain
Dichlorobromomethane* (75-27-4)	Production & use-none in US Detection in environmental media moderate to frequent Regulated-Federal	Delete
1,1-Dichloroethane (75-34-3)	Production & use-none reported Detection in environmental media-frequent Regulated-Federal	Insufficient data for inclusion at this time
1,2-Dichloroethane* (107-06-2)	Production-moderate in NJ Use-substantial in NJ Carcinogenic evidence-animal Mutagenic evidence-in vivo insects & plants Mutagenic evidence-in vitro microorganisms Detection in environmental media-moderate to frequent Regulated-Federal & State	Retain
Dichloromethane* (Methylene chloride) (75-09-2)	Use-substantial in NJ Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro microorganisms Detection in environmental media-frequent Regulated-Federal & State	Retain
1,2-Dichloropropane* (78-87-5)	Production-substantial in US Mutagenic evidence-in vitro microorganisms Detection in environmental media-infrequent Regulated-Federal & State	Retain
Ethyl chloride (Chloroethane) (75-00-3)	Production-substantial in US Detection in environmental media-frequent (air) Regulated-Federal	Insufficient data for inclusion at this time
Hexachloroethane* (67-72-1)	Use-moderate in NJ Carcinogenic evidence-animal suspect Regulated-Federal	Retain
Methyl bromide* (74-83-9)	Use-moderate in NJ Regulated-Federal & State	Delete
Methyl chloride* (74-87-3)	Production & use-substantial in NJ Detection in environmental media-frequent (air) Regulated-Federal	Delete
Methyl iodide (74-88-4)	Production-moderate in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
1,1,2,2-Tetrachloroethane* (79-34-5)	Production-minor in NJ Use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Teratogenic evidence-animal suspect Detection in environmental media-infrequent to moderate Regulated-Federal & State	Retain
1,1,1-Trichloroethane* (Methyl chloroform) (71-55-6)	Use-substantial in NJ Mutagenic evidence-in vitro microorganisms Detection in environmental media-frequent Regulated-Federal & State	Retain
1,1,2-Trichloroethane* (79-00-5)	Use-moderate in NJ Carcinogenic evidence-animal suspect Detection in environmental media-infrequent Regulated-Federal	Retain
Trichlorofluoromethane* (75-69-4)	Production & use-substantial in NJ Detection in environmental media-frequent (air) Regulated-Federal	Delete
15. HALOGENATED ALKENES		
Allyl chloride* (1-Chloro-2-propane) (107-05-1)	Use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Regulated-Federal & State	Retain
Chloroprene* (126-99-8)	Use-moderate in NJ Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro microorganisms Mutagenic evidence-Chromosomal aberrations Teratogenic evidence-animal suspect Embryotoxicity Regulated-Federal	Retain
1,2-Dichloroethylene* (540-59-0)	Production & use-none in NJ Detection in environmental media-moderate to frequent Regulated-Federal	Delete
1,3-Dichloropropylene* (542-75-6)	Production-substantial in US Mutagenic evidence-in vitro microorganisms Regulated-Federal & State	Retain
Hexachlorobutadiene* (87-68-3)	Production & use-none reported Carcinogenic evidence-animal suspect Embryotoxicity Regulated-Federal	Delete
Hexachlorocyclopentadiene* (77-47-4)	Production & use-none reported Bioaccumulation-known Regulated-Federal	Delete
Tetrachloroethylene* (Perchloroethylene) (127-18-4)	Use-substantial in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Detection in environmental media-frequent Regulated-Federal & State	Retain
Trichloroethylene* (79-01-6)	Use-substantial in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Detection in environmental media-frequent Regulated-Federal & State	Retain
Vinyl bromide* (593-60-2)	Use-insignificant in NJ Mutagenic evidence-in vitro microorganisms Regulated-Federal	Delete
Vinyl chloride* (75-01-4)	Use-substantial in NJ Carcinogenic evidence-human Carcinogenic evidence-animal Mutagenic evidence-in vivo insects Mutagenic evidence-in vitro mammalian & microorganisms Mutagenic evidence-Chromosonal aberrations Embryotoxicity Detection in environmental media-frequent (air) Regulated-Federal & State	Retain
Vinylidene chloride* (1,1-Dichloroethylene) (75-35-4)	Use-insignificant in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Detection in environmental media-moderate to frequent Regulated-Federal & State	Delete
16. HALOGENATED AROMATICS		
Benzal chloride ((Dichloromethyl)-benzene) (98-87-3)	Production-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
Benzotrichloride ((Trichloromethyl)-benzene) (98-07-7)	Production-substantial in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
Benzyl bromide ((Bromomethyl)benzene) (100-39-0)	Production-unknown amount in US Mutagenic evidence-in vitro microorganisms Acute toxicity-aquatic biota Regulated-Federal	Insufficient data for inclusion at this time
Benzyl chloride ((Chloromethyl)benzene) (100-44-7)	Production-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
Chlorobenzene* (108-90-7)	Production-moderate in NJ Use-substantial in NJ Detection in environmental media-moderate to frequent Bioaccumulation-potential Persistence-high Regulated-Federal	Retain
2-Chloronaphthalene* (91-58-7)	Production & use-none in US Bioaccumulation-potential Regulated-Federal	Delete
1,2-Dichlorobenzene* (95-50-1)	Use-substantial in NJ Bioaccumulation-potential Detection in environmental media-moderate to frequent Persistence-high Regulated-Federal	Retain
1,3-Dichlorobenzene* (541-73-1)	Production & use-none reported Bioaccumulation-potential Persistence-high Regulated-Federal	Delete
1,4-Dichlorobenzene* (106-46-7)	Use-substantial in NJ Detection in environmental media-moderate to frequent Bioaccumulation-potential Persistence-high Regulated-Federal	Retain
Hexachlorobenzene* (118-74-1)	Production-moderate in NJ (as byproduct) Carcinogenic evidence-animal Embryotoxicity Bioaccumulation-known Persistence-high Regulated-Federal	Retain
1,2,3-Trichlorobenzene (87-61-6)	Production & imports-substantial in US Regulated-Federal	Insufficient data for inclusion at this time

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Chemical (Synonyms) (CAS Number)	Basis for Proposed Action	Proposed Action
1,2,4-Trichlorobenzene* (120-82-1)	Use-substantial in NJ Detection in environmental media-infrequent to frequent Bioaccumulation-known Persistence-high Regulated-Federal	Retain
Polybrominated biphenyls* (PBBs) (59536-65-1 36355-01-8 27858-07-7 67774-32-7 13654-09-6)	Production & use-none Teratogenic evidence-animal Embryotoxicity Persistence-high	Delete
Polychlorinated biphenyls* (PCBs) (1336-36-3)	Use-moderate in NJ Carcinogenic evidence-animal Embryotoxicity Detection in environmental media-moderate Detection in marine organisms-frequent Bioaccumulation-known Persistence-high Regulated-Federal & State	Retain
Polychlorinated triphenyls* (12642-23-8)	Production & use-none	Delete
17. HYDRAZINES		
1,1-Dimethyl hydrazine* (57-14-7)	Production & use-none in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Delete
1,2-Dimethyl hydrazine (540-73-8)	Production & use-none reported Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
1,2-Diphenyl hydrazine (Hydrazobenzene) (122-66-7)	Production & imports-moderate in US Carcinogenic evidence-animal suspect Bioaccumulation-potential Regulated-Federal	Include
Hydrazine* (302-01-2) .H_2O (7803-57-8) .H_2SO_4 (10034-93-2)	Production-minor in NJ Use-moderate in NJ Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Retain
Methyl hydrazine (60-34-4)	Production-moderate in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo mammalian Mutagenic evidence-in vitro mammalian & microorganisms Teratogenic evidence-animal suspect Regulated-Federal	Include
Semicarbazide (Hydrazine carboxamide) (57-56-7) .HCl (563-41-7)	Production-none reported Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo insect Mutagenic evidence-in vitro mammalian & microorganisms	Insufficient data for inclusion at this time
18. IMIDES		
Ethyleneimine* (151-56-4)	Production-substantial in US Use-minor in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo insects & plants Mutagenic evidence-in vitro microorganisms Regulated-Federal & State	Retain
Propyleneimine* (75-55-8)	Production & use-Unknown amount in US Carcinogenic evidence-animal suspect Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Delete
19. INORGANICS		
Antimony & Salts* (7440-36-0)	Use-substantial in NJ Carcinogenic evidence-human suspect (salt-Antimony trioxide) Regulated-Federal	Retain
Arsenic & Salts* (7440-38-2)	Use-substantial in NJ Carcinogenic evidence-human Teratogenic evidence-animal Regulated-Federal & State	Retain
Asbestos* (1332-21-4)	Use-substantial in NJ Carcinogenic evidence-human Carcinogenic evidence-animal Regulated-Federal & State	Retain
Barium & Salts (7440-39-3)	Use-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
Beryllium & Salts* (7440-41-7)	Use-moderate in NJ Carcinogenic evidence-human suspect Carcinogenic evidence-animal Mutagenic evidence-in vitro mammalian Regulated-Federal	Retain
Boron & Salts (7440-42-8)	Production-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
Cadmium & Salts* (7440-43-9)	Use-moderate in NJ Carcinogenic evidence-human suspect Carcinogenic evidence-animal Teratogenic evidence-animal Regulated-Federal	Retain
Calcium cyanimide* (156-62-7)	Production-none in US or NJ Use-none in NJ Carcinogenic evidence-animal suspect Regulated-Federal	Delete
Chromium & Salts* (7440-47-3)	Use-substantial in NJ Carcinogenic evidence-human Carcinogenic evidence-animal Mutagenic evidence-in vivo mammalian Mutagenic evidence-in vitro mammalian & microorganisms Mutagenic evidence-Chromosomal aberrations Regulated-Federal	Retain
Copper & Salts* (7440-50-8)	Use-substantial in NJ Acute toxicity-aquatic biota Bioaccumulation-known Persistence-high Regulated-Federal	Retain
Cyanide Ion* (57-12-5) Potassium cyanide (151-50-8) Sodium cyanide (141-33-9)	Use-substantial Acute toxicity-human Acute toxicity-animal Regulated-Federal	Retain
Lead & Salts & organometallics* (7439-92-1)	Use-substantial in NJ Carcinogenic evidence-animal Teratogenic evidence-human Fertility effects Other chronic health effects Bioaccumulation-known Regulated-Federal	Retain
Manganese & Salts (7439-96-5)	Production-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
Mercury & Salts & organometallics* (7439-97-6)	Use-moderate in NJ Embryotoxicity Other chronic health effects Bioaccumulation-known Regulated-Federal & State	Retain
Nickel & Salts* (7440-02-0)	Use-substantial in NJ Carcinogenic evidence-human suspect Carcinogenic evidence-animal Teratogenic evidence-animal suspect Regulated-Federal	Retain
Selenium & Salts* (7782-49-2)	Use-minor in NJ Regulated-Federal	Delete
Silver & Salts* (7440-22-4)	Use-substantial in NJ Regulated-Federal	Delete
Thallium & Salts* (7440-28-0)	Production & use-none in NJ Bioaccumulation-known Regulated-Federal	Delete
Zinc & Salts* (7440-66-1)	Use-moderate in NJ Regulated-Federal	Delete
20. ISOCYANATES		
Toluene-2,4-diisocyanate (584-84-9)	Production-substantial in US (one producer in NJ) Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
Toluene-2,6-diisocyanate (91-08-7)	Production-substantial in US Carcinogenic evidence-animal suspect Regulated-Federal	Include
21. KETONES		
Isophorone (78-59-1)	Production & use-unknown amount in US Regulated-Federal	Insufficient data for inclusion at this time
22. LACTAMS		
Caprolactam (105-60-2)	Production-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
N-Vinyl-2-pyrrolidinone (88-12-0)	Imports-substantial in US	Insufficient data for inclusion at this time
23. NITRILES		
Acrylonitrile* (107-13-1)	Use-substantial in NJ Carcinogenic evidence-human suspect Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Retain
24. NITRO COMPOUNDS		
2,4-Dinitrotoluene* (121-14-2)	Production-substantial in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo mammalian Mutagenic evidece-in vitro microorganisms Detection in environmental media-infrequent to moderate Regulated-Federal	Retain
2,6-Dinitrotoluene* (606-20-2)	Production-substantial in NJ Mutagenic evidence-in vivo mammalian Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Retain
Nitrobenzene* (98-95-3)	Production-moderate in NJ Use-substantial in NJ Regulated-Federal	Delete
2-Nitropropane* (79-46-9)	Production-substantial in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Retain

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Chemical (Synonyms) (CAS Number)	Basis for Proposed Action	Proposed Action
25. NITROGEN HETEROCYCLICS		
Acridine (260-94-6)	Production-insignificant in US Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
Carbazole (86-74-8)	Imports-moderate in US	Insufficient data for inclusion at this time
Melamine (108-78-1)	Production & imports-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
Pyridine (110-86-1)	Production-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
Quinoline (91-22-5)	Production & use-unknown amount in US (one NJ producer listed) Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
26. NITROSO COMPOUNDS		
N-Nitrosodiethylamine* (55-18-5)	Production & use-none in US Carcinogenic evidence-animal Mutagenic evidence-in vivo insect Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Delete
N-Nitrosodimethylamine* (62-75-9)	Production & use-none in US Carcinogenic evidence-animal Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Delete
p-Nitrosodimethylaniline* (138-89-6)	Production & use-none in NJ Regulated-Federal	Delete
N-Nitrosodiphenylamine* (86-30-6)	Production-moderate in NJ Carcinogenic evidence-animal suspect Regulated-Federal	Retain
p-Nitrosodiphenylamine* (156-10-5)	Production & use-none in NJ	Delete
27. ORGANIC PEROXIDES		
Benzoyl peroxide (94-36-0)	Production-substantial in US (one NJ producer listed) Carcinogenic evidence-animal promotor Regulated-Federal	Include
t-Butyl hydroperoxide (75-91-2)	Production & use-unknown amount in US Mutagenic evidence-in vivo insect Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
Cumene hydroperoxide (80-15-9)	Production-substantial in US (one NJ producer listed) Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
Di-t-butylperoxide (110-05-4)	Production-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
Peracetic acid (79-21-0)	Production-substantial in US Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
28. PESTICIDES		
Aldrin* (390-00-2)	Imports-substantial in US Carcinogenic evidence-animal suspect Teratogenic evidence-animal suspect Detection in environmental media-moderate Bioaccumulation-known Regulated-Federal & State	Retain
Amitrole (61-82-5)	Production-minor in US Carcinogenic evidence-animal Regulated-Federal	Insufficient data for inclusion at this time
BHCs* (Hexachlorocyclohexane) (608-73-1)	Production & use-none Carcinogenic evidence-animal suspect Fertility effects Acute toxicity-aquatic biota Detection in environmental media-infrequent to moderate Bioaccumulation-known Persistence-high Regulated-Federal & State (Prohibited pesticide)	Delete
Captan* (133-06-2)	Use-substantial in NJ Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Retain
Carbaryl* (Sevin) (63-25-2)	Production-substantial in US Use-moderate in NJ Teratogenic evidence-animal suspect Regulated-Federal	Retain
Chloramben* (Amiben) (133-90-4)	Production-substantial in US Carcinogenic evidence-animal suspect Regulated-Federal	Retain
Chlordane* (57-74-9)	Use-moderate in NJ Carcinogenic evidence-animal suspect Detection in environmental media-moderate to frequent Bioaccumulation-known Persistence-high Regulated-Federal & State	Retain
Chlordecone* (Kepone) (143-50-0)	Production & use-none Carcinogenic evidence-animal Embryotoxicity Fertility effects Bioaccumulation-known Persistence-high Regulated-Federal & State (Prohibited pesticide)	Delete
Chlordimeform (6164-98-3)	Imports-moderate in US Regulated-Federal (restricted use-cotton)	Insufficient data for inclusion at this time
Chlorobenzilate* (510-15-6)	Imports-moderate in US Carcinogenic evidence-animal suspect Persistence-high Regulated-Federal (restricted use-citrus)	Delete
Chloropicrin (Trichloronitromethane) (76-06-2)	Production-substantial in US Regulated-Federal	Insufficient data for inclusion at this time
Chlorothalonil* (1897-45-6)	Imports-moderate in US Carcinogenic evidence-animal suspect Regulated-Federal	Include
Coumaphos (56-72-4)	Production-moderate in US Regulated-Federal	Insufficient data for inclusion at this time
2,4-D* (94-75-7)	Production & imports-substantial in US Use-minor in NJ Teratogenic evidence-animal suspect Regulated-Federal & State	Retain
DDT* (50-29-3)	Production & use-none in NJ Carcinogenic evidence-animal Acute toxicity-aquatic biota Detection in environmental media-Bioaccumulation-known Persistence-high Regulated-Federal & State (Prohibited pesticide)	Delete
Diallate (2303-16-4)	Use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo insect Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
Diazinon (333-41-5)	Production-one NJ producer listed Use-substantial in US Regulated-Federal & State	Insufficient data for inclusion at this time
Dichlorvos (62-73-7)	Production-substantial in US Mutagenic evidence-in vitro microorganisms Acute toxicity-aquatic biota Regulated-Federal	Include
Dicofol* (Kelthane) (115-32-2)	Use-moderate in NJ Carcinogenic evidence-animal suspect Persistence-high Regulated-Federal	Retain
Dieldrin* (60-57-1)	Production-none Use-none reported in NJ Carcinogenic evidence-animal suspect Detection in environmental media-infrequent Bioaccumulation-known Persistence-high Regulated-Federal & State	Delete
Endosulfan* (115-29-7)	Use-moderate in NJ Detection in environmental media-infrequent to moderate Bioaccumulation-potential Regulated-Federal & State	Delete
Endrin* (72-20-8)	Production & use-none Teratogenic evidence-animal suspect Acute toxicity-aquatic biota Detection in environmental media-moderate Persistence-high Regulated-Federal & State (Prohibited pesticide)	Delete
Fenthion (55-38-9)	Use-moderate in US Regulated-Federal & State	Insufficient data for inclusion at this time
Fluometuron (2164-17-2)	Use-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vivo mammalian Mutagenic evidence-in vivo plants Mutagenic evidence-in vitro microorganisms Regulated-Federal	Include
Heptachlor* (76-44-8)	Production-substantial in US Carcinogenic evidence-animal suspect Acute toxicity-aquatic biota Detection in environmental media-infrequent to moderate Bioaccumulation-potential Persistence-high Regulated-Federal & State	Retain
Lindane* (gamma-BHC) (58-89-9)	Use-moderate in NJ Carcinogenic evidence-animal suspect Embryotoxicity Acute toxicity-aquatic biota Detection in environmental media-moderate Bioaccumulation-known Persistence-high Regulated-Federal & State	Retain

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Chemical (Synonyms) (CAS Number)	Basis for Proposed Action	Proposed Action
Maneb (12427-38-2)	Production-substantial in US Teratogenic evidence-animal suspect Embryotoxicity Fertility Effects Regulated-Federal	Include
Methoxychlor* (72-43-5)	Use-moderate in NJ Embryotoxicity Regulated-Federal	Retain
Mirex* (2385-85-5)	Production & use-none Carcinogenic evidence-animal Teratogenic evidence-animal Embryotoxicity Bioaccumulation-known Persistence-known Regulated-Federal (Prohibited pesticide)	Delete
1-Naphthylthiourea (ANTU) (86-88-4)	Imports-minor in US Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
Nitrofen (2,4-Dichlorophenyl-4-nitrophenyl ether) (1836-75-5)	Use-moderate in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Teratogenic evidence-animal suspect Embryotoxicity Regulated-Federal	Include
Parathion* (56-38-2)	Use-moderate in NJ Acute toxicity-birds & aquatic biota Regulated-Federal & State	Retain
Propoxur (114-26-1)	Production-moderate in US Mutagenic evidence-in vivo mammalian Mutagenic evidence-in vitro microorganisms Acute toxicity-birds Regulated-Federal & State	Include
Quintozene* (Pentachloronitro-benzene) (82-68-8)	Production-substantial in US Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms Regulated-Federal	Retain
Strobane* (Terpene poly-chlorinated) (8001-50-1)	Production & use-none Carcinogenic evidence-animal suspect Regulated-Federal (Prohibited pesticide)	Delete
Sulfallate (95-06-7)	Production-none reported Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Regulated-Federal	Insufficient data for inclusion at this time
2,4,5-T* (2,4,5-Trichlorophen-oxyacetic acid) (93-76-5)	Production-none in US Use-insignificant in NJ Mutagenic evidence-in vivo insects Teratogenic evidence-animal suspect Embryotoxicity Regulated-Federal	Delete
Tetrachlorvinphos (961-11-5)	Use-moderate in US Carcinogenic evidence-animal suspect Regulated-Federal	Include
Toxaphene* (Polychlorinated camphenes) (8001-35-2)	Production-significant in NJ Use-moderate in NJ Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms Mutagenic evidence-Chromosomal aberra-tions Acute toxicity-aquatic biota Bioaccumulation-known Regulated-Federal & State	Retain
Trichlorfon (52-68-6)	Use-substantial in US Mutagenic evidence-in vivo mammalian Mutagenic evidence-in vitro mammalian & microorganisms Teratogenic evidence-animal suspect Regulated-Federal	Include
Trifluralin (1582-09-3)	Use-substantial in US Carcinogenic evidence-animal suspect Regulated-Federal	Include
Zineb (12122-67-7)	Production-substantial in US Carcinogenic evidence-animal suspect Teratogenic evidence-animal suspect Regulated-Federal	Include
29. PHENOLS		
Catechol (Pyrocatechol) (1,2-Dihydroxybenzene) (120-80-9)	Production-unknown amount in US Imports-moderate Carcinogenic evidence-animal promotor Mutagenic evidence-in vitro mammalian & microorganisms	Include
4-Chloro-m-cresol (3-Methyl-4-chlorophenol) (59-50-7)	Production & use-none reported Bioaccumulation-potential Regulated-Federal	Insufficient data for inclusion at this time
2-Chlorophenol* (95-57-8)	Use-minor in NJ Carcinogenic evidence-animal promotor Detection in environmental media-infrequent Regulated-Federal	Delete
2,4-Dichlorophenol* (120-83-2)	Use-minor in NJ Carcinogenic evidence-animal promotor Detection in environmental media-moderate Regulated-Federal	Delete
2,4-Dimethylphenol* (m-Xylenol) (105-67-9)	Production-moderate in NJ Use-substantial in NJ Carcinogenic evidence-animal promotor Detection in environmental media-infrequent to moderate Regulated-Federal	Retain
4,6-Dinitro-o-cresol* (2,4-Dinitro-6-methyl-phenol) (534-52-1)	Production & use-none reported in NJ Mutagenic evidence-in vivo insect Mutagenic evidence-in vitro microorganisms Regulated-Federal & State	Delete
2,4-Dinitrophenol* (51-26-5)	Use-minor in NJ Detection in environmental media-infrequent Regulated-Federal	Delete
Hydroquinone (1,4-Dihydroxybenzene) (123-31-9)	Production-substantial in US Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
2-Nitrophenol* (88-75-5)	Use-moderate in NJ Detection in environmental media-infrequent Regulated-Federal	Delete
4-Nitrophenol* (100-02-7)	Use-substantial in NJ Mutagenic evidence-in vitro mammalian & microorganisms Detection in environmental media-infrequent Regulated-Federal	Retain
Pentachlorophenol* (87-86-5)	Use-moderate in NJ Embryotoxicity Detection in environmental media-infrequent & moderate Bioaccumulation-known Regulated-Federal & State	Retain
Phenol* (108-95-2)	Production-moderate in NJ Use-substantial in NJ Carcinogenic evidence-animal promotor Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Retain
2-Phenylphenol (90-43-7) .Na (132-27-4)	Use-substantial in US Carcinogenic evidence-animal suspect Regulated-Federal	Include
2,3,6-Trichlorophenol (933-75-5)	Production & use-none reported Regulated-Federal	Insufficient data for inclusion at this time
2,4,5-Trichlorophenol* (95-95-4)	Use-moderate in NJ Regulated-Federal	Delete
2,4,6-Trichlorophenol* (88-06-2)	Production & use-none Carcinogenic evidence-animal Detection in environmental media-moderate Bioaccumulation-potential Regulated-Federal	Delete
30. PHOSPHORAMIDES		
Hexamethylphosphoramide (HEMPA) (680-31-9)	Production-unknown amount in US (one NJ manufacturer listed) Carcinogenic evidence-animal suspect	Include
31. QUINONES & ANTHRA-QUINONES		
2-Aminoanthraquinone* (117-79-3)	Use-moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-in vitro microorganisms	Retain
p-Benzoquinone dioxime (105-11-3)	Production-unknown amount in US Carcinogenic evidence-animal suspect Regulated-Federal	Insufficient data for inclusion at this time
2-Methyl-1-nitroanthraquinone (129-15-7)	Production & use-none in US Carcinogenic evidence-animal Mutagenic evidence-in vitro microorganisms	Insufficient data for inclusion at this time
p-Quinone (106-51-4)	Production & use-unknown amount in US Regulated-Federal	Insufficient data for inclusion at this time
32. SULFURIC ACID ESTERS		
Diethyl sulfate (64-67-5)	Production-unknown amount in US Carcinogenic evidence-human suspect Carcinogenic evidence-animal Mutagenic evidence-in vivo mammalian, insect, & plants Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Insufficient data for inclusion at this time
Dimethyl sulfate (77-78-1)	Production-substantial in US Carcinogenic evidence-animal Mutagenic evidence-in vivo mammalian, fish, insects, & plants Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Include
33. THIOUREAS		
Ethylene thiourea (96-45-7)	Production-unknown amount in US (one NJ manufacturer listed) Carcinogenic evidence-animal Teratogenic evidence-animal Regulated-Federal	Include
Thiourea* (62-56-6)	Use-Moderate in NJ Carcinogenic evidence-animal suspect Mutagenic evidence-host mediated assay Mutagenic evidence-in vitro mammalian & microorganisms Regulated-Federal	Retain

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Social Impact

Adoption of the Environmental Hazardous Substance List will give New Jersey citizens access to information on the types and amounts of hazardous substances to which they are exposed in their communities. This information can be used by physicians to aid in medical diagnoses, when necessary. The data generated from the Environmental Survey can also be used by epidemiologists to analyze the effects of Environmental Hazardous Substances on public health. In case of an emergency, such as a fire or spill, emergency response personnel will be able to use the information on Hazardous Materials, gathered under the Emergency Services Information Survey, to take measures to protect public safety and health.

Economic Impact

Those companies which must complete the survey forms will have additional time and personnel requirements. The extent of the cost of compliance will depend on the number of substances a company is reporting, since detailed information will be requried on the amount of each substance produced, used, shipped out, disposed by, and emitted from the facility.

The Department intends to conduct the Environmental Survey in a two phased process (short and long forms). By following this approach, many employers may not need to complete lengthy questionnaires, thereby limiting the expense of the program for industry and the Department.

Environmental Impact

The Environmental Hazardous Substance List will aid the Department in formulating a database on the types and amounts of hazardous substances to which the public is exposed in the community. The information gathered will also aid the Department in selecting toxic substances to monitor in the environment and will provide information necessary for the development of regulations to control the emission of toxic substances. By requiring employers to identify hazardous substances in their waste streams, the Environmental Survey will encourage companies to use proper disposal methods.

Full text of the proposed new rule follows.

CHAPTER 1G
WORKER AND COMMUNITY RIGHT TO KNOW REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

7:1G-1.1 Scope

Unless otherwise provided by rule or statute, this chapter shall constitute the rules of the Department implementing the Worker and Community Right to Know Act, P.L. 1983 c.315, N.J.S.A. 34:5A-1 et seq.

7:1G-1.2 Definitions

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

"Act" means the Worker and Community Right to Know Act, P.L. 1983 c.315, N.J.S.A. 34:5A-1 et seq.

"Chemical Abstracts Service number" or "C.A.S. number" means the unique identification number assigned by the Chemical Abstracts Service to chemicals.

"Chemical name" means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service rules of nomenclature.

"Common name" means any designation or identification such as a code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

"Container" means a receptacle used to hold a liquid, solid, or gaseous substance, including, but not limited to, bottles, pipelines, bags, barrels, boxes, cans, cylinders, drums, cartons, vessels, vats, and stationary or mobile storage tanks. "Container" shall not include process containers.

"Department" means the New Jersey Department of Environmental Protection unless the context clearly indicates otherwise.

"Emergency Services Information Survey" or "ESI Survey" means a written form prepared by the Department and transmitted to an employer, on which the employer shall provide certain information concerning each of the Hazardous Materials at his facility, including, but not limited to, the following: the name of the Hazardous Material and its United Nation (U.N.) number, the United States Department of Transportation designated hazard class, the approximate range of the maximum inventory quantity, the unit of measure, and the major method of storage or type of container, and whether the substance is present in a mixture.

"Employer" means any person or corporation in the State engaged in business operations having a Standard Industrial Classification, as designated in the Standard Industrial Classification Manual prepared by the Federal Office of Management and Budget, within Major Group numbers 20 through 39 inclusive (manufacturing industries), numbers 46 through 49 inclusive (pipelines, transportation services, communications, and electric, gas, and sanitary services), number 51 (wholesale trade, nondurable goods), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), number 82 (educational services), and number 84 (museums, art galleries, botanical and zoological gardens). For the purposes of N.J.A.C. 7:1G "employer" means the State and local governments, or any agency, authority, department, bureau, or instrumentality thereof.

"Environmental Hazardous Substance" means any substance designated by the Department in N.J.A.C. 7:1G-2.

"Environmental Hazardous Substance List" means the list of Environmental Hazardous Substances in N.J.A.C. 7:1G-2.

"Environmental Survey" means a written form prepared by the Department of Environmental Protection and transmitted to an employer, on which the employer shall provide certain information concerning each of the environmental hazardous substances at the facility, including, but not limited to, the following:

1. The chemical name and Chemical Abstracts Service number of the environmental hazardous substance;
2. A description of the use of the environmental hazardous substance at the facility;
3. The quantity of the environmental hazardous substance produced at the facility;
4. The quantity of the environmental hazardous substance brought into the facility;
5. The quantity of the environmental hazardous substance consumed at the facility;
6. The quantity of the environmental hazardous substance shipped out of the facility, as or in, products;
7. The maximum inventory of the environmental hazardous substance stored at the facility, the methods of storage, and the frequency and methods of transfer;
8. The total stack or point-source emissions of the environmental hazardous substance;

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9. The total estimated fugitive or non point-source emissions of the environmental hazardous substance;

10. The total discharge of the environmental hazardous substance into the surface or groundwater, the treatment methods, and the raw wastewater volume and loadings;

11. The total discharge of the enviromental hazardous substance into publicly owned treatment works; and

12. The quantity and methods of disposal, of any wastes containing an environmental hazardous substance, the methods of on-site storage of these wastes, the location or locations of the final disposal site for these wastes, and the identity of the hauler of the wastes.

"Facility" means the building, equipment and contiguous area at a single location used for the conduct of business. For the purpose of this chapter, "Facility" shall not include a research and development laboratory.

"Hazardous Material" means any substance designated by the Department in N.J.A.C. 7:1G-4.

"Hazardous Materials List" means the list of Hazardous Materials designated by the Department in N.J.A.C. 7:1G-4.

"Mixture" means a combination of two or more substances not involving a chemical reaction.

"Research and development laboratory" means a specially designated area used primarily for research, development, and testing activity, and not primarily involved in the production of goods for commercial sale, in which environmental hazardous substances are used by or under the direct supervision of a technically qualified person.

SUBCHAPTER 2. ENVIRONMENTAL HAZARDOUS SUBSTANCE LIST

7:1G-2.1 Designation of Substances

The following substances and corresponding Chemical Abstract Services (C.A.S.) numbers are designated as Environmental Hazardous Substances pursuant to the Act. Each substance has further been identified according to the classifications in N.J.A.C. 7:1G-2.2. Substances may have numerous synonyms which are not included herein.

Chemical	CAS Number	Group Number
ACETALDEHYDE	75-07-0	02
ACROLEIN	107-02-8	02
ACRYLIC ACID	79-10-7	01
ACRYLONITRILE	107-13-1	23
ALDRIN	309-00-2	28
ALLYL CHLORIDE	107-05-1	15
2-AMINOANTHRAQUINONE	117-79-3	31
ANILINE	62-53-3	06
0-ANISIDINE	90-04-0	06
ANTHRACENE	120-12-7	07
ANTIMONY AND SALTS	7440-36-0	19
ARSENIC AND SALTS	7440-38-2	19
ASBESTOS	1332-21-4	19
BENZAL CHLORIDE	98-87-3	16
BENZENE	71-43-2	07
BENZOTRICHLORIDE	98-07-7	16
BENZOYL CHLORIDE	98-88-4	01
BENZOYL PEROXIDE	94-36-0	27
BENZYL CHLORIDE	100-44-7	16
BERYLLIUM AND SALTS	7440-41-7	19
BIPHENYL	92-52-4	07
BIS(2-CHLORO-1-METHYLETHYL) ETHER	108-60-1	13
BIS(2-ETHYLHEXYL)ADIPATE	103-23-1	12
BIS(2-ETHYLHEXYL)PHTHALATE	117-81-7	12
BUTADIENE	106-99-0	03
BUTYL BENZYLPHTHALATE	85-68-7	12
1,2-BUTYLENE OXIDE	106-88-7	11
C.I. ACID BLUE 9	2650-18-2	10
C.I. ACID GREEN 3	4680-78-8	10
C.I. BASIC GREEN 4	569-64-2	10
C.I. BASIC RED 1	989-38-8	10
C.I. DIRECT BLACK 38	1937-37-7	10
C.I. DIRECT BLUE 6	2602-46-2	10
C.I. DIRECT BROWN 95	16071-86-6	10
C.I. DISPERSE YELLOW 3	2832-40-8	10
C.I. FOOD RED 5	3761-53-3	10
C.I. FOOD RED 15	81-88-9	10
C.I. SOLVENT ORANGE 7	3118-97-6	10
C.I. SOLVENT YELLOW 1	60-09-3	10
C.I. SOLVENT YELLOW 3	97-56-3	10
C.I. SOLVENT YELLOW 14	842-07-9	10
C.I. VAT YELLOW 4	128-66-5	10
CADMIUM AND SALTS	7440-43-9	19
CAPTAN	133-06-2	28
CARBARYL	63-25-2	28
CARBON TETRACHLORIDE	56-23-5	14
CATECHOL	120-80-9	29
CHLORAMBEN	133-90-4	28
CHLORDANE	57-74-9	28
CHLOROBENZENE	108-90-7	16
CHLOROFORM	67-66-3	14
CHLOROPRENE	126-99-8	15
CHLOROTHALONIL	1897-45-6	28
CHROMIUM AND SALTS	7440-47-3	19
COPPER AND SALTS	7440-50-8	19
P-CRESIDINE	120-71-8	06
CUMENE	98-82-8	07
CUMENE HYDROPEROXIDE	80-15-9	27
CYANIDE ION	57-12-5	19
2,4-D	94-75-7	28
DECABROMODIPHENYL OXIDE	1163-19-5	13
DIALLATE	2303-16-4	28
2,4-DIAMINOANISOLE	615-05-4	06
4,4'-DIAMINODIPHENYL ETHER	101-80-4	13
2,4-DIAMINOTOLUENE	95-80-7	06
1,2-DIBROMOETHANE	106-93-4	14
DI-N-BUTYL PHTHALATE	84-74-2	12
1,2-DICHLOROBENZENE	95-50-1	16
1,2-DICHLOROETHANE	107-06-2	14
1,4-DICHLOROBENZENE	106-46-7	16
3,3'-DICHLOROBENZIDINE	91-94-1	06
DICHLOROMETHANE	75-09-2	14
1,2-DICHLOROPROPANE	78-87-5	14
1,3-DICHLOROPROPYLENE	542-75-6	15
DICHLORVOS	62-73-7	28
DICOFOL	115-32-2	28
DIETHYL PHTHALATE	84-66-2	12
DIMETHYL PHTHALATE	131-11-3	12
DIMETHYL SULFATE	77-78-1	32
3,3'-DIMETHYLBENZIDINE	119-93-7	06
2,4-DIMETHYLPHENOL	105-67-9	29
2,4-DINITROTOLUENE	121-14-2	24
2,6-DINITROTOLUENE	606-20-2	24
DI-N-OCTYL PHTHALATE	117-84-0	12
1,4-DIOXANE	123-91-1	13
1,2-DIPHENYL HYDRAZINE	122-66-7	17
EPICHLOROHYDRIN	106-89-8	11
ETHYLBENZENE	100-41-4	07
ETHYLENE OXIDE	75-21-8	11
ETHYLENE THIOUREA	96-45-7	33
ETHYLENEIMINE	151-56-4	18
FLUOMETURON	2164-17-2	28
FORMALDEHYDE	50-00-0	02
HEPTACHLOR	76-44-8	28
HEXACHLOROBENZENE	118-74-1	16

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Chemical	CAS Number	Group Number
HEXACHLOROETHANE	67-72-1	14
HEXAMETHYLPHOSPHORAMIDE	680-31-9	30
HYDRAZINE	302-01-2	17
HYDROQUINONE	123-31-9	29
LEAD AND SALTS AND ORGANO-METALLICS	7439-92-1	19
LINDANE	58-89-9	28
MANEB	12427-38-2	28
MERCURY AND SALTS AND ORGANOMETALLICS	7439-97-6	19
METHOXYCHLOR	72-43-5	28
METHYL HYDRAZINE	60-34-4	17
METHYL IODIDE	74-88-4	14
METHYLMETHACRYLATE	80-62-6	12
4,4′-METHYLENE BIS(2-CHLOROANILINE)	101-14-4	06
4,4′-METHYLENEBIS(N,N-DIMETHYL) BENZENAMINE	101-61-1	06
4,4′-METHYLENEDIANILINE	101-77-9	06
NAPHTHALENE	91-20-3	07
1-NAPHTHYLAMINE	134-32-7	06
NICKEL AND SALTS	7440-02-0	19
5-NITRO-O-ANISIDINE	99-59-2	06
NITROFEN	1836-75-5	28
4-NITROPHENOL	100-02-7	29
2-NITROPROPANE	79-46-9	24
N-NITROSODIPHENYLAMINE	86-30-6	26
PARATHION	56-38-2	28
PENTACHLOROPHENOL	87-86-5	29
PERACETIC ACID	79-21-0	27
PHENOL	108-95-2	29
2-PHENYLPHENOL	90-43-7	29
PHOSGENE	75-44-5	01
POLYCHLORINATED BIPHENYLS	1336-36-3	16
PROPOXUR	114-26-1	28
PROPYLENE OXIDE	75-56-9	11
QUINOLINE	91-22-5	25
QUINTOZENE	82-68-8	28
SAFROLE	94-59-7	13
STYRENE	100-42-5	07
STYRENE OXIDE	96-09-3	11
1,1,2,2-TETRACHLOROETHANE	79-34-5	14
TETRACHLOROETHYLENE	127-18-4	15
TETRACHLORVINPHOS	961-11-5	28
4,4′-THIODIANILINE	139-65-1	06
THIOUREA	62-56-6	33
TOLUENE	108-88-3	07
TOLUENE-2,4-DIISOCYANATE	584-84-9	20
TOLUENE-2,6-DIISOCYANATE	91-08-7	20
0-TOLUIDINE	95-53-4	06
TOXAPHENE	8001-35-2	28
TRICHLORFON	52-68-6	28
1,2,4-TRICHLOROBENZENE	120-82-1	16
1,1,1-TRICHLOROETHANE	71-55-6	14
1,1,2-TRICHLOROETHANE	79-00-5	14
TRICHLOROETHYLENE	79-01-6	15
TRIFLURALIN	1582-09-3	28
URETHANE	51-79-6	09
VINYL CHLORIDE	75-01-4	15
XYLENES	1330-20-7	07
2,6-XYLIDINE	87-62-7	06
ZINEB	12122-67-7	28

7:1G-2.2 Chemical Group and Group Numbers

The groups, and their designated group numbers, to which Environmental Hazardous Substances listed in N.J.A.C. 7:1G-2.1 belong, are designated herein, to reflect similarity in chemical structure, with the exception of Pesticides (Number 28) and Dyes (Number 10), which reflect commercial use:

GROUP NO.	CHEMICAL GROUP	GROUP NO.	CHEMICAL GROUP
01	Acids & acid chlorides	18	Imides
02	Aldehydes	19	Inorganics
03	Aliphatic hydrocarbons	20	Isocyanates
04	Amides	21	Ketones
05	Anhydrides	22	Lactams
06	Aromatic amines	23	Nitriles
07	Aromatic hydrocarbons	24	Nitro compounds
08	Azo compounds	25	Nitrogen heterocycles
09	Carbamates	26	Nitroso compounds
10	Dyes	27	Organic peroxides
11	Epoxides	28	Pesticides
12	Esters	29	Phenols
13	Ethers & Lactones	30	Phosphoramides
14	Halogenated alkanes	31	Quinones & Anthraquinones
15	Halogenated alkenes	32	Sulfuric acid esters
16	Halogenated aromatics	33	Thioureas
17	Hydrazines		

SUBCHAPTER 3. ENVIRONMENTAL SURVEY

7:1G-3.1 Completion of Environmental Survey

Within 90 days of receipt of Part I or Part II of the Environmental Survey, an employer shall complete the survey concerning each of the Environmental Hazardous Substances at his facility, and transmit a copy of the completed survey to the Department of Environmental Protection and the health department of the county in which the employer's facility is located (or county clerk if there is no county health department). This deadline shall be extended for an additional period not to exceed 30 days, at the discretion of the Department for good cause shown by the employer.

7:1G-3.2 Clarification of completed Environmental Survey

The Department may require an employer to submit information clarifying any statement made on Part I and Part II of the Environmental Survey. The Department shall transmit this clarifying information to the county health department (or county clerk if there is no county health department), as it deems necessary.

7:1G-3.3 Updating of Environmental Survey

(a) Every employer shall update a completed Part I and Part II of the Environmental Survey for his facility every other year. If there is any significant change during a nonreporting year in the information reported on his Environmental Survey, the employer shall inform the Department of the change.

(b) The Department may require an employer to update the Environmental Survey for his facility every year.

SUBCHAPTER 4. HAZARDOUS MATERIALS LIST

7:1G-4.1 Designation of Hazardous Materials

The substances contained in the Optional Materials Table in Title 49 of the Code of Federal Regulations, Part 172.102, as amended by publication in the Federal Register, 48 Fed. Reg. Vol. 48, No. 211, pp. 50234-50279 (October 31, 1983) are designated, by reference, as Hazardous Materials pursuant to the Worker and Community Right to Know Act, P.L. 1983, c.315, N.J.S.A. 34:5A-1 et seq.

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7:1G-4.2 Amendments to Hazardous Materials List

(a) The Department intends to establish a procedure for annually receiving information, advice, testimony, and recommendations from the Right to Know Advisory Council established pursuant to the Act, the public, and any other interested party, concerning the implementation of the Act. This procedure shall include a mechanism for revising the Hazardous Materials List.

(b) The Department will publish in the New Jersey Register, any revisions by the United States Department of Transportation (USDOT) to the Optional Materials Table in Title 49 of the Code of Federal Regulations, as amended. Effective upon such publication in the Register, such amendments by the USDOT shall be incorporated into N.J.A.C. 7:1G-4.1.

(c) Amendments to N.J.A.C. 7:1G-4.1, other than in accordance with (a) above, shall be made pursuant to the provisions of the "Administrative Procedure Act", 1968, c.410, N.J.S.A. 52:14B-1 et seq.

SUBCHAPTER 5. EMERGENCY SERVICES INFORMATION (ESI) SURVEY

7:1G-5.1 Completion of ESI Survey

Within 90 days of receipt of an Emergency Services Information Survey, an employer shall complete the survey concerning each of the Hazardous Materials at his facility, and transmit a copy of the completed survey to the Department of Environmental Protection, the local fire department and the local police department. This deadline shall be extended for an additional period not to exceed 30 days, at the discretion of the Department for good cause shown by the employer.

7:1G-5.2 Clarification of completed ESI Survey

The Department may require an employer to submit information clarifying any statement made on the Emergency Services Information Survey. The Department shall transmit this clarifying information to the local fire department and local police department as it deems necessary.

7:1G-5.3 Updating of ESI Survey

(a) Every employer shall update the Emergency Services Information (ESI) Survey for his facility every other year. If there is any significant change during a nonreporting year in the information reported on his ESI Survey, the employer shall inform the Department of the change.

(b) The Department may require an employer to update the ESI Survey for his facility every year.

(a)

DIVISION OF WATER RESOURCES

Sewer Extension Ban

Proposed Readoption with Amendments: N.J.A.C. 7:9-13.1

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 58:10A-1 et seq.
DEP Docket No. 011-84-03.

Interested persons may submit in writing any data, views or arguments relevant to the proposal on or before May 2, 1984. Submissions by interested parties and any inquiries about submissions and responses should be addressed to:

Dennis W. Palmer
Bureau of Municipal Waste Management
Division of Water Resources
CN 029
Trenton, New Jersey 08625

Any inquiries about the regulations may be made by calling Mr. Palmer at (609) 984-4429.

A **public hearing** concerning this proposal will be held on April 24, 1984 at 10:00 A.M. at the

State Library
lst Floor Meeting Room
185 W. State Street
Trenton, N.J.

The Department thereafter may adopt this proposal without further notice (See N.J.A.C. 1:30-3.5.). The adoption becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1984-181.

The agency proposal follows:

Summary

The purpose of this proposal is to readopt existing regulations governing the imposition of sewer extension bans. The current text of this subchapter is scheduled to expire on March 29, 1984.

The Department has reviewed the existing rules and found them necessary for effective protection of the State's environment. They also provide an effective mechanism to upgrade waste water treatment plants that discharge in violation of State and Federal law.

A major goal of the Department's water quality management program is to have municipal treatment works within the State discharge without violating the Surface Water Quality Standards (N.J.A.C. 7:9-4) or State and Federal effluent limitations. When a treatment works receives wastewater in excess of its design capacity, the plant usually discharges improperly treated wastes. The basis for the sewer extension ban program has been that any agency operating a sewage treatment facility must operate that facility within its design capacity and provide adequate treatment to the wastes received by the facility. The sewer extension ban regulations permit the Department to take steps to avoid pollution problems from being created by municipal treatment works.

Due to the rapid growth throughout the late 1950's to early 1970's, many areas of the State developed and grew so fast that the municipal treatments works could not satisfactorily treat the increase in wastewater flows. This resulted in overburdened sewerage facilities and many instances existed where the sewerage authorities continued to approve projects while making no improvements to the sewage systems.

Pursuant to the provisions of N.J.S.A. 58:12-3, a sewerage connection ban program was initiated. Prior to the enactment of the aforementioned statute, bans were imposed through judicial orders. During 1973 and prior to the promulgation of regulations, "letter bans" were imposed by the agency. In 1975 regulations were adopted by the NJDEP to provide for the imposition of sewer connection bans.

Connection bans restricted all connections, including plumbing changes made within existing structures, to the sew-

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erage system placed under orders. It was apparent that in some instances hardships might result due to the imposition of a ban. An exemption process was established by the Department under which relief could be given to individual property owners.

Eventually the processing of the applications for exemptions became an immense administrative burden for the agency. It was also seen that connection bans were overly restrictive as applied by the Department. After re-evaluating its program priorities and the efficacy of the existing program the Department determined that the program should be restructured. The revised program would provide greater controls over those projects which had a greater potential for impact upon overloaded sewage treatment facilities while at the same time providing relief for smaller projects. Accordingly on March 29, 1979 revised regulations were adopted controlling sewer extensions and thus redirecting the agency to regulate projects of a larger scale. (Some minor changes were made to the regulations on July 9, 1981.)

With the imposition of bans upon communities, existing pollution problems are kept from becoming worse. Today there exists approximately 50 bans affecting approximately 75 communities. In many cases pollution problems have been solved after the plants have been placed under ban. As a result of improvements, since 1979 five bans have been totally lifted and another twelve bans have been partially modified.

In some instances the threat of imposing a ban results in improvements being made at the sewage authority's facilities. For example, in two instances local communities have incorporated the Department's regulations as their own and imposed their own sewer bans. One of the proposed amendments to the regulations will require the use of this mechanism when plants become overloaded or violate their NJPDES Permit.

Because the Department continues to receive applications for sewer extensions to municipal treatment works which receive flows in excess of the design flows or do not meet permit requirements, this regulation continues to be necessary as a means of controlling the discharge of inadequately treated wastewater. It should be noted that of the 1.6 billion gallons of wastewater discharged by surface water point sources in the State, approximately 81 percent or 1.3 billion gallons comes from municipal treatment works.

The most important of the proposed revisions to these regulations do several things. First, they clarify the basis for "public health" and "public need" exemptions. Second, a change is being made to eliminate confusion in the definition of a "sewer extension". The change made in the 1981 amendment has not proven viable. Also, a typographical error, which is being corrected, was made at that time. Third, the time frame, with reference to the period for evaluating plant performance, has been expanded to four months from the previous three. This period will allow for seasonal variations in treatment efficiency due to temperature, rain, snow, groundwater levels and other related events. Fourth, by changing certain terminology and citations the regulations will be more consistent with N.J.A.C. 7:14A-1. Fifth, the regulations are being changed to require the authorities and participating municipalities to submit their own self-improvement programs and impose their own bans. This is being done to provide a regulatory mechanism for compliance with N.J.S.A. 58:10A-6(h)3. Finally, a new subsection will formally allow the Department to grant incremental allotments of flow based upon commitments from the affected sewerage authority and existing improvements in the wastewater situation. The Department has already done this in several situations and significant corrections have resulted.

Social Impact

The immediate impact of imposing a sewer extension ban against a municipality is that all large construction projects cannot proceed to completion. The building industry, land owners and real estate businesses dealing with new development are affected. In consideration of the inequitable burden placed upon projects that may have received local approvals and have started improvements of the land, an exemption for substantial expenditures for physical improvements to the property has been retained.

The general public within a community under ban is affected in three ways: (1) there is a freeze on larger construction projects, therefore a freeze in new ratables in the community; (2) the discharge from the treatment plant will not be exacerbated by the addition of new sewage flows; and (3) improvements to water quality may result from sewer system improvements which are spurred by imposition of the ban.

Economic Impact

As noted in the social impact section, the imposition of a ban results in a moratorium on new construction of larger projects and the possible loss of new ratables. Balanced against this cost is the benefit gained by the prevention of pollution problems and improvement to the quality of the State's waters. The Department has the responsibility to protect the rights of downstream communities from malfunctioning sewage plants. This is in part because of the use of surface waters as a potable water supply. Also, the waters of the State are a valuable recreational resource. In some cases bans have resulted in builders and developers providing funds for expansion and upgrading of the sewage systems in communities with limited funds. Under this program, the developer obtains capacity for his needs as well as improving the water quality. As previously noted, an amendment has been proposed to formally allow this and to provide relief for cases that qualify under the provision.

Prior to the 1979 revisions, all connections were precluded from tying into the sewer system under ban. With the 1979 revision and as continued in this reauthorization, certain smaller projects may connect into the system under ban with only local approval. This approval relieves the economic impact on the very small generator who could least bear the financial burden of a ban.

Environmental Impact

The regulations compel the sewage agencies to prudently plan for development so that the sewage questions will be addressed before extensive local approvals are granted. By proper planning the balance between development and the environment will be achieved. From past history it can be shown that if these regulations are not readopted, sewage flows to treatment plants will increase, the plants will exceed design flow, and inadequately treated wastewater will enter waters of the State. Such wastewater can cause severe potential public health problems. The Department will not have an administrative relief mechanism and will have to proceed to the courts to seek relief at great expense to the general public.

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

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7:9-13.1 General policy

(a) One goal of the Department's water quality management program is to have [municipal] **domestic** treatment works within the state discharge without violating the State Surface Water Quality Standards (N.J.A.C. 7:9-4 et seq.) and state and federal effluent limitations. To achieve this goal, the Division of Water Resources provides for a continuing evaluation of all [municipal] **domestic** treatment works as an integral part of its water pollution control program. This evaluation is necessary to protect the waters of the state from improperly treated sewage.

(b) All [municipal] **domestic** treatment works have a design flow for treating sewage. When a treatment works receives sewage in excess of its design flow, it may discharge improperly treated wastes.

(c) In order to control pollution from [municipal] **domestic** treatment works, the Department shall act to prevent pollution as well as to abate pollution. It is the purpose of these rules to permit the Department to take steps to avoid pollution problems created by [municipal] **domestic** treatment works which receive flow in excess of design flow.

(d) Pursuant to N.J.S.A. 58:10A-6 and N.J.A.C. [7:14-2.1] **7:14A-12.1** et seq. no person may build, install, modify or operate any facility for the collection, treatment or discharge of any pollutant, including any "extension" as defined in these regulations, without the prior approval of the Department. Approvals, permits, service contracts or reservations of capacity issued or agreed to by any participating municipalities or sewerage authorities do not constitute the required approval of the Department referred to herein.

(e) In determining whether to approve the construction of an extension, the Department will consider, among other things, the committed flow to the [municipal] **domestic** treatment works.

(f) It is the responsibility of participating municipalities and sewerage authorities to carefully monitor the issuance of municipal approvals and sewerage connection permits in order to prevent committed flow from exceeding design flow, to provide for the future availability of adequate sewage treatment capacity, and to initiate appropriate action when maximum sewage treatment capacity is being approached. Therefore, the participating municipalities and sewerage authorities shall do the following:

1. Whenever the committed flow reaches or exceeds 80percent of the design flow of the domestic treatment works, the participating municipalities and authorities shall submit to the Department a program they shall pursue in order to prevent an overloading of their facilities or a violation of their NJPDES Permit.

2. Whenever the committed flow reaches 100 percent of the design flow of the domestic treatment works or there is a violation of their NJPDES Permit, the sewerage authorities and the participating municipality shall cease the issuance of sewer permits by instituting a sewer moratorium program and undertake such additional measures as are necessary to correct the problem. Said sewer moratorium shall prohibit the issuance of approvals for extensions and may restrict the issuance of approvals for connections.

[(f)] **(g)** To achieve the previously stated goals, **if participating municipalities and sewerage authorities fail to comply with their NJPDES Permit or there is not compliance with (f), above,** the Department will take the following actions:

1. Whenever the committed flow reaches or exceeds 80% of the design flow of the [municipal] **domestic** treatment works, the Department shall issue a warning notice to the sewerage authority and participating municipalities.

2. Whenever the committed flow reaches 100% of the design flow of the [municipal] **domestic** treatment works, the Department will cease issuance of sewer extension approvals and order the sewerage authority and participating municipalities to cease further approval of sewer extensions.

[(g)] **(h)** (No change in text.)

[(h) It is the responsibility of participating municipalities and sewerage authorities to carefully monitor the issuance of municipal approvals and sewerage connection permits in order to prevent committed flow from exceeding design flow, to provide for the future availability of adequate sewage treatment capacity, and to initiate appropriate action when maximum sewage treatment capacity is being approached.]

(i) In many cases, the problems created by the inability of a [municipal] **domestic** treatment works to properly treat sewage will not be corrected until the completion of a regional facility in accordance with an approved facilities (201) plan and/or areawide water quality management (208) plan, prepared in accordance with section 201 of the Federal Clean Water Act. The Division may require interim upgrading of the [municipal] **domestic** treatment works pending the completion of the regional facilities.

(j) In any case where the discharge from a [municipal] **domestic** treatment works is threatening another critical water use or could result in a health hazard, the Division shall exercise its discretion to impose and maintain a sewer extension ban.

7:9-13.2 Authority

(No change.)

7:9-13.3 Definitions

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

(a) "Actual flow" means the volume of sewage and other wastes which a [municipal] domestic treatment works receives; actual flow shall be determined by the arithmetic average of the metered daily volumes of waste received at a treatment works for a period of [three] **four** consecutive months.

. . .

"Design flow" means the average volume of waste water, which a [municipal] **domestic** treatment works was designed to treat, or the maximum permissible volume of flow to a [municipal] **domestic** treatment works as established by a federal NPDES permit, an NJPDES permit, or a treatment works approval, whichever volume is least.

"Connection" means any physical change or addition to the plumbing or piping of any building, facility, or other structure either proposed or existing for which a building permit or other municipal approval is required which connects directly or indirectly to any portion or extension of a [municipal] **domestic** treatment works and which will result in flow into the [municipal] **domestic** treatment works.

. . .

"Extension" means any sewer, pipe, line, or any other structure or appurtenance for the transport of sewage, which

1. conveys sewage from more than one **separate** building or structure [or unit attached or separate]; **or**

2. (No change.)

"Extension approval" means a treatment works approval to construct an extension pursuant to N.J.S.A. 58:10A-6 [and], N.J.A.C. 7:14-2.1 et seq. **or 7:14A-12.1 et seq.,** or an approval permit to construct a sewer extension issued pursuant to N.J.S.A. 58:11-10 or N.J.S.A. 58:10A-6.

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["Municipal treatment works" means the treatment works of any municipal, county, or State agency or any agency or subdivision created by one or more municipal, county or State governments and the treatment works of any public utility as defined N.J.S.A. 48:2-13.] **"Domestic treatment works" shall have the meaning ascribed to it in N.J.A.C. 7:14A-1.9.**

. . .

"Maximum sewage treatment capacity" means the hydraulic, biological and sludge handling capability necessary to meet the terms and conditions of the NJPDES Permit.

. . .

"Treatment Works Approval" means an approval issued pursuant to N.J.S.A. 10A-6 and N.J.A.C. 7:14-2.4(a) **or 7:14A-12.3,** or pursuant to former N.J.S.A. 58:12-3.

7:9-13.4 [Warning notices] **Capacity assurance program**

(a) Whenever the committed flow reaches or exceeds 80 percent of the design flow of the domestic treatment works, the participating municipalities and authorities shall submit to the Department a program they shall pursue in order to prevent an overloading of their facilities or a violation of their NJPDES Permit. Consideration shall be given to the following elements as components of the program:

1. Implementation of water conservation measures;

2. Reduction of infiltration and inflow;

3. Implementation of a report on measures to maximize treatment plant capacity at a minimum cost (max/min report);

4. Construction of improvements; and

5. Imposition of self-imposed sewer extension ban, when committed flow reaches 100 percent of design flow.

[(a)] **(b) If the participating municipalities and authorities do not comply with (a), above, then the Department shall issue a warning notice.** A warning notice shall require the sewerage authority to prepare and submit a program pursuant to N.J.S.A. 58:10A-6(h)(3) **and (a) above,** or in the alternative to submit a certification that it will not permit committed flow to exceed design flow of the [municipal] **domestic** treatment works, within 45 days of receipt of the notice.

[(b)] **(c)** Upon **approval by the Department of a program or certification submitted** [receipt of a notice issued] pursuant to Subsection (a) of this Section, the sewerage authority and participating municipalities shall give public notice of the [order] **program or certification** in a manner designed to inform local residents, developers, the local planning boards(s) and other affected persons. Such notice shall include at least the following information:

1. The name, mailing address and telephone number of the [municipal] **domestic** treatment works;

2. The design flow of the [municipal] **domestic** treatment works;

3. (No change.)

4. A statement that the treatment works is approaching design flow and that a sewer [extension] ban will be imposed when committed flow reaches 100% of design flow.

5. (No change.)

7:9-13.5 Sewer extension bans

(a) Whenever the participating municipalities and the sewerage authority have determined that:

1. Committed flow to the domestic treatment works has reached 100 percent of its design flow; or

2. For a four month period the domestic treatment works has discharged effluent which violates any of the following as determined by the arithmetic average of the permit parameters for a period of four consecutive months: N.J.S.A. 7:9-4 et seq.; standards promulgated by the Delaware River Basin Commission, Interstate Sanitation Commission or Hackensack Meadowlands Development Commission; or the effluent limitations expressed in its NPDES or NJPDES permit or approval to operate; then the participating municipalities and sewerage authority shall do the following:

i. They shall cease the further approval of sewer extensions to the domestic treatment works;

ii. The participating municipalities shall condition the approval of any building projects (by way of preliminary or final subdivision approval, building permit, or other form of approval), which will require construction of a sewer extension, upon the terms and requirements of these regulations;

iii. The sewerage authority and participating municipalities shall give notice of the sewer extension ban to residents of the affected area, landowners therein, local planning boards, and other persons or legal entities affected by the ban at intervals of no more than 6 months in a manner reasonably expected to be received by such persons; and

iv. The sewerage authority and participating municipalities shall institute a Departmentally approved program in compliance with N.J.A.C. 7:9-13.4(a). If such a program has already been instituted, then they shall consider what additional measures to institute. Such program may include restrictions on sewer connections to the treatment works.

(b) Where a ban has been instituted by the sewerage authority and participating municipalities pursuant to this section, the authority and municipality shall not issue any sewer extension approval or endorse any sewer extension application in the area covered by such ban unless:

1. An exemption has been granted for such extension pursuant to exemption criteria which are equivalent to or more stringent than those contained in N.J.A.C. 7:9-13.7, and has been approved by the Department; or

2. The sewer extension approval for construction prohibits the use of the extension until such time as the sewerage authority and participating municipalities shall determine that adequate treatment capacity exists at the receiving treatment works, as specified in a treatment works approval or NJPDES Permit issued by the State. Where there is no capacity, an owner may request to construct utilizing a signed dry sewer affidavit. The dry sewer affidavit shall certify that such person understands and agrees that the sewerage authority and participating municipalities shall not approve the use of the proposed sewer extension, that such person proceeds at his or her own risk, and that such person will not use the sewer extension, and the sewerage authority and participating municipality will not approve the extension for operation, until such time as they determine that adequate treatment capacity exists at the receiving treatment works as specified in a State issued treatment works approval or NJPDES Permit.

(c) Any Sewerage Authority and participating municipality may rescind their extension ban at such time as they can show to the Department's satisfaction that:

1. Committed flow to the treatment works does not exceed design flow, and

2. The effluent from the treatment works consistently meets all applicable effluent limitations in the facility's NPDES or NJPDES permit, and the treatment works approval, and

3. The effluent from the treatment works does not cause a violation of the applicable Water Quality Standards (N.J.A.C. 7:9-4 et seq.) for the receiving water body.

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[(a)] **(d)** Whenever **the participating municipalities and sewerage authority have failed to comply with (a) or (b) above and** the Department has determined that:

1. Committed flow to a [municipal] **domestic** treatment works has reached 100 percent of its design flow; or

2. For a [three] **four** month period a [municipal] **domestic** treatment works has discharged effluent which violates any of the following **as determined by the arithmetic average of the permit parameters for a period of four consecutive months:** N.J.S.A. 7:9-4 et seq.; standards promulgated by the Delaware River Basin Commission, Interstate Sanitation Commission or Hackensack Meadowlands Development Commission; or the effluent limitations expressed in its NPDES or NJPDES permit or approval to operate; then the Department [may] **shall** cease issuing extension approvals and may issue an administrative order:

i. Requiring that a sewerage authority and/or participating municipalities cease further approval of sewer extensions to the [municipal] **domestic** treatment works;

ii. (No change.)

iii. Requiring a sewerage authority and participating municipalities to give notice of the sewer extension ban order to residents of the affected area, landowners therein, **local planning boards,** and other persons or legal entities affected by the order at intervals of no more than 6 months in a manner reasonably expected to be received by such persons;

iv. (No change.)

[(b)] **(e)** Where an order has been issued pursuant to this section, the Department shall not issue any sewer extension approval in the area covered by such order unless:

1.-2. (No change.)

[(c)] **(f)** Any Sewerage Authority may apply for a recession **or modification** of any order issued pursuant to these regulations, at such time as it can show that:

1. (No change.)

2. The effluent from the treatment works consistently meets all applicable effluent limitations in the facility's NPDES or NJPDES permit, and the treatment works approval **as determined by the arithmetic average of the permit parameters for a period of four consecutive months** and

3. (No change.)

(g) The Department may grant incremental allotments of additional sewage capacity to the sewage authority under ban, when it has been demonstrated that substantial improvement in effluent quality and/or reduction in committed flow will occur and the sewage authority is committed to make improvements through an Administrative Order, Administrative Consent Order or schedule of compliance contained in a NPDES or NJPDES permit. The implementation of the improvement must be initiated prior to any additional sewage capacity allotment being granted.

7:9-13.6 Sewer extension ban exemptions

(a) The Department shall consider exemptions to sewer extension bans in order to provide relief to persons that suffer certain types of substantial harm due to the imposition of the sewer extension bans, or when, in the opinion of the Department there is a compelling public need for a proposed facility. The burden of proof is upon the applicant in all exemption requests under this Section. The Department shall presume that all applicants have knowledge of the ban after the effective date of the order, and the Department shall not grant an exemption to any party who subsequently proceeds with a proposed project and thereby increases or creates the hardship which is the basis for the requested exemption. An applicant for an exemption must submit a plan for water conservation plumbing, and the implementation of such plan will be a condition of the exemption. An applicant for an exemption must prove to the satisfaction of the Department that it meets any of the criteria outlined below.

1. (No change.)

2. If an existing building or group of buildings with individual subsurface disposal system(s) is certified by the local health authorities and proven to the satisfaction of the Department to be presently creating a health hazard due to overflow, contamination of the waters of the State, or other malfunction, **and the system can not be reasonably rehabilitated,** an exemption may be allowed.

3. If the application for the exemption is a request to allow the connection of a proposed building, which is **publicly owned or operated,** including but not limited to: a school, hospital, fire or police station, **senior citizen housing, or long term health care facility which has received a certification of need from the New Jersey Department of Health,** an exemption may be granted if in the Department's opinion there exists a sufficient public need for the proposed building.

4. (No change.)

(b) The applicant shall submit the request for an exemption along with the appropriate documentation to the sewerage authority under order. The sewerage authority shall **endorse and** forward this request along with a completed exemption request form which can be obtained from the Division. (See appendix 1). The sewerage authority shall provide the applicant with copies of these regulations and information on water conservation plumbing.

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

7:9-13.7 Adjudicatory hearings

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

(c) Requests for hearings shall be sent to:

[Office of Regulatory Affairs]
Division of Water Resources
Department of Environmental Protection
P.O. Box CN 029
Trenton, New Jersey 08625

7:9-13.8 Orders issued prior to the effective date of these rules

(No change.)

(a)

DIVISION OF WATER RESOURCES

Water Supply Allocation Procedures for Determining, Assessing and Collecting Payments for Water Diversion

Proposed Amendments: N.J.A.C. 7:19-4.3, 4.7, and 4.9

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

Authority: N.J.S.A. 58:2-1 et seq. and N.J.S.A. 13:1B-3.

DEP Docket No. 007-84-03.

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Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator
Water Supply and Watershed
Management Administration
Division of Water Resources
CN 029
Trenton, New Jersey 08625

At the close of the comment period, 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 1984-178.

The agency proposal follows:

Summary

N.J.S.A. 58:-2-1 et seq. established the annual charges required to be paid by any person diverting water from streams or lakes with outlets for the purpose of public water supply, or from subsurface, wells or percolating water supplies obtained by exercise of the State's right of eminent domain. With the abolition of the Water Policy and Supply Council the Department was left without procedures for establishing and collecting the excess diversion charge. This problem was remedied in September 1983 with the adoption of this subchapter. The purpose of this amendment is to add 19 additional water supplies, and the free allowance to which they are entitled, to the free allowance listing found at N.J.A.C. 7:19-4.9(d). At the same time the Department is making changes to two other sections in order to correct minor errors.

Social Impact

The proposed amendment will have a negligible social impact in that it merely sets forth in a rule the free allowances that the water purveyors are entitled to by law.

Economic Impact

Since this amendment establishes the free allowances to which water purveyors are entitled, there is a positive economic impact in that this will make it possible to calculate the annual excess diversion charges in a more timely and efficient manner.

Environmental Impact

Since N.J.A.C. 7:19-4 et seq., establishes a more efficient method for determining, assessing and collecting the excess diversion charge, there is a positive environmental impact in that the Department's staff will have additional time to devote to environmental issues.

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

7:19-4.3 Definitions

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

. . .

"Passing flow requirements" means the volume of water required to be maintained at a selected point **in the stream** to promote water quality conditions after consideration of the needs of downstream users.

. . .

7:19-4.7 Calculation of fees

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

(d) The total diversion by each purveyor less the free allowance, and adjustments thereto, shall be subject to the excess diversion fee.

1. The excess diversion fee shall be fixed at not less than $1.00 nor more than $10.00 per million gallons in excess of the free allowance.

i. The minimum charge of $1.00 per million gallons of water shall apply on those days when the passing flow requirement below the point of diversion is maintained.

ii. The maximum charge of $10.00 per million gallons of water shall apply on those days when the passing flow below the point of diversion is zero.

iii. The rate of charge for any day in which the passing flow requirement is not maintained shall be computed in accordance with the following formula:

$$\text{Daily charge} = \left[\left[\left(1.00 + 9.00\ 1\text{-}\frac{\text{ADF}}{\text{PFR}}\right)\right]\right] \text{x (TF)}$$

$$\left[\ \mathbf{1.00 + 9.00\ \left(1\text{-}\frac{ADF}{PFR}\right)}\ \right]$$

ADF = average daily passing flow in stream

PFR = passing flow requirement

TF = total daily [flow] **diversion** in millions of gallons subject to the excess diversion fee

(e) The passing flow requirements which apply in these calculations include but are not limited to the following:

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Purveyor	Gaging Station	[Minimum] **Passing** Flow (cubic feet per second)
Commonwealth Water Co.		
Passaic River	Passaic River at Chatham	116
Canoe Brook	Canoe Brook near Summit	2.12
Passaic River at Madisonville	Passaic River near Millington	10.7
[Elizabeth] **Elizabethtown** Water Co.		
Raritan River	[Min.] **Passing** flows maintained by N.J. Water **Supply** Authority	
Hackensack River		
Hackensack River	Hackensack River at New Milford	12.9
Saddle River	Saddle River at Lodi	13.9
Two Bridges	Passaic River	143.3
(except when Passaic Valley Water Commission is diverting at Two Bridges, in which case [minimum] **passing** flow will be 27.2 cfs).		
City of Jersey City	Rockaway River	23.0 [1]

[1]Subject to adjustment when flows in Beaver Brook at the outlet of Split Rock Pond are less than 1.5 cfs.

Middlesex Water Co.		
Robinson's Branch of Rahway River	Rahway River at Rahway	4.2
Raritan River	[Min.] **Passing** flow maintained by N.J. Water **Supply** Authority	
Monmouth Consolidated Water Supply Co.		
Swimming River	Swimming River near Red Bank	9.4
Jumping Brook	Jumping Brook near Neptune	1.16
Shark River	Shark River near Neptune	1.9
Newark Water Dept.	Pequannock River **at** Macopin	12.3
City of New Brunswick	Lawrence Brook at Westons Mill	8.7
North Jersey District Water Supply Commission	Wanaque River at Wanaque	15.5 [1]

[1]Subject to reduction by the amount of flows into reservoir at Awosting less than 4.6 cfs

	Ramapo River at Pompton Lakes	61.9
Two Bridges	Passaic River	143.3
(except when Passaic Valley Water Commission is diverting at Two Bridges, in which case [minimum] **passing** flow will be 27.2 cfs).		
Passaic Valley Water Commission		
Pompton River	at Pompton Plains	92.8
Passaic River	at Little Falls	89.0
Passaic River	at Two Bridges	27.2
Rahway Water Department		
Rahway River	at Rahway	7.9
Elizabethtown Water Co.		
Upper Cold Brook	near Pottersville	0.6
City of Trenton		
Delaware River	at Trenton	1,1311.1
New Jersey Water Company		
Brass Castle Creek	near Washington	0.44

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(f) Where the [minimum required] **passing** flow is not specified above, it shall be fixed by the Department based on an amount equal to the average daily flow for the driest month, as shown on existing records or in lieu thereof, 125,000 gallons for each square mile of unappropriated watershed above the point of diversion. The flows computed on the basis of 125,000 gallons per day per square mile shall be in addition to flows from any appropriated watershed above the point of diversion.

7:19-4.9 Free allowance determination

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

(d) The Department has determined the following free allowances, in accordance with (a) above for the following purveyors:

Purveyor/ Division	Points of Diversion	Free Allowances (million gallons)[3]
Atlantic City Water Dept.	**Absecon Creek**	**1,649.070**
Bloomsbury Water Dept.	**Musconetcong River**	**29.200**
Boonton Water Dept.	**Stony Brook Reservoir**	**143.628**
Branchville Water Dept.	**Dry Brook**	**21.571**
Buckhorn Springs Water Co.	**Tributary of Buckhorn Creek**	**68.219**
Burlington City Water Co.	**Delaware River**	**293.387**
Butler Water Co.	**Apshawa Brook**	**139.175**
Commonwealth Water Co.	Canoe Brook/ Passaic River	782.889
Commonwealth Water Co.	Madisonville	64.423
Elizabethtown Water Co.	Millstone River and Raritan River	
Including		
Somerville Water Co.		472.067
Highland Park		26.061
Elizabethtown Division		154.395
Plainfield Division		826.614
City of Elizabeth		**2,208.579[1]**
[City of Elizabeth]		[2,208.579][1]
Franklin Water Dept.	**Franklin Pond**	**58.400**
Hackensack Water Co.	Hackensack River	9,153.47[2]
	Saddle River	
	[Hirschfeld] Hirschfield Brook	
	Sparkill Brook	
Hackettstown M.U.A	**Mine Brook**	**94.681**
Haledon Water Dept.	**Oldam Brook**	**108.551**
High Bridge Water Dept.	**Willoughby Brook**	**50.443**
Jersey City Water Dept.	Rockaway River	16,542.946
Lambertville Water Co.	**Tributary of Delaware River**	**183.084**
Mendham Water Dept.	**India Brook**	**62.926**
Middlesex Water Co.	Robinson's Branch	639.006
	Rahway River	
	Raritan River	
Monmouth Consolidated Water Company	Swimming River	1,090.946
	Jumping River	16.813
	Shark River	140.615
Southeast Morris County M.U.A.	**Harmony Creek**	**627.253**
Newark Water Department	Pequannock River	
Newark and Belleville		13,228.208[1]
Bloomfield		425.882
North Jersey District Water Supply Comm.		
Including		
Montclair, Kearny,	Wanaque River	
Glen Ridge, Bayonne	Ramapo River	
and East Newark	Two Bridges	2,825.940

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City of Newark		10,340.048
City of New Brunswick New Brunswick and Milltown	Lawrence Brook	957.445
Newton Water Co.	**Tributary of Paulinskull River**	**161.403**
Orange Water Dept.	**West Branch Rockaway River**	**952.686**
Passaic Valley Water Commission	Passaic River[,]**at** Little Falls, **or** Passaic River[,] **at** Two Bridges	6,542.735[1]
Peapack - Gladstone Water Dept.	**Peapack Brook**	**58.400**
Rahway Water Dept.	Rahway River	555.397
Salem Water Dept.	**Alloway Creek**	**235.170**
Sussex Water Dept.	**Lake Rutherford**	**48.107**
City of Trenton	Delaware River	4,923.850
New Jersey Water Co.	Brass Castle Creek	125.232

[1]Subject to Allocation
[2]May include credits for releases to DeForest Reservoir.
[3]For leap year, multiply these quantities by the fraction 366/365.

(a)

DIVISION OF WATER RESOURCES

Flood Control Bond Grants

Proposed Readoption: N.J.A.C. 7:23-1 and 2

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

Authority: N.J.S.A. 13:1D-1 et seq. and P.L. 1978, c.78.

DEP Docket No. 010-84-03.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator
Water Supply and Watershed Management Administration
Division of Water Resources
CN 029
Trenton, N.J. 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978) this rule would otherwise expire on May 16, 1984. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1984-177.

The agency proposal follows:

Summary

The purpose of this proposal is to readopt existing regulations known as Flood Control Bond Grant rules (N.J.A.C. 7:23). The current text of this chapter is scheduled to expire on May 16, 1984, pursuant to Executive Order No. 66(1978), commonly known as the "sunset" Executive Order. The proposed readoption does not include any changes in the current text. The Department has reviewed the existing rules and found them necessary for the continued operation of the Flood Control Grant program. The rules were made necessary by the passage of the Emergency Flood Control Bond Act, P.L. 1978, c.78, which authorized "$22,000,000.00 ... for purposes of State grants to local units for the acquisition, development, construction and maintenance of flood control facilities. The terms and conditions of such grants shall be specified by Law, provided, however, that no such grant shall be for more than 50% of the cost of any project."

The rules were adopted in May, 1979 and contain two subchapters. The first subchapter describes the program and contains general legislative requirements for the program. The second subchapter contains eligibility criteria (N.J.A.C. 7:23-2.3), application procedures (N.J.A.C. 7:23-2.4 and 2.5), priority determination (N.J.A.C. 7:23-2.13), and grant terms and conditions (N.J.A.C. 2:23-2.9 thru 2.12 and 2.14 thru 2.35).

Since the inception of this program, the Department has received a total of 76 flood control grant applications. As of this date 26 projects have been approved and $15,907,528.00 in grant funds have been committed to their construction. Thirteen of the approved projects have been completed, four of them are under construction and construction on the remaining approved projects is expected to start in the near future.

Presently the Department is reviewing nine projects. If all of these projects are approved another $5,000,000.00 in grant funds will be committed to construction. This will leave the Department with slightly more than $2,000,000.00 in the Emergency Flood Control Fund for future flood control projects. The Department has established August 20, 1984 as the cut off date for flood control bond grant applications for this year.

The Department believes this program has been very successful and that these regulations have contributed to this

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success. For this reason and because construction of projects will continue for some years it is necessary to readopt these regulations.

Social Impact

This program has a very positive social impact since the construction of these projects protects the public from flooding. The Department has approved projects involving land acquisition, channel improvements, dikes, levees, stormwater pumping stations, stormwater collection systems, culvert and bridge replacements, dam construction, detention basins, and the acquisition and removal of structures in flood plains.

The implementation of these projects will benefit New Jersey by preventing flooding and the disruption of life which accompanies flooding. Specifically these projects will prevent disruption of transportation, damage to residential and commercial property, loss of jobs, and most importantly they will eliminate or reduce the risk to life due to flooding.

Economic Impact

This program and these rules provide a definite economic benefit to the State. First, this program provides badly needed funds to local units for flood control projects. Without these funds many local units would not be able to fund flood control projects. Second, this program is voluntary so that only those local units which are interested in it are affected by the regulations. Third, the regulations require the flood control projects to be cost effective and that the projects beneficially affect the area in which they are located. Fourth, this program has a small administrative staff; therefore the overhead costs are minimal. Finally and most importantly this program provides a definite economic benefit by eliminating all the economic hardships, such as building destruction, job losses and emergency costs, caused by flooding.

Environmental Impact

The rules and the program will have a positive environmental impact since they will prevent the continuous deterioration of neighborhoods that are faced with recurrent floodway. The rules insure that before a project design is approved and implemented, all available alternatives are explored and weighed for environmental impacts. In addition, the Department requires the submission of an environmental assessment for the project (N.J.A.C. 7:23-2.5(c) and carefully reviews it before the project is approved and funded. With this review the Department is assured that environmental damage caused by the project will be minimal. If the project will cause unacceptable environmental damage the application for the project will be denied. Finally all proposed projects must pass all other environmental reviews required by the State and Federal governments before it will be funded.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 7:23.

HEALTH

(a)

HEALTH ECONOMICS SERVICES

Procedural and Methodological Regulations

Proposed Amendments: N.J.A.C. 8:31B-3.23, 3.24, 3.43, 3.75

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health (with the approval of the Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1, et seq., specifically 26:2H-5b. and 26:2H-18d.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed:

Joseph Morris, Assistant Commissioner
Health Planning and Resources Development
New Jersey Department of Health
CN 360
Trenton, NJ 08625

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

This proposal is known as PRN 1984-155.

The agency proposal follows:

Summary

The proposed amendments to the Procedural and Methodological Regulations allow the Hospital Rate Setting Commission to establish rates of payment for outpatient renal dialysis in a way that is as consistent as possible with New Jersey's DRG System, and at the same time is in compliance with the conditions of New Jersey's Medicare and Medicaid Waiver extension that became effective January 1, 1984.

The proposed methodology will allow outpatient dialysis services to be reimbursed by rates based on a blend of hospital costs and a standard. In addition, for reconciliation, the allowable patient dialysis center variance (no more than 5 percent) will be calculated separately from other cost centers.

This allows the Dialysis (DIA) Cost Center to be reimbursed by the Commission approved amount, without applying any inappropriate cross-subsidization penalties to this cost center or other cost centers.

The waiver also required that the Department of Health develop a methodology to screen hospital based physician

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costs in the Electrodiagnosis (EDG) Laboratory (LAB), Physical Therapy (PHT), Radiology (RAD) and Respiratory Therapy (RSP) cost centers.

Hospitals would be required to submit the following: duties and percentage of services rendered to Medicare patients under Part A (hospital) and Part B (patient); a list of all provider based physicians including their names and provider number, specialty, compensation and allocation agreement (A/B split); and, an agreement that services under the hospital's reimbursement rate will not be separately billed.

Social Impact

The proposed change in renal dialysis reimbursement to the hospital may cause a shift to the less expensive home dialysis. This may prove to be beneficial to the patient but will require proper screening measures and ongoing monitoring by the provider.

The development of a methodology for compensation of hospital based physicians will not alter the services received by the patient and no social impact is foreseen.

Economic Impact

The proposed change in renal dialysis reimbursement to the hospital may cause a financial loss to the provider in direct relationship to their efficiency level. Offsite monitoring of home dialysis patients may require a redistribution of personnel or the addition of specialized personnel services. Many patients may financially benefit from home dialysis since transportation costs to the dialysis center would be eliminated.

The proposed methodology for compensation of hospital based physicians may cause some hospitals to suffer a financial loss in the screening process where unusually high physician salaries are in place. This methodology, however, will benefit the patient by ensuring that no double billing associated with a hospitalization will take place.

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

Amendments to 1984 Procedural and Methodological Regulations

8:31B-3.23 Reasonable Direct Costs Per Case

(a) (No change.)

(b) Outpatient: The reasonable direct costs for outpatient cases shall be the hospital's current direct routine cost per case (visit). **Outpatient renal dialysis visits will be reimbursed as described in (d) below.** Ancillary costs for outpatient services shall be determined similar to costs for private referred outpatients described in (c) below.

(c) (No change.)

(d) Outpatient dialysis cases: The reasonable direct cost for outpatient dialysis cases shall be determined according to the following methodology:

1. A Statewide mean direct cost per visit and a coefficient of variation will be calculated for dialysis visits. These statistics will be weighed for caseload. That is:

$$\text{Statewide Mean Cost} = \frac{\sum_{h=1}^{H} n_h \, (\overline{cost_h})}{N}$$

and

$$\text{Standard Deviation} = \sqrt{\frac{\sum_{h=1}^{H} n_h \, (\overline{cost_h})-(\overline{\overline{cost}})^2}{N}}$$

where

H = number of hospitals with dialysis programs

n_h = number of base year visits in hospital $_h$.

$\overline{cost_h}$ = mean cost per visit in hospital $_h$.

N = number of base year visits Statewide.

$\overline{\overline{cost}}$ = Statewide mean cost.

2. A hospital's approved direct cost is equal to a weighted average of its own mean cost and the Statewide mean, with the weights equal to the coefficient of variation and one minus the coefficient of variation, respectively.

(e) Physicians: The reasonable amount of hospital-based direct physician costs will be determined for each hospital. The base year physician costs will be screened to determine disincentive amounts in the cost centers (or combined cost centers) listed below. Each hospital's physician unit cost in the applicable cost centers will be compared to a reasonable limit per unit of service equal to 110 percent of the median unit cost. The unit of service will be adjusted admissions (admissions multiplied by total gross revenue divided by inpatient revenue). Costs in excess of the reaonable limit will be eliminated from the hospital's direct patient care rates. The cost centers subject to screening are as follows:

Cost Center	Peer Group	Unit of Service	Reasonable Cost Limit
(EDG) Electrodiagnosis	Teaching, Minor Teaching, Non-Teaching	Adjusted Admissions	1.1
(LAB) Laboratory	,,	,,	,,
(PHT) Physical Therapy	,,	,,	,,
(RAD) Radiology	,,	,,	,,
(RSP) Respiratory Therapy	,,	,,	,,

(f) Hospitals are required to include a clause in all contracts with hospital based physicians prohibiting the double billing of patients. Hospitals are required to submit the following:

1. The percentage of Medicare Part A (services to the hospital) and Part B (services to the patient) services. The duties relative to Part A and Part B, as defined by Medicare, must be listed in detail.

2. An agreement that services covered under the hospital's reimbursement rate will not be separately billed.

3. A list of all provider based physicians including their names and provider number, specialty, compensation and the allocation agreement (A/B split).

8:31B-3.24 Reasonable Indirect Patient Care Costs

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

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(c) Indirect costs will be allocated to the Outpatient Renal Dialysis Cost Center by means of a mark-up factor of 1.05 that will be unique to this cost center.

(c)-(e) renumbered **(d)-(f)**.

8:31B-3.43 Adjustment of charges

(a) (No change.)

(b) The hospital may, subject to analysis and approval by the Department, adopt a plus or minus 20 percent variance[s] applied to its charge to Direct cost ratio for any specific revenue center, **with the exception of the outpatient dialysis cost center. In the outpatient dialysis center no more than a 5 percent variance in 1984 is permitted from the charge established by the Hospital Rate Setting Commission. After 1984, no variance will be permitted.**

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

8:31B-3.75 Schedule of rates reconciliation

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

1. (No change.)

2. Hospital gross revenue Related to patient care: The hospital's acutal rate year charge to Direct Cost ratio shall be calculated for each revenue center. Next, the hospital's actual rate year total charge to total Direct Cost ratio shall be calculated. Each revenue center ratio will be compared to the total ratio, adjusted by the discretionary subsidy of plus or minus 50 percent during the initial 12 months under the Chapter 83 reimbursement system; 25 percent during the second 12 months; and 20 percent in the third 12 months, plus any additional subsidy previously approved by the Commission. **However, the outpatient dialysis cost center will be allowed a variance of no more than 5 percent and will be calculated separately from the other cost centers.** Any difference by revenue cost center (either positive or negative) shall be divided in half and multiplied by total rate year direct cost for the revenue center and deemed excess subsidized revenue.

3.-4. (No change.)

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

County Colleges State Aid: Audits

Proposed Amendment: N.J.A.C. 9:4-3.10-3.16

Authorized by: Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
Authority: N.J.S.A. 18A:64A-7.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses should be addressed to:

Grey J. Dimenna, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Higher 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 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 1984-178.

The agency proposal follows:

Summary

The Board of Higher Education is statutorily charged with establishing guidelines for determining the costs and categories of county college programs which are eligible to receive State aid. The Board is also responsible for monitoring the use of those funds. The proposed amendment defines the various county college programs and costs within those programs which are eligible for State aid as a result of statutory amendments to N.J.S.A. 18A:64A-22 and also reorganizes the Code relating to existing auditing procedures to be followed by the county colleges in reporting to the Board on the use of such State aid. A summary of the proposal follows:

N.J.A.C. (9:4-3.10. The proposal defines what costs are reimbursable by State aid.

N.J.A.C. (9:4-3.11. The proposal defines the calculation of full-time equated student enrollments.

N.J.A.C. (9:4-3.12. The proposal defines noncredit courses for the purpose of reimbursement by State aid.

N.J.A.C. (9:4-3.13. The proposal defines student residency for the purpose of determining State aid.

N.J.A.C. (9:4-3.14. The proposal defines the use of enrollment data for the purpose of determining State aid.

N.J.A.C. (9:4-3.15. The proposal defines the requirements in preparing the audited schedule of credit-hour enrollments and equivalent credit hour enrollments by differential category.

N.J.A.C. (9:4-3.16. The proposal defines educational and general expenditure base for the purpose of determining State aid.

Social Impact

The proposed amendment provides county colleges with a clear set of guidelines delineating the costs and programs eligible for State aid and the information necessary for audits conducted by the Department of Higher Education.

Economic Impact

The proposed amendment will enhance the fiscal integrity of county college State aid and ensure that statutory requirements are met. No precise dollar figure is available.

Delete the existing rule in the New Jersey Administrative Code at N.J.A.C. 9:4-3.10, as amended in the New Jersey Register at 14 N.J.R. 318(a), 14 N.J.R. 757(a) and replace it with the following proposal.

Full text of the proposal follows.

9:4-3.10 State support

(a) When direct costs of instruction for courses, credit or non-credit, are properly classified as current unrestricted ex-

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penditures as defined in College and University Business Administration (1982) and revisions thereof (see N.J.A.C. 9:4-3.1), these costs are considered to be directly incurred by the college and the related credit and equivalent credit hours are eligible to be counted in determining State support, except as restricted by other policies and regulations.

(b) Direct cost of instruction will be developed by course. The direct costs are:

1. Salaries and benefits of instructors and paraprofessionals paid for the teaching and grading of courses;

2. Educational supplies used directly by the teacher or the students of a course; and

3. Contract educational services which are employed for a specific course.

(c) When direct costs of instruction for courses, credit or non-credit, are properly classified, according to the guidelines referenced above, as expenditures of the current restricted fund (expenditures restricted to specific purposes by outside sources), the costs are not incurred directly by the college and the related credit-hour and equivalent credit-hour enrollments are not eligible to be counted in determining State support.

(d) Where the total direct costs of instruction of an otherwise non-fundable course exceed the amount of restricted funds available for the course, the excess cost is considered as expended from the current unrestricted fund and a percentage of the credit-hour enrollments generated by the course are fundable. This percentage is equal to the proportion of direct expenditures not covered by the grant or contract divided by the total direct costs of the course.

9:4-3.11 Calculation of full-time equivalent enrollments (FTEs)

(a) Annual full-time equivalent student enrollments (FTEs) for full-time, part-time and summer session students shall be calculated by dividing total annual credit-hour and equivalent credit-hour enrollments by 30.

(b) FTE enrollments from an academic term (for example, summer session) which is conducted over a fiscal year end, should be reported totally within the fiscal year in which the term is predominantly conducted.

9:4-3.12 Noncredit courses

(a) Noncredit courses, for purposes of State funding, means remedial, developmental, general education development and adult basic education courses.

(b) Remedial courses are courses in reading, writing, anbd mathematic skills designed to raise student competence in these skills to the college level.

(c) Developmental courses are courses designed to develop occupational skills geared toward securing initial employment or upgrading occupational skills. In planning for the offering of developmental courses, colleges must formally assess the needs of their service area and the offerings of other public institutions.

(d) General education development courses are courses designed to prepare students for New Jersey high school equivanelency diplomas.

(e) Adult basic education courses are courses designed to teach reading, writing, and mathematic skills to adults whose inability to speak, read, or write the English language constitutes a substantial impairment to obtaining or retaining employment commensurate with their ability.

(f) Noncredit programs generally eligible for State funding as defined in this section and offered jointly with another educational agency (public or private) will not be eligible for funding unless control of the courses and programs shall be vested with the county college.

1. "Control" means ultimate responsibility for development and implementation of curriculum (for example, course objectives, outlines, strategies, and teaching methods); responsibility for hiring, firing, evaluating, and supervising the faculty; and responsibility of the faculty member to a supervisor employed by the college.

(g) To be eligible for State funding, noncredit courses as defined in this section shall be in compliance with the Board of Higher Education tuition ceiling currently in effect.

(h) For noncredit courses as defined in this section, instruction is to be given by a county college in an appropriate educational environment, students must be formally registered, attendance must be taken, degree credit may not be given upon completion, and the session or sessions to be funded must be entirely instructional in nature.

(i) The county college shall maintain permanent documentation for audit purposes including, but not limited to, student registration, student attendance, and course descriptions for noncredit courses eligible for state funding.

(j) Student registration records for noncredit courses eligible for State funding shall be by course and shall include, at a minimum, the student's name, address, and Social Security number.

(k) The equivalent credit-hour calculation for a noncredit course shall be based upon only those students who are formally registered and in attendance at the institutional session to be selected by the college for the equivalent credit-hour count.

(l) Course descriptions for noncredit courses eligible for State funding shall be made available to auditors who shall submit sample course descriptions to the Department of Higher Education with the year end audit.

1. The Department of Higher Education may review all the noncredit course descriptions on file at any college.

2. The county college shall have the burden of establishing that a noncredit course is a course eligible for State funding as defined in this section.

3. The decision to approve or reject a noncredit course as one which qualifies for State funding rests with the Department of Higher Education.

9:4-3.13 Residency

(a) County residents means students maintaining a permanent domicile in the county or counties sponsoring the college for a period of at least six months prior to registration as evidenced by a certificate of residence.

(b) Out-of-county residents means students maintaining a permanent domicile in the State of New Jersey for a period of six months or more, as evidenced by a certificate of residence, but in a county other than the county or counties sponsoring the college.

(c) Out-of-State residents means students maintaining a permanent domicile in a state other than New Jersey and students who have maintained a permanent domicile within the State of New Jersey for a period of less than six months.

9:4-3.14 Enrollment data

(a) Enrollment data shall be accumulated and maintained by each college in a format and according to such differential categories as promulgated by the Department of Higher Education. Tenth-day enrollments shall be used for calculating enrollments during the academic year and fifth-day enrollments during summer sessions.

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(b) Equivalent credit hours for State fundable noncredit courses shall be calculated by dividing total contact hours by 15.

9:4-3.15 Audit rules

(a) In preparing the audited schedule of credit-hour enrollments and equivalent credit hours by differential category as required by this section, the audit firm must adhere to the following:

1. The auditor shall review the rules concerning enrollment data as found in this section and/or other referenced sections and in the audit instructions published by the Department of Higher Education.

2. The college shall maintain a clearly defined audit trail to enable the auditor to certify credit-hour and equivalent credit-hour counts by differential category reported by the college.

3. Student credit hours and equivalent credit hours shall be reconciled to tuition income, including cash received, accounts receivable, and waivers, exclusive of tuition income from non-credit, non-fundable enrollments.

4. The auditor shall send a confirmation letter to a statistically valid sample of students who are listed as having attended courses during the year under audit. The methodology and results of this sample shall be forwarded to the Department of Higher Education with the year end audit report.

5. The auditor shall follow the format for the audited enrollment schedule outlined in enrollment audit instructions provided by the Department of Higher Education.

i. If the auditor plans to deviate from any of the audit procedures, he or she shall obtain prior written approval from the Department of Higher Education.

ii. Such approval, if granted, shall be valid only for the audit in process.

6. Course outlines shall be made available to the auditors who shall submit sample course outlines along with the differential category classification assigned to these courses by the college.

i. The auditor shall certify that course outlines are on file for all of the college's State fundable course offerings and that these courses have been classified by differential category.

ii. The Department of Higher Education may review all course outlines on file at any college.

iii. The county college shall have the burden of establishing that a course has been properly classified.

iv. The decision to approve or reject a course's classification as proper rests with the Department of Higher Education.

7. The auditor shall examine the college's audit trail including the registration records, attendance records and course descriptions and certify that the audit trail is valid and adequate for certification of the schedule of credit-hour and equivalent credit-hour enrollments by differential category.

i. The auditor shall further certify the accuracy of the schedule of credit-hour and equivalent credit-hour enrollments by differential category submitted to the Department of Higher Education.

8. The auditor shall certify that the review of the documentation underlying the calculation of credit hours and equivalent credit hours is valid and adequate for the certification of the credit-hour enrollment schedule.

i. The auditor shall forward to the Department of Higher Education the methodology and results of a statistically valid sampling of registration and student attendance records with the year end audit report.

9. The auditor shall certify that all noncredit courses submitted for State funding are in compliance with the Board of Higher Education tuition ceiling for noncredit courses.

10. The auditor shall ascertain that the college has on file at the college a course description for each noncredit course eligible for State funding and shall submit a statistically valid sample of these course descriptions with the year end audit report.

11. The auditor shall obtain from the college and submit with the year end audit report a certificate which states that in planning for the offering of developmental courses, the college has formally assessed the needs of its service area and the offerings of other public institutions.

12. The auditor shall additionally certify that he or she has reviewed N.J.A.C. 9:4-3.10-9:4-3.15 and has completed the enrollment audit in accordance with the rules and guidelines as outlined.

13. All certifications required shall be included in an opinion letter to the Department of Higher Education that shall accompany the schedule of credit-hour and equivalent credit-hour enrollments by differential category.

9:4-3.16 Educational and general expenditure base defined

(a) Educational and general expenditures are defined as all institutional current restricted fund expenditures and mandatory transfers as are defined in College and University Business Administration (1982) and revisions thereof (see N.J.A.C. 9:4-3.1).

(b) Adjusted educational and general expenditures for the purposes of determining annual county college sector State funding requests shall be defined as total educational and general expenditures adjusted as outlined below:

1. Educational and general expenditures increased by such plant renewal and replacement expenditures that are funded from current unrestricted funds, and minor capital expenditures (see N.J.A.C. 9:4-1.5 (g)).

2. Educational and general expenditures decreased by the following:

i. Direct expenditures for non-fundable enrollments.

ii. Direct expenditures for Public Service activities as defined in College and University Business Administration (1982) and revisions thereof (see N.J.A.C. 9:4-3.1).

iii. Direct expenditures for activities that are provided exclusively for persons neither enrolled nor employed at the college and revenue-producing activities other than instruction for fundable enrollments.

iv. An amount equal to 10 percent of the total direct expenditures for non-fundable activities under 2i, ii, and iii above as non-fundable indirect expenditures.

(c) The accuracy of each college's calculation of adjusted educational and general expenditures shall be certified by its audit firm.

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(a)

STUDENT ASSISTANCE BOARD

Student Assistance Programs
Verification of Enrollment and Academic Performance

Proposed Amendment: N.J.A.C. 9:7-2.10

Authorized By: Student Assistance Board, Joseph Streit, Chairman.
Authority: N.J.S.A. 18A:71-26.6, 18A:71-26.8, 18A:71-47(a) and 18A:71-48.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gray J. Dimenna, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
CN 542
Trenton, NJ 08625

At the close of the period for comments the Student Assistance Board 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 1984-172.

The agency proposal follows:

Summary

The proposed amendment establishes standards for determining minimum academic progress that students must attain in order to continue to be eligible for student assistance grants administered under the Student Assistance Board. Those standards include academic performance and progress, class standing, and matriculation requirements. The amendments also designate the amount of grant awards permissible. Educational institutions are also provided appeal rights from the denial of financial aid.

Social Impact

The proposed amendment provides student aid recipients and institutions with a clear policy statement stipulating the minimum academic progress requirements for the renewal eligibility for State student aid assistance.

Economic Impact

The proposed amendment will enhance the fiscal integrity of the student aid programs and insure that minimum standards are met by the eligible students that receive grants. No precise dollar figure is available.

Delete the existing rule in the New Jersey Administrative Code at N.J.A.C. 9:7-2.10 as amended in the New Jersey Register at 15 N.J.R. 205(a), 15 N.J.R. 1101(a) and replace it with the following proposal.

Full text of the proposal follows.

9:7-2.10 Verification of Enrollment and Academic Performance

(a) Before payment may be made to an eligible student, the institution shall have satisfactory evidence that the student is eligible for State grant and/or scholarship assistance, has registered as a full-time student for an academic term, and that the student is meeting minimum standards for academic performance and academic progress.

(b) Each institution shall provide copies of its minimum standards for academic performance and progress to the Department of Higher Education at the beginning of each academic year.

(c) The Student Assistance Board shall recognize minimum standards for academic performance and satisfactory academic progress that an institution adopts for determining State financial aid eligibility if these standards are the same as or stricter than the institution's standards for students not receiving State financial aid.

(d) Students receiving financial aid under the student aid programs administered by the Student Assistance Board shall remain in good academic standing as defined by the institution which they are attending.

(e) Students receiving State financial assistance under the student aid programs administered by the Student Assistance Board shall meet the following statewide minimum standards of academic progress:

1. After earning the first 12 college-level credits, all students receiving assistance shall earn either an additional 12 college-level credits during every semester in which they receive State financial assistance, or a minimum of 24 college-level credits during every academic year of payment.

2. The number of award payments students may receive in order to earn their first 12 college-level credits depends on their level of preparation for college work and the admission policy of their institution:

i. Students in the Educational Opportunity Fund (EOF) Program, at any institution, may receive up to 3 semesters of payments to earn the first 12 college-level credits or up to 4 payments to earn the first 24 credits.

ii. Students attending open access county colleges and who are required to pursue a remedial/developmental or bilingual (ESL) curriculum of 12 or more credits may receive up to 3 semesters of payments to earn the first 12 college-level credits or up to 4 payments to earn the first 24 credits.

iii. All other students at 2-year and 4-year institutions must earn either 12 college-level credits after the first 2 award payments or 24 credits after the first 3 award payments.

3. The maximum number of semester award payments which students may receive are as follows:

	Enrollment Status	Maximum Semesters for Award Payments
COUNTY COLLEGES:	Regular 2-Year Program	5
	Remedial/Developmental or Bilingual (ESL) Curriculum	6
	EOF Program	6/8*
FOUR-YEAR COLLEGES:	Regular 4-Year Program	8
	5-Year Program	10
	EOF Program	10/12*

*With special EOF approval.

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i. Students shall not receive more than 8 semesters of payment unless they are enrolled in a 5-year program or receiving assistance under the EOF Program.

ii. Students enrolled in an undergraduate program regularly requiring 5 academic years for completion shall be permitted a fifth year of payment eligibility.

iii. Students enrolled in the EOF Program may receive 2 additional payments based upon the special approval from the Executive Director of the EOF Program.

(f) Students who are unable to earn 12 credits in a semester may remain eligible if they have maintained an average academic progress of 12 credits or more per semester of award payments.

(g) The academic standing and progress of all students receiving assistance must be monitored by institutions at least once a year, at the end of the spring semester.

(h) Students who fail to achieve the above minimum standards shall be ineligible to receive financial aid under the programs administered by the Student Assistance Board until such time as the institution certifies that they are in good academic standing and are achieving satisfactory academic progress.

(i) Students and institutions shall have the right to appeal the denial of financial aid based upon these guidelines through the established appeal procedures.

(j) This regulation will become effective for record keeping and academic progress determination for the 1983-84 academic year, and effective for determination of grant eligibility for the 1984-85 academic year.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Administration Manual
Prepaid Health Care Services; Title XIX Eligibles

Proposed Readoption: N.J.A.C. 10:49-10.4 through 10.10
Proposed Readoption with Concurrent Amendments: N.J.A.C. 10:49-10.1 through 10.3

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 30:4D-7a, b, c, d and 42 CFR 434.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 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

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 rule making procedures at N.J.A.C. 1:30-3.5. Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on June 14, 1984. The readoption of the existing rules becomes effective upon filing with the Office of Administrative Law of the notice of the readoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of its adoption.

This proposal is known as PRN 1984-161.

The agency proposal follows:

Summary

This proposal is designed to readopt the regulations governing prepaid health care services, which include both a Health Maintenance Organization (HMO) and a Prepaid Health Plan (PHP). Patients do not lose any Medicaid benefits by enrolling in an HMO or PHP because they are still entitled to receive all services and/or items normally covered by the New Jersey Medicaid (Title XIX) Program. If the particular service and/or item is not provided by the HMO or PHP, then the Medicaid patient would follow the usual program procedures.

The rule was developed to set forth the basic requirements governing providers who wish to provide a package of health care services under contract with the Department of Human Services. An administrative review has been conducted, and a determination made that the rule should be continued, because this type of medical care provider (HMO and PHP) participates in the New Jersey Medicaid Program. The rule is necessary, adequate, reasonable, efficient and responsive for the purpose for which it was created. There have been no amendments to the rule since its original adoption.

The rule is being amended concurrently with the proposed readoption because of changes in the federal regulations (42 CFR 434). The definitions of a "federally qualified HMO," and "risk" and "nonrisk contract" have been added to Section 10.1. These definitions are virtually the same as contained in the federal regulations. The definitions of "HMO" and "PHP" have both been amended to conform to the federal language. The substance of all definitions appears in the proposed text below. Section 10.2 has been amended to add the requirement that the contractor, either an HMO or PHP, must comply with all federal requirements. Section 10.3 has been amended to define benefits that are available. Under a risk comprehensive contract, the provider must provide the services specified in 42 CFR 434.21, which must include inpatient hospital services. The other services that could be provided by the HMO or PHP are outpatient hospital services, other laboratory and x-ray services, physicians' services, home health services, skilled nursing facility services and EPSDT (early and periodic screening diagnosis and treatment). The remainder of the changes to Section 10.3 involve recodification only.

Social Impact

The rule impacts on Medicaid patients who wish to enroll in an HMO or PHP, and receive several Medicaid services from

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one central source. The rule also impacts on providers who have contracted with the Department to provide prepaid health services. At present there is one such provider with approximately 600 Medicaid recipients enrolled.

The rule should be continued because it can provide Medicaid patients with access to providers of prepaid health services.

Economic Impact

Providers of prepaid health services are reimbursed differently than the typical fee-for-service provider. The HMO, or PHP, receives monthly premiums prepaid by the Division for each enrollee. These premiums, and Medicaid services rendered by the HMO or PHP, are subject to federal matching funds for those enrollees who are otherwise eligible for Medicaid.

The provider (HMO or PHP) is then responsible for providing or arranging for, those services that are specified in the contract.

There is no cost to the Medicaid patient.

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

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.

["HMO" means an entity determined by the Assistant Secretary for Health (Public Health Service) to meet the following requirements:

1. It provides to its Medicaid eligible enrollees as the "basic health services" required under sec. 1301(b) and (c) of the Public Health Service Act:

i. Inpatient hospital services;

ii. Outpatient services;

iii. Laboratory and x-ray services;

iv. Family planning services and supplies;

v. Physician services; and

vi. Home health services for individuals entitled to those services under the Medicaid State plan.

2. It provides in the services listed in paragraph (a) in the manner prescribed in sec. 1301(b) of the Public Health Service Act.

3. It is organized and operated in the manner prescribed in sec. 1301(c) of the Public Health Service 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" means an entity that is not an HMO, and that provides medical services under contract with the Medicaid agency to enrolled recipients on a prepaid capitation basis. This is limited to the providers identified in sec. 1903(m)(2)(i), (ii) and (iii) of the act. That section refers to certain entities that received grants under the Public Health Service Act in the fiscal year ending June 30, 1976, certain rural primary health care entities, and certain entities that operated on a prepaid risk basis before 1970.]

"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 the provision of all Title XIX benefits to enrolled beneficiaries, with the exception of the following list of services. The Division will contract with the contractor for the provision of, or arrangements for, the provision of these following services:

i. Inpatient hospital services;

ii. Outpatient hospital services;

iii. Laboratory and x-ray services;

iv. EPSDT approved equivalent for enrollees under 21 years of age;

v. Physicians services;

vi. Home health care services;

vii. Physical therapy, occupational therapy, audiology and speech therapy;

viii. Clinic services;

ix. Ambulance service required for emergency medical care;

x. Family planning services and supplies;

xi. Skilled nursing facility services up to 100 days per year per enrollee;

xii. Podiatrist services;

xiii. Optometrist services;

xiv. Mental health services; and

xv. Diagnosis and required medical treatment, and referral services for the abuse or addiction to alcohol or drugs including detoxification.]

(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

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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 servicers 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

Reduction of Fees Regarding Radioimmunoassay (RIA) Laboratory Procedures

Notice of Pre-Proposal to Amend: N.J.A.C. 10:54-3

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

Authority: N.J.S.A. 30:4D-6a(3), 1905(a)(3) of the Social Security Act and 42 CFR 440.30.

Interested persons may submit, in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about 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

This is a Notice of Pre-Proposal for a rule (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must still comply with the rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Office of Administrative Law's Rules for Agency Rulemaking, N.J.A.C. 1:30.

This pre-proposal is known as PPR 1984-2.

The agency proposal follows:

Summary

The federal law and regulation cited above indicate that "other laboratory and X-ray services" are a required component of each State's Title XIX (Medicaid) program. The regulations governing reimbursement for independent laboratories appear in the Procedure Code Manual, N.J.A.C. 10:54-3. This manual is not reproduced in the New Jersey Administrative Code, but is available from the Division of Medical Assistance and Health Services. In addition, this pre-proposal impacts only on the laboratory section of the Procedure Code Manual, and only certain procedure codes within this section. The particular codes effected involve radioimmunoassay (RIA) laboratory procedures, and are listed below, with both the present Medicaid reimbursement and the projected Medicaid reimbursement.

The revised fee structure was based on a comparison study of third party payers and commercial laboratories fee schedules, both of which allow for a profit margin. The Division established its projected reimbursement rate by using 80% of the lowest price reflected in the comparison study.

Social Impact

The pre-proposal's main impact is economic, not social. However, independent laboratories provide diagnostic services to Medicaid patients in the community.

Economic Impact

There is no cost to the Medicaid patient.

The Medicaid program anticipates a cost saving of approximately $90,000 per year.

The providers affected by this proposal include independent laboratories and those physicians who perform laboratory testing in their own office. The economic impact on specific providers of laboratory services will vary, depending on the number of tests performed on Medicaid patients.

The text of the pre-proposal appears below. Only the alpha listing has been included with the pre-proposal. The numeric listing has not been included at this time.

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	Alpha Lab (RIA) Codes	Present Reimbursement	Projected Reimbursement
8515	Australia Antigen Hepatitis B Surface Antigen (RIA) (HbsAG)	$10.00	$ 8.00
8542	Australia Antigen Antibody (HBsAG Antibody) (RIA) (Anti HBsAG)	$20.00	$12.00
8543	Calcitonin (RIA)	$34.00	$32.00
8504	Carcinoembryonic Antigen (CEA) (RIA)	$24.00	$22.00
8529	Human Chorionic Gonadotropin Beta Subunit (Saxena Test), e.g. Biocept-G, Beta-HCG serum (RIA) or urine (RIA)	$18.00	$14.00
8519	Cortisol, serum or urine (RIA)	$17.00	$16.00
8544	C-Peptide (C-Peptide Reactivity) (RIA)	$21.00	$20.00
8545	Cyclic AMP (Adenosine 3′ x 5′ monophosphate) plasma (RIA) or urine (RIA)	$34.00	$30.00
8546	Dehydroepiandrosterone (DHEA), serum (RIA)	$43.00	$35.00
8547	Delta 4 Androstenedione (RIA)	$34.00	$32.00
8548	Deoxycorticosterone (DOC) serum (RIA)	$60.00	$56.00
8549	11-Deoxycortisol, (Compound S) serum (RIA) or urine (RIA)	$39.00	$36.00
8502	Digoxin (Lanoxin) (RIA)	$15.00	$12.00
8550	Digitoxin (Digitalis) (RIA)	$15.00	$12.00
8507	Dilantin (Dipheylhydantoin) Phenytoin Sodium (RIA)	$20.00	$16.00
8551	Estradiol (17B) serum (RIA) or urine (RIA)	$25.00	$24.00
8553	Estrogens, fractionated, serum (includes Estrone, estradiol and Estriol) (non-pregnant) (RIA)	$52.00	$48.00
8554	Estrone, serum (RIA)	$34.00	$28.00
8506	Folic Acid, (Folate) Serum (RIA)	$16.00	$13.50
8555	Folic Acid, (Folate) RBC (RIA)	$38.00	$26.00
8505	Thyroxine, Free, with T4 (RIA) (FT4)	$20.00	$12.00
8508	Luteinizing Hormone, serum (RIA)	$17.00	$16.00
8558	17-Hydroxprogesterone (RIA)	$34.00	$25.00
8524	Renin, plasma (RIA)	$25.00	$24.00
8317	Thyroid Profile (T4 and T3 Uptake Resin) (RIA)	$12.00	$ 9.50
8503	Vitamin B12 (RIA)	$18.00	$15.00

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Prosthetic and Orthotic Services Manual Prosthetic and Orthotic Procedure Code Lists

Proposed Repeal: N.J.A.C. 10:55-3.1
Proposed New Rule: N.J.A.C. 10:55-3.1

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 30:4D-6b(6)(12), 7 and 7b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 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 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 1984-162.

The agency proposal follows:

Summary

This proposal will repeal the existing prosthetic and orthotic procedure code listing and narrative description in the New Jersey Administrative Code. In the New Jersey Ad-

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ministrative Code, the lengthy lists of procedure codes will be replaced by an Editor's Note directing the reader to the Division where current copies of the lists may be obtained. The proposed revisions contain new procedure codes and narrative descriptions which are based on those used by Medicare (Title XVIII).

This change is intended to facilitate administration and claim processing, because both the prosthetic and orthotic (P&O) providers and Prudential Insurance Company, the fiscal agent responsible for processing P&O claims, use the Medicare nomenclature (for Medicare claims). In some instances, Medicaid (Title XIX) patients are covered by Medicare. The Division believes a standardized system of listing the appliance (on the claim form) will be beneficial to all concerned.

There is also a fee increase associated with this proposal. The fee increase is necessary because of the increase in the cost of labor and materials, and modern technology which has developed more sophisticated and/or improved appliances. Pursuant to federal regulations, the fee schedule listed in the proposal cannot exceed the Medicare rate of reimbursement (42 CFR 447.304).

In addition, the procedure code listing for shoes and shoe appliances is included to complete the entire package contained in this subchapter. However, there are no changes in the procedure code number, narrative description, or Medicaid fee schedule for orthopedic shoes.

Social Impact

The proposal's main impact is economic, not social. However, the increased fee schedule is designed to enable Medicaid patients to continue receiving prosthetic and orthotic appliances when prescribed by a physician. (NOTE: A prosthetic appliance is designed to replace a missing portion of the body; an orthotic appliance is designed to provide support and increased functioning for persons who have physical impairments or defects.)

Economic Impact

It is estimated the cost to the Division of Medical Assistance and Health Services will be approximately $300,000 per year (federal-state share combined).

The economic impact on prosthetic and orthotic providers should be positive because they will be reimbursed according to the proposed fee schedule when it becomes effective. These providers will also be required to use the new code listing and narrative description upon implementation.

There is no economic impact on the Medicaid patient.

Full text of the proposed rule is not reproduced herein, 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 proposal, and may be reviewed at:

The Office of Administrative Law
88 East State Street
Trenton, NJ 08625
or
Division of Medical Assistance
and Health Services
324 East State Street
Trenton, NJ 08625
or
The Medicaid District Offices

In addition, a copy of the proposal may be obtained by contacting Henry W. Hardy, Esq., Administrative Practice Officer, at the Division address listed above. Providers will be issued manual pages with the new procedure codes.

(a)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual
Other Governmental Programs

Proposed Readoption: N.J.A.C. 10:81-8
Concurrent Proposed Amendments: N.J.A.C. 10:81-8.2, 8.7, 8.9, 8.15 and 8.16

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 44:7-6 and 44:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Department of Human Services thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on June 14, 1984. The readoption of the rule becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of readoption. The concurrent amendment to the existing rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-168.

The agency proposal follows:

Summary

In accordance with the "sunset" provisions of Executive Order No. 66(1978), the Department of Human Services proposes to readopt Subchapter 8 of N.J.A.C. 10:81.

N.J.A.C. 10:81-8 is a compilation of procedures relevant to referral to and verification of benefits of other programs to which recipients of Aid to Families with Dependent Children (AFDC) may be entitled. These programs include Retirement, Survivors, and Disability Insurance; Unemployment and Temporary Disability benefits; and Veterans benefits.

Further, the subchapter addresses services available through the Medicaid program administered by the Division of Medical Assistance and Health Services. The process by which county welfare agencies are to determine Medicaid eligibility for certain persons who do not receive Medicaid by virtue of eligibility for cash assistance through AFDC is described. These certain persons include financially eligible children under the age of 21 who do not meet the Federal definition of dependent children and pregnant women.

The subchapter also provides for continued Medicaid eligibility for a four-month period ("Medicaid Extension") for families who have lost eligibility for AFDC due to employ-

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ment. This rule helps such families adjust to the loss of public assistance by providing coverage for medical services for the extension period.

The Division of Public Welfare conducted an internal review and evaluation of N.J.A.C. 10:81-8 prior to noticing for readoption. After such review of the rules, that agency determined the rules to be adequate, reasonable, and responsive to the purpose for which they were promulgated. The administrative procedures relevant to other benefits potentially available to AFDC recipients are necessary to provide for the referral of such persons to other entitlements thus serving to reduce public assistance expenditures. The procedures regarding verification of receipt of such benefits are required to maintain the integrity of welfare programs in general. The rules about Medicaid eligibility are necessary to provide guidance to the county welfare agencies to enable the proper determination of eligibility for persons entitled to Medicaid while not eligible for cash assistance.

Since originally adopted on February 3, 1975, this subchapter has been revised several times. In 1978 the Department began coverage for unborn children through provisions found at N.J.A.C. 10:81-8.23. In 1979 the entire rule regarding Medicaid eligibility for persons not in receipt of public assistance was rewritten to provide clearer procedures and direction to county welfare agencies. In 1982, N.J.A.C. 10:81-8.22 was revised to provide clarification on the start point of eligibility for Medicaid extension.

Amendments are being made as part of the proposed readoption which provide technical revisions to the procedures for verification of Retirement, Survivors and Disability Insurance, to change the contact agency for verification of Unemployment and Temporary Disability benefits to the Division of Public Welfare, to make references to the correct name of the Department, and to update addresses and phone numbers of Medicaid District Offices.

Social Impact

The portion of the subchapter concerned with entitlement for other programs impacts persons potentially eligible for such benefits who apply for or receive AFDC. Because AFDC is a "program of last resort", such persons must be referred to programs to which they may be entitled. The rules on Medicaid eligibility authorize medical coverage for 3,600 cases who are financially eligible for AFDC but do not meet certain categorical requirements and for coverage of unborn children whose mothers' income and resources are within AFDC financial eligibility limits.

Economic Impact

There is no changed economic impact directly associated with this proposal. To the extent that AFDC applicants and recipients are entitled to benefits from other programs, the State's AFDC expenditures are reduced. This effect is not measurable. The provision of medical expenditures for persons not eligible for AFDC has an economic impact directly proportionate to medical need and service utilization.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:81-8, as amended and supplemented by the New Jersey Register.

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

10:81-8.2 Procedures for filing claims and securing information

(a) The following procedures are to be observed by the county welfare [board] **agency** in respect to clients **if the information is not available from the BENDEX or other reliable sources**.

(b) **Form SSA-1610:** Form SSA-1610, Social Security-public assistance agency information request and report, printed and distributed by the Social Security Administration, is available from the State division.

1. As a general rule, the Social Security Administration will not honor oral requests for information or other material. All requests must be made by using Form SSA-1610. Prepare the SSA-1610 only after all other sources of information have been explored and it has been determined that the required information is not available from any other source. Instructions for completion of Form SSA-1610 by welfare personnel are contained on the reverse of the [third] **second** page of the snap-out form. They should be followed carefully.

[2. Information in item 5 on Form SSA-1610 is no longer necessary for county welfare board purposes since the Social Security Administration now has responsibility for the administration of public assistance benefits for all blind, disabled or aged individuals.]

[3.] **2.** (No change in text.)

[4.] **3.** Form SSA-1610 will be completed [in triplicate] and [two copies] **the original** mailed to the appropriate district office of the Social Security Administration, the [third] copy being retained on file until [return of one copy by] the district office **responds** with the status report.

[5.] **4.** (No change in text.)

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

10:81-8.7 Unemployment insurance and temporary disability benefits

(a) (No change.)

(b) Eligibility for assistance in relation to benefits:

1. (No change.)

2. In determination of eligibility for assistance, or continued assistance, unemployment insurance and temporary disability benefits shall be considered as a resource [in accordance with the provisions of Section 324.4 of the Assistance Standards Handbook].

(c) Verification of status of claim for unemployment insurance.

1.-2. (No change.)

3. When a client cannot provide the information and fails in his [/] **or** her efforts to secure it himself [/] **or** herself, or there is reason to believe that the client is furnishing inaccurate or incomplete information, the agency shall request the necessary data from the Division of [Unemployment and Disability Insurance by submitting Form PA-24 to the central office of the division. Routine requests for such information shall not be made.] **Public Welfare, Integrity Control Section.**

(d) Verification of status of claim for temporary disability benefits:

1.-2. (No change.)

3. If the client still has not received payment, or notice of ineligibility for benefits for a claim made under the private plan, a direct inquiry in writing shall be sent to the employer. If filed under the State plan, inquiry shall be made to the Division of [Unemployment and Disability Insurance] **Public Welfare, Integrity Control Section**, through use of Form PA-24. In such instances assistance shall be continued until receipt of a reply, and further appropriate action taken when the reply is received.

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10:81-8.9 Functions of Veterans Administration

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

(c) Information concerning eligibility for benefits and services:

1. (No change.)

2. The New Jersey Bureau of Veterans Services, Department of [Institutions and Agencies] **Human Services**, maintains service offices to which persons seeking information or wishing to file for veterans benefits or services may be referred.

3. (No change.)

10:81-8.15 Medical assistance (Medicaid)

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

(c) In addition to the services listed in [subsection] (b) [of this Section] **above** and subject to the limitations imposed by Federal law, the medical assistance program may also include any other medical care and any other type of remedial care recognized under State law, specified by the Secretary of the Federal Department of Health [, Education and Welfare] **and Human Services,** and approved by the Commissioner of the Department of [Institutions and Agencies] **Human Services**.

10:81-8.16 Administrative organization

(a) **Department of Human Services:** The Department of [Institutions and Agencies] **Human Services** is the administrative unit of State government which has the responsibility for the medical assistance program and is designated under Federal law as the "single State agency".

(b) (No change.)

(c) **Medicaid District Offices (MDO): The** Division of Medical Assistance **and Health Services** has local medical offices throughout the State. The role of these offices is to provide liaison with providers of health services; provide information about Medicaid to recipients and members of the community; and provide information about Medicaid to, and cooperate with, appropriate agencies in order to ensure maximum utilization of the services available through the Medicaid program.

(d) Any questions with respect to the policy, regulations or procedures of the Medicaid program should be directed to the appropriate [LMAU] **MDO** as listed below:

Atlantic	[1601 Atlantic Ave., 6th Fl.] **1 S. New York Avenue** Atlantic City (609) [344-2861] **441-3620**
Bergen	50 Main Street, 1st Fl. Hackensack (201) 488-5667
Burlington	[Chesley & Alloway Bldg., 2nd Fl. Rt. 38 & Eayrestown Road] **50 Rancocas Road** Mt. Holly (609) [261-0448] **261-0488**
Camden	[530 Cooper Street, 2nd Fl.] **Parkade Building, Room 207** **519 Federal Street** Camden (609) [365-3926] **757-2870**
Cape May	[1601 Atlantic Ave., 6th Fl. Atlantic City (609) 344-2861] **501 Landis Avenue (basement)** **Vineland (609) 696-6560**
Cumberland	[7 East Broad Street Bridgeton (609) 451-6550] **501 Landis Avenue** **Vineland (609) 696-6560**
Essex	[796 Broad Street] **155 Washington Street** Newark (201) 648-2470 [505 South 15th Street Newark (201) 648-3700]
Gloucester	[42 Delaware Avenue] **Woodbury Plaza** **251 N. Delsea Drive** Woodbury (609) 845-7185
Hudson	[100 Newkirk Street, 5th Fl.] **880 Bergen Avenue** Jersey City (201) 792-6390
Hunterdon	[6 Court Street] **84 Park Avenue** Flemington (201) 782-1130
Mercer	[324 East State Street] **28 West State Street** Trenton (609) 292-7315
Middlesex	75 Paterson Street New Brunswick (201) 246-0653
Monmouth	[320 Broad Street Red Bank (201) 842-6440] **1200 Memorial Drive** **Asbury Park (201) 775-5700**
Morris	[4 Court Street] **10 Park Place** Morristown (201) 267-1700
Ocean	[1851] **1861** Hooper Avenue Toms River (201) 255-6226
Passaic	[152 Market Street] **100 Hamilton Plaza** Paterson (201) 523-2800
Salem	[42 Delaware Avenue] **Woodbury Plaza** **215 N. Delsea Drive** Woodbury (609) 845-7185
Somerset	[6 Court Street] **84 Park Avenue** Flemington (201) 782-1130
Sussex	[4 Court Street] **10 Park Place** Morristown (201) 267-1700
Union	[7 Bridge Street, 4th Fl.] **125 Broad Street** Elizabeth (201) [355-8860] **648-4630**
Warren	[6 Court Street] **84 Park Avenue** Flemington (201) 782-1130

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(a)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual
Medicaid Special; Income Calculations

Proposed Amendment: N.J.A.C. 10:81-8.24

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 44:7-6 and 44:10-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting 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 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 1984-170.

The agency proposal follows:

Summary

This amendment sets forth in regulatory format a long-standing policy which provides that in the determination of financial eligibility for Medicaid Special, maintenance payments made through the General Assistance (GA) program are to be counted as income regardless of the method of payment. The amendment is necessary in order to distinguish such GA payments from certain "in-kind" payments not routinely considered as income in the Aid to Families with Dependent Children (AFDC) program. The AFDC rules are applicable by reference in Medicaid Special. In General Assistance public aid payments are, by municipal option, payable as cash (or check), or by voucher, such as a rent order, which is later redeemed through the municipality by payment to the vendor. By interpreting the latter as "in-kind" payments, the county welfare agency (CWA) could show the "income" of the GA recipient as a reduced figure, thereby creating artificial eligibility for Medicaid Special. Such an interpretation is and has been contrary to the policy of the Department.

Social Impact

The only social impact which could develop from this change depends on the assumption that some determinations of eligibility have been incorrectly made and that those determinations will now be corrected. The Department knows of no cases which will be changed and has no reason to believe that any exist. However, in the event that there are any such cases, the population involved will no longer be required to maintain communication with the county welfare agency regarding their eligibility since their medical expenses will now be paid by the municipal welfare department.

Economic Impact

Since the Department knows of no determinations of eligibility which have been incorrectly made, it is anticipated that this amendment will have no economic impact. However, if any such cases are identified and corrected, there will still be no economic impact on the assistance recipient since the only determination to be made will relate to which of two public agencies pay the medical bills of the recipient. Nor will there be any economic impact on most medical providers inasmuch as the rates paid by the two programs are the same in nearly all instances. An exception could occur in a case of inpatient hospitalization in a county which is not of the first class. In such a case, if the municipality is one which does not pay hospital bills, the hospital payment may be from another source in a different amount or may be absent altogether.

A slight beneficial economic impact may accrue to the Federal government in the amount of approximately 50 percent of the amounts which would have been paid if any cases which were incorrectly determined are identified and corrected because of this revision. That 50 percent will, with the exception of some inpatient hospital cases noted above, be assumed in equal parts by the State (share increased from 50 percent to 75 percent) and the municipality (share increased from 0 percent to 25 percent).

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

10:81-8.24 Determination of eligibility; Medicaid Special

(a) (No change.)

(b) **Income calculations:** Earned income shall be calculated in accordance with AFDC-C and -F procedures found in Chapter 82.

1. General Assistance payments whether in the form of cash, check or assistance order or a combination of the above shall be countable as income for purposes of determining eligibility for Medicaid Special.

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

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(a)

DIVISION OF PUBLIC WELFARE

General Assistance Manual
Maternity Home Care

Proposed Amendment: N.J.A.C. 10:85-3.3

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 44:8-111(d).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting 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 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 1984-171.

The agency proposal follows:

Summary

This amendment will establish the Bureau of Medical Affairs in the Division of Public Welfare as the point of decision for purposes of General Assistance as to the need of a pregnant woman for the highly specialized services of a Division of Youth and Family Services licensed maternity home. The declining use of maternity homes in general and that less than five General Assistance recipients a year use them is indicative of the fact that few women need such services. Thus, the regulation is intended to prevent abuse and to standardize criteria, not to reduce use of maternity homes.

Social Impact

The only social impact would fall upon those who would make inappropriate use of the facilities in question at the expense of the General Assistance Program.

Economic Impact

Because this amendment is preventive rather than remedial, the only economic impact on the assistance program is an undefined saving. Further, since the number of submittals to DPW/BMA is expected to be extremely small, the administrative cost is not of significance.

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

10:85-3.3 Financial eligibility

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

(f) Assistance allowance standards are as follows:

1.-3. (No change.)

4. Room and board living arrangements: When an individual is purchasing a room and board living arrangement, the following shall apply:

i. (No change.) (See current proposal at 16 N.J.R. 119(b))

ii.-iv. (No change.)

v. Maternity homes: [When an individual is receiving room and board in a home for expectant mothers for which a rate has been established by the Division of Youth and Family Services (DYFS), the total monthly allowance shall be the DYFS rate. When no such rate has been established, the total monthly allowance shall be the amount for a single individual as given in Schedule I or Schedule II as appropriate, less any countable income. The MWD may obtain current rate information as needed by communicating with DPW/BLO.]

When an eligible individual has been found by the Division of Public Welfare, Bureau of Medical Affairs (DPW/BMA) to be in need of the services provided by a maternity home approved by the Division of Youth and Family Services (DYFS) and the individual is receiving such services, the monthly allowance shall be the rate established by DYFS. The MWD may obtain current rate information by communicating with DPW/BMA. However, the MWD shall not accept responsibility for payment at that rate prior to receipt of a report of affirmative findings from DPW/BMA. Until the report is received, the allowance shall be that for a single individual as given in Schedule I or II, as appropriate, less any countable income. For DPW/BMA approved cases, the DYFS rate shall apply with retroactive adjustment, if necessary, from the date of application or the date of admission to the maternity home, whichever is later.

(1) The submittal to DPW/BMA may be in any appropriate form or format. It must consist of the objective recommendation of the MWD with supporting documentation. The DPW/BMA will consider the individual's age, mental and physical health, family circumstances, and other conditions peculiar to the situation. Form PA-5 (Examining Physician's Report) and/or Form PA-6 (Medical-Social Information Report) may be used in presenting the documentation.

5. Shelter continuity: When a person who had been living alone and is otherwise eligible for General Assistance is hospitalized for more than 30 days, grants of assistance may be continued for up to 60 additional days for the purpose of retaining shelter to which the person can return. See N.J.A.C. 10:85-3.3(e)4ii[i] for appropriate deductions for in-kind income.

(g) (No change.)

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(a)

DIVISION OF PUBLIC WELFARE

Medicaid Only Program
Medicaid "Cap" Income Eligibility Standard

Proposed Amendment: N.J.A.C. 10:94-5.6

Authorized By: George J. Albanese, Commissioner, Department of Human Services.
Authority: N.J.S.A. 44:7-87 and 42 CFR 435.1005.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting 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 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 1984-169.

The agency proposal follows:

Summary

Amendments proposed at 15 N.J.R. 1733(a) and adopted at 15 N.J.R. 2171(a) (R.1983 d.593) aligned certain dollar amounts used to determine financial eligibility for the Medicaid Only program for the aged, blind, and disabled with those effective January 1, 1984 applicable to the Supplemental Security Income (SSI) program. This alignment was required by Section 1902(a) of the Social Security Act. The income eligibility standard for individuals in Title XIX (Medicaid) approved facilities, known as the Medicaid "Cap", remained unchanged from the July 1, 1982 amount of $852.90. Federal regulations at 42 CFR 435.1005 permit states to establish a special income standard for individuals in such institutions. In order to qualify for Federal matching this amount may not exceed 300 percent of the Federal SSI benefit amount payable to an individual residing independently in the community.

The proposed Medicaid "Cap" is $882.00 for individuals in Title XIX approved facilities and is within the federally established limits. This same income standard is used in determining eligibility for the Community Care Program for the Elderly and Disabled (CCPED). This program provides home care services to help eligible individuals to remain living in the community rather than being placed in a long term care facility. This federally waivered program will be extended to a limited enrollment of 1800 eligible persons over the next three years.

Social Impact

The increase in the Medicaid "Cap", used in the eligibility process for individuals in Title XIX approved facilities and the CCPED program, expands the population of potentially eligible persons. However, based on past experience, and the limited enrollment for the CCPED pilot program, little increase in caseload because of this amendment is anticipated. Specifically, while the increase in the Medicaid "Cap" expands the number of persons potentially eligible, the limited number of Medicaid beds available precludes any significant increase in the number of persons who would actually receive medical assistance under that standard.

Economic Impact

Past experiences with such increases in standards have evidenced little economic impact. This change will not impact significantly on administrative functions of the Department or the county welfare agencies administering the program.

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

10:94-5.6 Income eligibility standards
(a)-(b) (No change.)
(c) (No change.)
1.-4. (No change.)
5. TABLE B

Variations in Living Arrangements	Medicaid Eligibility Income Standards	
	Individual	Couple
I. Residential Health Care Facility	$461.97	$907.28
II. Living Alone or with Others	343.17	495.28
III. Living Alone with Ineligible Spouse	495.28	
IV. Living in Household of Another	251.57	405.68
V. Title XIX Approved Facility— Includes persons in acute general hospitals, skilled nursing facilities, intermediate care facilities (level A, B, and ICFMR) and licensed special hospitals (Class A, B, C) and Title XIX psychiatric hospitals (for persons under age 21 and age 65 and over) or a combination of such facilities for a full calendar month.	[852.90*]**882.00***	

*Gross income (that is, income prior to any income exclusions) is applied to this Medicaid "Cap".

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LAW AND PUBLIC SAFETY

(a)

BOARD OF MEDICAL EXAMINERS

Limited Privileges and Conditions of Practice Permitted for a Graduate Nurse Midwife Pending Results of Certifying Examination and Licensure

Proposed New Rule: N.J.A.C. 13:35-2.14

Authorized By: State Board of Medical Examiners, Edwin H. Albano, M.D., President.
Authority: N.J.S.A. 45:9-2 and 45:10-1 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, M.D.
President, Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

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

This proposal is known as PRN 1983-164.

The agency proposal follows:

Summary

Nurse Midwives are registered for practice in this State by the Board of Medical Examiners pursuant to N.J.S.A. 45:10-1 et seq. and N.J.A.C. 13:35-2.6. Such registrants must be graduates of approved nurse-midwifery programs and must pass the certifying examination given by the American College of Nurse Midwives. The proposed new rule would permit persons who have graduated from a nurse-midwife training program and have taken the certifying examination to work in certain licensed health care facilities such as a teaching hospital or clinic, under close supervision, to refine their nurse-midwifery skills while awaiting results of the examination or in preparation for the next examination. The Board would issue a certificate recognizing this limited status. The certificate could be renewed once, providing a total provisional employment period of one year prior to licensure.

Social Impact

In order to be registered as a certified nurse midwife in this State, N.J.S.A. 45:10-1 et seq. requires first licensure as a midwife, and Board Rule N.J.A.C. 13:35-2.6 requires proof of A.C.N.M. certification for New Jersey registration as a certified nurse midwife. At present, up to six months may elapse between the time a nurse midwife takes the certifying examination and the time the results are reported by the A.C.N.M. to the Board of Medical Examiners. It appears that at least 90 percent of all persons eligible for this New Jersey registration pass the examination on the first attempt, and the proposed new rule will allow those persons to keep their skills sharp and fresh, and to make their services available to the community during the waiting period. In light of the current average passing rate and the supervised role these persons would be able to perform in licensed teaching hospitals or clinics, it appears that the social benefit of their participation in this program would far outweigh any risk. Those few persons not passing the first examination will be able to have their certificates renewed only after showing that they have registered for a subsequent examination and that they will work under more stringent supervision and only for a period not exceeding a cumulative total of one year.

Economic Impact

No substantial economic impact is expected, although it is probable that a certificate-holder would receive payment for authorized services rendered. The new rule would simply alleviate the present gap in skills refinement that now occurs between completion of the instructional program and receipt of licensure, due to the external administrative delays of the national certifying professional agency. The certificate would be available for as long as a year to allow subsequent attempts to pass the examination since, although the examination is offered once every month, the A.C.N.M. requires a three-month wait before taking a subsequent examination. Also, since the test sites are rotated by the A.C.N.M. across the United States, only a few additional sites will be conveniently accessible to applicants within the one-year period.

Full text of the proposed new rule follows.

13:35-2.14 Limited privileges and conditions of practice permitted for a graduate nurse midwife pending results of certifying examination and licensure

(a) A graduate of a program of nurse midwifery approved by the American College of Nurse Midwives and by the Board of Medical Examiners of this State, who is awaiting results of the A.C.N.M. certifying examination, and who demonstrates satisfaction of all requirements of N.J.A.C. 13:35-2.6 other than attainment of a passing grade on said examination, may enroll in a preceptorship program in certain New Jersey licensed health care facilities upon compliance with all provisions of this section.

(b) The graduate shall file a complete application for registration with the Board, including payment of the registration examination fee and a proposal of acceptance in a preceptorship program.

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(c) The proposal shall include sufficient information to demonstrate to the satisfaction of the Board the following:

1. The preceptorship program is established in association with an ongoing nurse midwifery service in a licensed hospital or clinic, and is approved by the Board of Trustees responsible for the facility and by the A.C.N.M.

2. The preceptorship is under the direct supervision of the nurse midwifery service director, who agrees to be responsible for selection of graduates and preceptors; development; implementation and evaluation of the program; and provision of preceptor's evaluation of the participants.

3. The program provides that the graduate shall work only under the direct personal on-site supervision of a duly registered C.N.M or a duly licensed physician of this State.

4. The graduate shall wear a name tag identifying such person by name as a graduate nurse-midwife.

(d) The Board shall issue a certificate which shall state the limited nature of the authorization to practice. The certificate shall be surrendered on the date the graduate is accepted for registration as a C.N.M. in this State. The certificate shall expire automatically on the date the nurse-midwife is notified of failure on the examination taken, or after six months, following its date of issuance, whichever date is later. The certificate may be renewed for one additional six-month period, for good cause shown to the Board.

(e) A graduate requesting the extension of the certificate period due to failure of the A.C.N.M. certifying examination shall submit for Board review and approval a recommendation from the facility director which includes a detailed program of increased supervision in the areas of the graduate's deficiency as demonstrated by the graduate's filed examination and clinical experience and proof that the graduate has registered to take a subsequent examination scheduled within the next six months.

(a)

BOARD OF MEDICAL EXAMINERS DIVISION OF CONSUMER AFFAIRS

Chiropractic Practice Standards and Scope

Proposed New Rule: N.J.A.C. 13:35-7.1

Authorized By: Board of Medical Examiners, Edwin H. Albano, M.D., President.

Authority: N.J.S.A. 45:9-2.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, M.D.
President
Board of Medical Examiners
28 W. State Street
Trenton, NJ 08608

The Board of Medical Examiners 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 1984-167.

The agency proposal follows:

Summary

The purpose of the proposed new rule is to provide the public and Board licensees with the Board interpretation of the brief definition of the practice of chiropractic contained in N.J.S.A. 45:9-14.5. The rule complements that definition with practical detail needed to set forth the minimum standard of practice special to chiropractic and to describe the scope of chiropractic as authorized in this State.

Social Impact

The proposed new rule is not expected to have any widespread new or additional social impact since it embodies and codifies the current standards of practice as observed by the vast majority of the approximately 1,400 chiropractice physicians licensed in New Jersey. It will enable practitioners to better understand those kinds of conduct which are within and beyond the lawful scope of practice; it will aid health insurance companies in evaluating claims for certain services previously not clearly within or beyond that lawful scope of practice; and it will enable consumers to better understand the nature and variety of services which they can expect from a chiropractor.

As has been judicially noted, the Legislature in the Medical Practice Act, N.J.S.A. 45:9-1 et seq., has not established the scope of authorized practice for this profession, instead preferring that it be specified by the Board. In re Sherman College, 164 N.J. Super. 5519, 525 (App. Div. 1979). Considering the appropriateness of delineating standards of conduct by rule, Crema v. N.J. Dept. of Environmental Protection, 94 N.J. 286, 299 (1983), the Board has determined to provide the necessary regulatory guidance. Consequently:

1. The scope of and standards for the use of the chiropractic discipline are set forth to specify when chiropractic may be applied. The Board has exercised its expertise to determine that the presence of subluxation alone is not sufficient to warrant chiropractic treatment, but must be accompanied by patient discomfort. The public health and welfare is thus protected by assuring that chiropractic treatment will be rendered only under appropriate circumstances.

2. The rule requires the taking of an adequate patient history which, in conjunction with the pertinent physical examination, will enable the chiropractic physician to determine whether chiropractic care is appropriate. In addition, if abnormality is found which is not generally recognized as treatable by chiropractic methods, the chiropractic physician is obligated to immediately refer the patient to another kind of health care provider. The rule thus protects the public health and welfare by assuring that every patient will receive that kind of medical care which best addresses his or her particular condition.

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3. The rule requires the chiropractic physician to conduct an adequate and appropriate physical examination, and it specifies the kind of physical examination which is appropriate to the chiropractic discipline. By means of the physical examination the chiropractic physician is obligated to determine whether there are any obvious contraindications to the commencement of chiropractic care and whether the patient should be referred to another kind of health care provider. Once again, therefore, the rule assures that the patient will receive treatment which is specific to his or her condition.

4. The sense of both the patient history requirement and the physical examination requirement is that the chiropractic physician is to take from the patient a broad history while conducting a physical examination responsive to the patient's complaint.

5. The chiropractic physician is required to prepare and maintain a proper patient record, including progress notes, which must include the patient's subjective complaint and other subjective statements and/or relevant findings. The public interest in having every patient receive the type of medical care specific to his or her condition is protected through the rule requirement that the record contain a working evaluation enabling the chiropractic physician either to establish a regiment of chiropractic treatment or to determine that the patient should be referred to another kind of health care provider.

6. Once the chiropractic physician determines that chiropractic treatment is appropriate, he or she is obligated under the rule to render that treatment in accordance with the appropriate standard of care. Moreover, with the Board having exercised its judgment concerning those circumstances in which chiropractic treatment is warranted initially and subsequently, the rule specifies those situations in which chiropractic care may be rendered. The rule thus protects the public health and welfare by making certain that chiropractic treatment will be given only when genuinely justified.

7. The rule specifies that the chiropractic physician may offer the patient nutritional advice to the extent that such advice is incidental to the chiropractic care being provided, but that the chiropractic physician is not to offer nutritional advice as treatment for specific disease and is not to sell or dispense vitamins, food products or nutritional supplements. The rule thus protects the public health and welfare by marking more clearly the boundary between the chiropractic discipline and other health care disciplines.

8. Under the rule the chiropractic physician may order and administer, as preparation for a chiropractic adjustment, the application of heat, light, electric, hydrotherapy, soft tissue massage and traction when these additional services are deemed necessary. When such services are rendered, however, the billing statement for chiropractic care must itemized the services and the fees charged for each. By so providing, the rule protects the public health and welfare in two ways. First, it again marks out the inter-disciplinary boundary by stating that the chiropractic physician may utilize techniques considered to be physiotherapy when those techniques are necessary for appropriate chiropractic care. Second, the rule makes certain that the patient will know the fee charged for each particular service rendered by the chiropractic physician.

Economic Impact

The proposed new rule is expected to have no adverse economic impact on ethical and competent practitioners or on their patients. The rule should aid in documenting that services provided were appropriate to the condition and were properly performed

Full text of the proposed new rule follows.

SUBCHAPTER 7. CHIROPRACTIC PRACTICE

13:35-7.1 Standards and scope

(a) The practice of chiropractic is that discipline whose methodology is the adjustment and manipulation of the articulations of the spine and related structures and whose purpose is the relief of certain abnormal clinical conditions of the human body causing discomfort resulting from the impingement upon associated nerves. During the initial consultation and before commencing chiropractic care, the chiropractic physician shall identify a clinical condition warranting chiropractic treatment. That clinical condition shall include a subjective complaint of patient discomfort and related objective findings. An objective finding includes subluxation which, for the purpose of this section, means alteration of normal dynamics of the anatomical or physiological relationships of contiguous articular structures. However, a finding of subluxation alone or subluxation unrelated to the subjective complaint shall not warrant chiropractic treatment.

(b) The chiropractic physician shall take an adequate history which, in conjunction with the pertinent physical examination, will enable the chiropractic physician to determine either that chiropractic care is appropriate or that it is not appropriate. Should the evaluation indicate abnormality not generally recognized as treatable by chiropractic methods, the chiropractic physician shall immediately refer the patient to a physician holding a plenary license or to another appropriate health care provider.

(c) The chiropractic physician shall conduct an adequate and appropriate physical examination, which shall be addressed to the area of complaint and body structures and systems pertinent thereto. The physical examination shall be addressed also to determining whether there are any obvious contraindications to the commencement of chiropractic care or whether referral should be made to a physician holding a plenary license or another appropriate health care provider.

1. The chiropractic physician may take or order x-rays limited to the osseous system.

2. The chiropractic physician may order or perform a urinalysis for his or her own patients.

3. The chiropractic physician may order, but may not perform, bioanalytical laboratory tests specific to the patient's subjective complaint or the objective findings. These tests may be ordered for the purpose of determining whether there are any obvious contraindications to the commencements of chiropractic care or whether referral should be made to a physician holding a plenary license or another appropriate health care provider.

4. The chiropractic physician may penetrate the skin of his or her own patients with a needle solely for the purpose of drawing a blood sample.

5. The chiropractic physician shall not perform a rectal or vaginal examination.

6. The chiropractic physician shall not perform breast examinations except insofar as the breast constitutes a structure which is adjacent to the area of chief complaint and the examination of which is pertinent thereto.

(d) The chiropractic physician shall prepare and maintain a proper patient record, including progress notes.

1. The patient record shall contain all relevant information drawn from the patient's history, including the patient's subjective complaint and other subjective statements, and all relevant findings derived from the physical examination. If laboratory tests or x-rays are ordered, their results shall be

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recorded. If the chiropractic physician identifies a subluxation by means of the physical examination, its location shall be noted.

2. The record shall contain a working evaluation enabling the chiropratic physician either to establish a regimen of chiropractic treatment or to determine that the patient should be referred to a physician holding a plenary license or to another appropriate health care provider.

(e) If the chiropractic physician determines that chiropractic treatment of the patient is appropriate, the chiropractic physician shall render that treatment in accordance with the appropriate standard of care.

1. The chiropractic physician shall render chiropractic treatment only after identifying during the initial consultation and examination a clinical condition which can appropriately be addressed through chiropractic as that discipline is defined in (a) above.

2. The chiropractic physician may recommend that the patient return on subsequent occasions for additional chiropractic evaluation or treatment if such additional care is warranted as a means by which the patient's acute clinical condition might be resolved.

3. The chiropractic physician may recommend that the patient return on subsequent occasions for additional chiropractic evaluation or treatment if such additional care is warranted as a means by which a chronic clinical condition might be resolved or ameliorated.

4. The chiropractic physician may recommend, in addition or as an alternative, that the patient return on occasion for chiropractic evaluation in the interest of the patient's health.

5. The chiropractic physician may offer to the patient nutritional advice when such advice is incidental to the chiropractic care being provided. Nevertheless, the chiropractor shall not offer nutritional advice as treatment for specific disease, and the chiropractic physician shall not sell or dispense vitamins, food products or nutritional supplements. The chiropratic physician shall not represent himself or herself as a nutritional consultant.

6. The chiropractic physician may order and administer, as preparation for an adjustment, the application of heat, light, electric, hydrotherapy, soft tissue massage and traction, when these additional services are deemed necessary. The billing statement for chiropractic care shall itemize the services rendered and the fees charged for each.

(a)

BOARD OF VETERINARY MEDICAL EXAMINERS

General Rules of Practice

Proposed Readoption: N.J.A.C. 13:44-2.1, 2.2, 2.3, 2.7, 2.8, 2.9, 2.10 and 2.13
Proposed Readoption with Amendments: N.J.A.C. 13:44-2.11 and 2.12.

Authorized By: Board of Veterinary Medical Examiners, David Eisenberg, D.V.M., President.
Authority: N.J.S.A. 45:16-9.9.

Interested persons may submit, in writing, data views or arguments relevant to the proposed amendments on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Maurice W. McQuade
Executive Secretary
Board of Veterinary
Medical Examiners
1100 Raymond Boulevard,
Room 331
Newark, New Jersey 07102

The Board of Veterinary Medical Examiners thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted new rules and amendments become effective upon publication in the Register of a notice of adoption. The readoptions become effective upon acceptance for filing by the Office of Administrative Law of a notice of adoption. Pursuant to Executive Order No. 66(1978) Subchapter 2 of the regulations of the Board of Veterinary Medical Examiners expired on September 14, 1983.

This proposal is known as PRN 1984-166.

The agency proposal follows:

Summary

The Board proposes to readopt N.J.A.C. 13:44-2 with amendments to three of the sections and to not readopt N.J.A.C. 13:44-2.6 entitled "Special occasion greetings." This rule is superfluous since the proposed amended N.J.A.C. 13:44-2.11 adequately covers the problem of unprofessional advertising. N.J.A.C. 13:44-2.1, 2.2, 2.3, 2.7, 2.8, 2.9, 2.10 and 2.13 are proposed for readoption without change. N.J.A.C. 13:44-2.1 and 2.9 have been recently reviewed and amended. N.J.A.C. 13:44-2.1 serves the important purpose of prohibiting the dispensing or selling of prescription medications and supplies in an indiscriminate manner, and of requiring careful labelling of all medications dispensed. N.J.A.L. 13:44-2.9 explains the distinction between temporary permits for applicants for licensure and those for out-of-state licensees and establishes the criteria for obtaining such permits. The other sections to be readopted N.J.A.C. 13:44-2.3, 2.7, 2.8 and 2.10, have been found after internal agency review to be reasonable, efficient and necessary general practice rules requiring veterinarians to provide emergency care, to adequately staff branch offices and to avoid confusing telephone listings, and also prohibiting potentially misleading product endorsements.

N.J.A.C. 13:44-2.11 concerning advertising has been extensively amended to delineate clearly the acceptable forms of advertising, certain limitations on advertising content, and the obligation to retain copies of advertisements. Veterinarians will now be allowed to use electronic as well as print media, and to offer discounts. Required disclosures in fee advertising are clearly explained, and there is a new requirement that the names of licensees owning or employed by a veterinary facility be included in the facility's advertisements. N.J.A.C. 13:44-2.12 has been amended to permit veterinarians who only provide emergency service to turn over records or radiographs to the client or the regular treating veterinarian without the necessity of maintaining these records or radiographs for five years.

Social Impact

The Board's decision to not readopt N.J.A.C. 13:44-2.6 will have no social impact, since the rule was obsolete and unnecessary.

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The proposed amendments to the advertising regulation will benefit both the licensed veterinarian and the consumer in that the veterinarian is permitted to use both the electronic and printed media to provide useful, complete and accurate information to the public about the scope of the professional services offered and the identity of the licensees who will be performing the services offered. The proposed amendments to the records retention rule facilitiates the transfer of records and radiographs in the case where the consumer seeks emergency treatment for an animal from one facility and then goes to another veterinarian for continued treatment.

The readopted rules require licensees to provide emergency care, and to adequately staff branch offices. The burdens of compliance and enforcement of these rules is minimal compared to the beneficial impact on consumers who need to be assured that prompt and adequate care is available for their animals in emergency situations. The prohibitions against misleading telephone listings and product endorsements impose no real burden on licensees and have been found by the Board to be necessary for consumer protection. The sections dealing with temporary permits simply explain the distinctions between the two kinds of temporary permits permitted by the veterinary practice act and the provision permitting certain permit fees to be applied to examination fees. N.J.A.C. 13:44-2.2 and 2.1(c) permit certain poultry husbandry procedures to be performed by agents of Rutgers and members of the poultry industry and their employees. These provisions benefit the poultry industry by making it clear that a veterinarian need not be employed to perform these procedures.

Upon its review, the Board has found these rules to be adequate and necessary to regulate the veterinary practice and for the protection of consumers who utilize the services of veterianians.

Economic Impact

The proposed readoptions and amendments will have a beneficial economic impact on the consumer who will be better informed and enabled to make better choices about advertised services by a veterinarian. The cost of advertising by a veterinarian may be minimally increased by the new requirement that the names of all licensees employed at a facility be included and that copies of all advertisements be retained. The change in the records retention rule will have a beneficial economic impact on both consumers and emergency service facilities, since the consumer will no longer have to pay for copies of records and radiographs and the emergency facility will not have to store these records.

The proposed readoptions of the provisions relating to the poultry industry will have a positive economic impact on this industry since these provisions will continue to permit certain procedures to be performed without employing the services of a veterinarian. The requirement that emergency care must be provided will continue to impose some burden on licensees who must be available to provide such care or make provisions for some other facility to cover for them when they are unavailable. Since veterinary industry compliance with the rules is very good, minimal problems have arisen which keeps down enforcement costs. None of these readopted rules will impose any greater administrative costs on the Board.

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

SUBCHAPTER 2. GENERAL RULES OF PRACTICE

13:44-2.1 through 2.3 (No change).

13:44-2.6 [Special occasion greetings] **(Reserved)**

[Mailings of holiday, birthday and similar greetings in the name of the animal treated or to the animal's owner shall be considered unprofessional advertising.]

13:44-2.7 through 2.10 (No change).

13:44-2.11 Advertising [and solicitation]

Delete current text of N.J.A.C. 13:44-2.11 in its entirety and replace with:

(a) Definitions: The following words shall have the following meanings:

1. The term "advertisement" shall refer to the attempt directly or indirectly by publication, dissemination, endorsement or circulation or in any other way to induce directly or indirectly any person to enter into an express or implied agreement to accept veterinary services or treatments related thereto.

2. The term "routine professional service" shall refer to a service which the advertising licensee, professional association or institution providing veterinary care routinely perform.

3. The term "printed media" shall refer to newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers and other similar documents or comparable publications, the contents of which is disseminated by means of the printed word.

4. The term "range of fees" shall refer to an expressly stated upper and lower limit on the fees charged for professional service.

5. "Licensee" for the purpose of this section means a person possessing a plenary license to practice veterinary medicine, surgery and dentistry.

(b) A licensed veterinarian who is actually engaged in the practice of veterinary medicine, dentistry or surgery in the State of New Jersey, may provide information to the public by advertising which is not false, fraudulent, misleading or deceptive through the use of the print or electronic media.

(c) A licensee who engages in the use of advertising which contains the following, shall be deemed to be engaged in professional misconduct:

1. Claims that the services performed or the material used are professionally superior to that which is ordinarily performed or used.

2. Promotion of a professional service which the licensee knows or should know is beyond the licensee's ability to perform.

3. Implying a service is unique when in fact it is common or is required by law, such as "emergency service provided" unless that service is the principal service provided in which case it must be clearly stated.

4. The implication of a special certification or training by such phrases as "special interest in" or the actual use of a title such as cardiologist, dermatologist, etc., when no such special certification or training exists.

5. An implication or statement that a facility is open and operating to provide services during non-regular business hours when in fact it is only providing routine required veterinary services, such as required emergency coverage.

6. Techniques or communications which appear to intimidate or to exert undue pressure or influence over a prospective client.

7. Use of any personal testimonial attesting to the quality or competence of a service or treatment offered by a licensee.

8. Offers to give, receive or accept a fee or offer consideration to or from a third party for referral for a patient, client service or product.

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9. The use of any misrepresentation.

10. The knowing suppression, omission or concealment of any material fact or law.

11. Any format which directly or indirectly obscures a material fact.

12. Guaranteeing any service or guaranteeing that satisfaction or cure will result from the professional service offered.

(d) The board may require a licensee to substantiate the truthfulness of any assertion or representation set forth in an advertisement. Failure of a licensee to provide factual substantiation to support a representation or assertion shall be deemed professional misconduct.

(e) Advertising making reference to setting forth a fee shall be limited to that which contains a fixed or stated range of fees for a specifically described routine professional veterinary service.

1. A licensee who advertises fees shall disclose all the relevant variables and considerations which are ordinarily included in such a service so that the fees will not be misunderstood. In the absence of such a disclosure, the stated fees shall be presumed to include everything ordinarily required for such a service. No additional charges shall be made for an advertised veterinary service, unless the advertisement includes the following disclaimer: "additional charges may be incurred for related services which may be required in individual cases". This disclaimer cannot be used for veterinary services where related services are ordinarily required.

2. Offers of discounts or fees reductions shall indicate the fixed or stated range of fees against which said discount is to be made.

3. The effective period during which a fee or discount shall remain in effect shall be set forth on the face of the advertisement. In the absence of such a disclosure and solely for the purpose of enforcement, the effective period shall be deemed to be 30 days.

(f) Advertising which contains the name, address or telephone number of a professional service facility shall also contain the names of all licensees who are officers, principals, partners or employees of said facility.

(g) A licensee shall be presumed to have approved and shall be personally responsible for the form and contents of an advertisement which contains the licensee's name, office address, or telephone number.

(h) A licensee who employs or allows another to employ for his benefit an intermediary source or other agent in the course of advertising shall be personally responsible for the form and contents of said advertisement.

(i) Any licensee who engages in any format which appears to be essentially non-informational in nature and used primarily to gain attention shall be deemed to be engaged in professional misconduct.

(j) All licensees must list his or her degree after his or her name or use the word veterinarian if the title Doctor is used before his or her name.

(k) A video or audio tape or script of every advertisement communicated by electronic media shall be retained by the licensee and made available for review upon request by the Board or its designee for a period of three years.

(l) A licensee shall be required to keep a copy of all printed advertisements for a period of three years. All advertisements in the licensee's possession shall indicate the accurate date and place of publication.

13:44-2.12 Patient records

(a) All written records and radiographs on patients shall be retained for a period of five years from the date of the patient's last visit **except as provided in (c) below**. Where the records reflect the decease of the patient, all written records and radiographs shall be retained for a period of three years from the last date of entry.

(b) (No change.)

(c) Where services are rendered on an emergency basis by a veterinary facility and the patient is referred to the owner's regular veterinarian for continued treatment the veterinarian rendering such emergency treatment may release the original medical records and/or radiographs to the owner or the regular veterinarian; provided, however, that the emergency treatment facility shall obtain a written receipt showing the disposition of the records and shall keep the receipt for a period of five years.

13:44-2.13 Temporary permit fees
(No change.)

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules: Entries and Subscriptions

Proposed Readoption: N.J.A.C. 13:70-6

Authorized By: New Jersey Racing Commission, Harold G. Handel, Executive Director.
Authority: N.J.S.A. 5:5-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Bruce H. Garland, Deputy Director
c/o New Jersey Racing Commission
CN-088 Justice Complex
Trenton, New Jersey 08625

The New Jersey Racing 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 1984-165.

The agency proposal follows:

Summary

The rules of the New Jersey Racing Commission govern all aspects of pari-mutuel wagering and the conduct of thoroughbred racing. Individual subchapters delineate specific areas of regulation such as entries and subscriptions.

N.J.A.C. 13:70-6 "Entries and Subscriptions" deals with specific rules concerning qualified to start, applications for license, role of racing secretary, coupled horses, who may enter a horse, denial of nominations, registered horses, licensed trainer, identification of horses, maiden horses, stabling, true ownership, limitation on number of races per day, disqualified horses, entries in various types of races, nominator liability, closing entries, number of starters, post-position, eligibility, respiratory bleeders and published workouts. Amendments to this subchapter since the issuance of Execu-

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tive Order 66(1978) have resulted in a change in the coupled horses rule, an exception to the maiden horse rule, the addition of approved farms to the stabling rule, and the lowering of the days for respiratory bleeders to remain on the bleeders' list. In addition, a new rule requiring published workouts for horses who have not started for 30 days prior to entry was added. This subchapter expires on June 19, 1984.

The foundation of the racing industry is the public wagering of money on the outcome of a race. If the public is not confident that the outcome of a race is not predetermined and that no one has an unfair advantage then the public will not place wagers. Without wagers there would be no pari-mutuel racing industry. In this sense, increasing and/or monitoring public confidence in the integrity of racing benefits the public and the racing industry. Many of the sections in this subchapter deal with providing information to the public that they may consider relevant to their decision on whether or not to place a wager, for example, registration information, requirements for published workouts and the bleeders section. Other sections are aimed at eliminating fraud or misrepresentation of a horse's identity while still other sections set standards and requirements for which horses may be entered. Without rules of this nature, public confidence in racing could be undermined leading to a collapse of the industry itself.

The agency has undertaken an internal review of the foregoing rules prior to notice for readoption. This agency expects public comment to be received stimulating further review as a result of the readoption procedures being instituted. The agency has determined that the foregoing rules are necessary to protect the public interest with respect to pari-mutuel horse racing and constitute reasonable and effective meaning to effectuate such a goal. Having rules that deal with the entry of horses in a race, qualifications, who may enter and respiratory bleeders engender public confidence in the integrity of racing. Without that public confidence, there would be no racing industry.

Social Impact

The rules represent a subchapter of the New Jersey Racing Commission's regulatory framework for thoroughbred racing. This subchapter serves as one of the foundations to insure and promote the integrity of racing in New Jersey by providing that entries conform to set standards. The Commission could not sanction horse race meetings without the foregoing pattern of regulation. Since these rules are an integral part of the regulatory scheme directed at preserving the integrity of racing, the social impact is a positive one. The rules have been tested in actual practice and have proven to adequately assist the Racing Commission in regulating the conduct of racing, because they protect the public from misrepresentation, provide the public with information and have proven effective in regulating the orderly entry of horses in races.

Economic Impact

The economic impact of this subchapter is also positive. The State of New Jersey derives approximately ten million dollars in direct revenue from pari-mutuel taxation which would surely decline if the public confidence in the integrity of racing was underminded. The loss of this revenue would have an adverse economic impact upon the citizens of New Jersey.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:70-6.

(a)

NEW JERSEY RACING COMMISSION

Harness Racing: Application for Driver's License

Proposed Amendment: N.J.A.C. 13:71-7.25
Proposed Repeal: N.J.A.C. 13:71-7.26

Authorized by: New Jersey Racing Commission, Harold G. Handel, Executive Director.
Authority: N.J.S.A. 5:5-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Bruce H. Garland,
Deputy Director
c/o New Jersey Racing Commission
CN-088 Justice Complex
Trenton, New Jersey 08625

At the close of the period for comments, the New Jersey Racing Commission 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 1984-163.

The agency proposal follows:

Summary

Proposed amendments to N.J.A.C. 13:71-7.25 would reduce the age restriction for licenses to drive harness horses from 18 to 16. N.J.A.C. 13:71-7.26 would be repealed. The requirements outlined in N.J.A.C. 13:71-7.26 would be incorporated into the amended N.J.A.C. 13:71-7.25, thereby making one rule dealing with obtaining a harness driver's license. In addition, five license catagories are identified and defined. The categories progress from a "Fair License" to a "Qualifying License", to a "Provisional License", to a "Full License". There is also provision for a "Probationary License". Finally, outdated provisions have been removed; i.e., recording penalties on the reverse of the driver's license and the written test requirement to obtain a license in a higher category.

Social Impact

The proposed amendments would have a positive social impact. Reduction of the age restriction to 16 would conform the harness rule with the thoroughbred rule, which is already at 16. Having the categories defined in the rule would benefit the drivers, as well as the public, since the limitations are already defined.

Economic Impact

The proposed amendments would have a positive economic impact since they would remove the restriction on 16 and 17 year old drivers, thereby providing additional employment opportunities. The amendments would not affect the existing

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license fee structure, nor would it affect state or track revenue.

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

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;

[1. A driver must] **3.** Have a minimum of 20-40 vision in one eye, corrected, according to certification by a licensed optometrist, or opthalmalogist. 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.

13:71-7.26 [Qualification for a provisional and/or full driver's license] **(Reserved)**

[(a) Every applicant for a provisional license to drive a harness horse at a race meeting licensed by the Commission in addition to any other requirements mentioned herein shall:

1. Submit evidence of good moral character;

2. Submit evidence of his ability to drive in a race and, if he is a new applicant, this must include the equivalent of one year's training experience;

3. By at least 18 years of age;

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. In addition, any driver who presently holds a license and wishes to obtain a license in a higher category, who has not previously submitted to such written test, shall be required to take a written test before becoming eligible to obtain a license in a higher category.

(b) A full license will be granted to an applicant who qualifies for a provisional license and has acquired:

1. At least one year's driving experience;

2. Twenty-five satisfactory starts at an extended pari-mutuel or Grand Circuit meeting.

(c) Any applicant who had complied with all the above requirements and licensed by the United States Trotting Association may be eligible for a license in New Jersey.

(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.

(e) All penalties imposed on any driver will be recorded on the reverse side of both his United States Trotting Association and commission driver's license by the presiding judge.]

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PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Bills and Payments for Service
Service; Bills and Payments for Service; Return of Deposits

Proposed Readoption: N.J.A.C. 14:3-3 and 7.

Authorized By: Board of Public Utilities, Barbara A. Curran, President.
Authority: N.J.S.A. 48:2-12, 48:2-13, 48:2-24, 48:2-25 and 48:2-29.5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Blossom A. Peretz
Secretary to the Board
Board of Public Utilities
1100 Raymond Boulevard
Newark, N.J. 07102

At the close of the period for comments, the Board of Public Utilities may adopt this proposal with minor changes not in violation of the rulemaking procedure at N.J.A.C. 1:30-3.5. Pursuant to Executive Order No. 66(1978), these rules expired on May 16, 1983. The readoption becomes effective upon publication in the Register of a notice of their readoption.

AGENCY NOTE: Title 14, Chapter 3, is listed in the New Jersey Administrative Code as having expired on May 16, 1983, in accordance with Executive Order 66. This listing is in error. Executive Order 66 provides for the automatic expiration of all administrative rules amended or promulgated after May 15, 1978, after five years have passed from the date of amendment or promulgation unless such rules are readopted by the agency. Other than subchapters 3 and 7, the provisions of Chapter 3 were promulgated prior to May 15, 1978, and are not subject to Executive Order 66.

This proposed readoption should be considered in conjunction with adopted amendments to Chapter 3, subchapters 3 and 7, published in the New Jersey Register at 15 N.J.R. 949(a) and 1949(a), and 16 N.J.R. 250(a) and 744(a).

This proposal is known as PRN 1984-148.

The agency proposal follows:

Summary

The Board of Public Utilities proposes to readopt subchapters 3 and 7 of Chapter 3 of Title 14, concerning utility deposits and discontinuances. The subchapters and the specific amendments adopted in 1978 are summarized below.

Subchapter 3 outlines the specific duties of utility companies in relation to application and permits of service and also concerns discontinuance of service and restoration of service.

The sections are summarized as follows:

N.J.A.C. 14:3-3.1: Every utility is required to furnish safe, adequate and proper service in a manner that tends to conserve energy resources.

N.J.A.C. 14:3-3.2: Delineates the application process a customer must follow in order to establish utility service.

N.J.A.C. 14:3-3.3: Requires that utility companies must furnish information to customers and the public concerning service, tariffs and energy conservation.

N.J.A.C. 14:3-3.4: Concerns utility permits to open municipal streets to make service connections.

N.J.A.C. 14:3-3.5: Permits a utility to refuse to connect with any customer's installation when it is not in accordance with the standard terms and conditions of the utility furnishing the service.

N.J.A.C. 14:3-3.6: Contains the reasons which allow a utility to discontinue service and also contains the guidelines pursuant to such.

N.J.A.C. 14:3-3.7: Contains the basis for restoring service.

N.J.A.C. 14:3-3.8: Gives the utility the right of reasonable access to customer's premises for certain defined purposes including reading meters and inspection of utility property.

N.J.A.C. 14:3-3.9: Requires utilities to attempt to avoid interruptions and to keep records of all interruptions.

Subchapter 7 contains rules related to bills, including billing methods and forms, and the rules concerning customer information and bill disputes.

N.J.A.C. 14:3-7.1 and 7.2: Delineates guidelines for customer deposits for metered and telephone service, and for deposits to insure credit of new customers.

N.J.A.C. 14:3-7.3: Allows utilities to collect deposits from customers in default of payment of bills.

N.J.A.C. 14:3-7.4 and 7.5: Delineates guidelines for the return of customer's deposits and requires the utilities to keep records of customer deposits.

N.J.A.C. 14:3-7.6: When a utility, other than a telephone company, furnishes unmetered service for which payment is received in advance, it may not demand other guarantee to secure payment for service.

N.J.A.C. 14:3-7.7 and 7.8: Each utility is responsible for providing meter reading and billing information to customers and is also responsible for maintaining a record of each customer's account.

N.J.A.C. 14:3-7.9: Explains what should appear on a bill for metered service.

N.J.A.C. 14:3-7.10: Explains what should appear on a bill for unmetered service.

N.J.A.C. 14:3-7.11: Contains the different permissible methods of billing for both metered and unmetered service.

N.J.A.C. 14:3-7.11A: Concerns uniform budgeting plans for residential customers.

N.J.A.C. 14:3-7.12: Contains the procedures concerning notice of discontinuance of utility service.

N.J.A.C. 14:3-7.13: Prohibits discontinuance of service during a bill dispute provided certain procedures are followed by the customer.

These amendments were designed to afford customers easier access to utility service and to protect them against discontinuance of service without being properly informed, and also to aid in remedying any problems that they have with the utility company that is the cause of the discontinuance.

The 1978 amendments to the subchapters are summarized as follows:

N.J.A.C. 14:3-3.6(c) and (d): Prohibits weekend discontinuance of service and prohibits discontinuance of service if a medical emergency exists.

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N.J.A.C. 14:3-7.1(a): Directs a utility company to notify a customer of all the methods of establishing credit in order to avoid paying a cash deposit for initial service.

N.J.A.C. 14:3-7.2(b): Directs utility companies to review a residential customer's account every year to determine if he has established credit satisfactory to the utility, and if so, to refund any deposit paid.

N.J.A.C. 14:3-7.12(a) and (c): Requires utility companies to make a good faith effort to notify customers of discontinuance of service and to urge customers facing discontinuance of service to contact the utility in order to work out a payment plan to avoid discontinuance.

N.J.A.C. 14:3-7.13(b), (c) and (d): Directs utility companies to make a good faith effort to work out a deferred payment plan with a customer who notifies such utility company in advance of their difficulty in meeting bill payments.

N.J.A.C. 14:3-7.14: Directs utility customers to make a reasonable effort to determine when a landlord/tenant relationship exists and to notify each tenant of a proposed discontinuance of service.

The Board finds these rules to be adequate, reasonable and necessary in the public interest, for protection against service discontinuance and the amelioration of disputes between customers and utilities. The Board therefore proposes their readoption without change.

Social Impact

Subchapter 3 delineates the procedures to be followed and the requirements to be adhered to by utility companies in the furnishing of service to customers. The rules and amendments serve to bring the utility companies into strict accountability with consumers concerning service and duty. Additionally, Subchapter 3 establishes public confidence in State government's ability to ensure that the public's interest concerning public utility companies is adequately protected.

Subchapter 7 contains rules concerning deposits and payment of bills. The rules and amendments ensure that customers will be provided with all information concerning their records and meter reading as well as other billing information. This subchapter allows that utility companies will be accountable with consumers concerning deposits and discontinuances.

These rules specifically impact on utility companies which provide services, the customers and consumer of those services and the Board which regulates the relationship between the utilities and their customers. The overall societal impact has been to bring together competing interests in a regulated industry.

Economic Impact

Subchapter 3 has no economic impact per se except that pursuant to 14:3-3.4 a customer would have to pay a municipal charge, if any, for a street opening permit in order to connect service. Also, 14:3-3.7 requires payment of all charges by a customer before service can be restored.

Subchapter 7 does have some economic consequence since it concerns bills and payment for service. For instance, deposits are required of customer whose credit has not been established on default in payment of bills has occurred. There are also provisions for return of deposits.

Subchapters 3 and 7, including the 1978 amendments, have had no adverse economic impact upon consumers, the utility companies or the Board of Public Utilities with respect to administrative costs and readoption of these subchapters will not cause any new costs to consumers, the utility companies or the Board.

TRANSPORTATION

(a)

AERONAUTICS

Airport Safety Improvement Aid

Proposed New Rule: 16:56

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

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.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before May 2, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. 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 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 1984-152.

The agency proposal follows:

Summary

These regulations have been proposed to implement provisions and purposes of the "Airport Safety Act of 1983" P.L. 1983 C.264, approved July 11, 1983.

This Act recognizes that the State has an interest in the safety and viability of its air transportation resources. The legislature has mandated the creation of an Airport Safety Fund, which is a fund created by revenues derived from aviation fuel taxes and fees, and which is disbursed back to the aviation industry for the improvement of air safety and the air transportation infrastructure. It is significant to point out that over 45 other states support, with user generated or state monies, the improvement of their air transportation infrastructures.

The provisions of this chapter make available to airports open to the public low interest loans of up to $90,000 a year, cash grants of up to $7,500 a year, and monies to help match the local share required when federal funds are offered to airports for facility and safety improvements. Resources are also made available for such other air safety reasons, such as crash/fire/rescue equipment and aircraft search and rescue equipment.

Within the provisions of the Act and chapter are safeguards to ensure the protection of monies disbursed from the fund. Additionally, deliberate attention has been made to condition

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the provisions of this chapter to promote the wide distribution of available resources, as opposed to encouraging their absorption, in a few large scale projects. This approach will assure public confidence in that the fund will uniformly benefit all persons and regions of the State. Full effort has been made to provide provisions to promote good engineering practices, site plan analysis considering immediate and future needs, and comprehensive/coordinated and cooperative planning and development of the State's air transportation resources.

Steps have been taken within the implementation provisions to promote local sponsor participation in the cost of improvement projects. This should serve to act as a structural screening mechanism to reduce the frequency of applications for projects of minimal cost/benefit to the transportation infrastructure. Applications for funding are reviewed on a quarterly basis. These rules also require an applicant to retain an engineer to supervise the development of plans, specifications, construction, and certifications. These actions serve to protect the investment of the applicant and State by insuring project quality controls throughout.

Social Impact

The social impact of this new chapter will be favorable by principally improving the economic climate of the State by improved transportation resources. An additional impact will be felt by the incremental improvement of mobility resources available to the citizens of the State. The participation of State resources in the affected projects helps to insure a better coordinated implementation of projects whereas prior coordination and planning mechanisms were largely voluntary in their design.

Economic Impact

These regulations will have a highly favorable economic impact. These regulations will enhance air safety and qualitative improvements to air transportation facilities. The enhancements strengthen the position of the State to attract and retain enterprises which rely on air transportation and commerce. Continuing vitality of the air transportation network is a vital State asset in the ongoing development of modernized industry, high technology enterprise, and commercial interaction with major trade centers. Direct employment will result as a consequence of the projects stimulated by these rules. Additionally, the products of these projects will serve as a catalyst for improved movement of economically significant goods and personnel. The resulting economic impacts should improve the posture of commerce and the employment base within the State.

Environmental Impact

The promulgation of this chapter allows the State to increase its direct participation in the oversight of environmental matters relating to air transportation facilities. The mechanisms established herein provide new opportunity for expanded environmental review and oversight. Within the overall context of these programs there is increased incentive for facility operators to act to correct identifiable environmental factors to increase the chance of State endorsement and participation in local projects. The Commissioner is given the authority within the context of these rules to propose projects to local sponsors. With available funding and this concept proposal authority, the Commissioner can act independently in the inventory, identification, and direct proposal to facility operators of environmentally oriented projects where corrective action is determined to be necessary.

Full text of proposed new rule follows.

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 convenants 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 colocated 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 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 ben-

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efit. 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 deprived 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.

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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.

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 categorial 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:

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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.

(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.

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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:

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

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$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.

(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 consitute a public committment 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 unitl 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.

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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.

(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.

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.

(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.

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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 relating 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 to 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.

(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 pay-

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ments 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 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 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.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Alternate Benefit Program Contributions

Proposed Amendment: N.J.A.C. 17:1-2.18

Authorized By: Douglas Forrester, Acting Director, Division of Pensions.
Authority: N.J.S.A. 18A:66-192.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before May 2,

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1984. These submissions and any inquiries about submissions and responses, should be addressed to:

Douglas Forrester
Acting Director
Division of Pensions
20 West Front Street
CN 295
Trenton, New Jersey 08625

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

This proposal is known as PRN 1984-153.

The agency proposal follows:

Summary

The proposed amendment's purpose is to have the text of the administrative rule conform to the text of N.J.S.A. 18A:66-190 in order to clarify terms of taxable year.

Social Impact

The proposed amendment will affect all current and future participants in the Alternate Benefit Program.

Economic Impact

The proposed amendment does not have any significant, adverse economic impact upon the participants or the public but rather is merely intended to clarify administrative policy so as to conform to the language of the applicable statute.

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

17:1-2.18 Contributions

(a) (No change.)

(b) A participant may increase or decrease the percentage of optional annuity deductions or the allocation of salary deductions and reductions between the Teachers' Insurance and Annuity Association and the College Retirement Equities Fund no more than once a [school] **taxable** year. **For purposes of these rules, a taxable year is deemed to be the calendar year commencing on January 1 and ending on December 31.**

(c) (No change.)

OTHER AGENCIES

(a)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Affirmative Action Program

Proposed New Rule: N.J.A.C. 19:30-6

Authorized By: James J. Hughes, Jr., Executive Director, New Jersey Economic Development Authority.

Authority: N.J.S.A. 34B-1 et seq., specifically 34:1B-5.4.

Interested persons my submit in writing, data, views or arguments relevant to the proposal on or before May 2, 1984. These submission, and any inquiries about submissions and responses, should be addressed to:

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). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-159.

The agency proposal follows:

Summary

The New Jersey Economic Development Authority (NJEDA) is proposing to establish as a regulation its policy concerning affirmative action in minority hiring for construction projects receiving Authority financial assistance. The regulation will require any contractor involved in the performance of construction contracts undertaken in connection with projects receiving Authority assistance to make every effort to meet goals for hiring of minority workers on the project. It will also provide for certain penalties to be assessed to contractors who do not comply.

It is the intent of NJEDA in proposing this regulation to encompass, as a matter of law, principles outlined by the New Jersey Laws Against Discrimination (P.L. 1945, c.169, N.J.S.A. 34:11-56.25 et seq. as amended), within its programs of providing financial assistance to stimulate economic development to the benefit of the people of this State. This law in part prohibits discrimination in employment on the basis of age, race, creed, color, national origin, ancestry, marital status, sex, or religion.

More specifically, this regulation will require that each contractor make every effort to find and employ qualified minority workers. Percentage goals for minority hiring are established on a county-by-county basis by the New Jersey Department of Labor. These percentages relate to the manhours worked on the project in each construction trade. If the goal is 20 percent, for example, the contractor must seek to hire minority workers for at least 20 percent of the total manhours worked on the project in each trade. If a contractor is experiencing difficulty in finding minority workers, the contractor is expected to notify NJEDA, New Jersey State Employment Service, State of New Jersey Bureau of Apprenticeship & Training, and at least two minority referral organizations for assistance.

To monitor compliance with the regulation, NJEDA will require contractors to submit certified payrolls to NJEDA's Office of Affirmative Action on a weekly basis, in a form satisfactory to NJEDA. A contractor not in compliance will be so notified and appropriate measures to correct the deficiency will be suggested.

Failure to comply with the provisions of the regulation will result in penalties as described in the text of the regulation.

Social Impact

Programs such as the affirmative action program proposed herein have been established to facilitate the acceptance of minorities into the employment mainstream. Both Federal and State government agencies have committed to initiating affirmative action in their own employment practices, as have

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private sector employers. Such equal employment opportunity practices have been extended through legislation to require private sector recipients of government financial assistance or public works contracts to expand their minority work force. The purpose behind these programs—and NJEDA's proposed program—therefore, is to have a positive social impact which will be most immediately felt by the minority population; namely, the assimilation of minorities into the social mainstream through the opportunity to improve their material welfare. Such opportunity, which in many ways has been deprived in the past, will ultimately benefit the State and the people as a whole by enabling individuals who previously could not contribute to society and the general economy, to do so through gainful employment.

No significant social impact on construction contractors is anticipated because of the firmly established existence of affirmative action programs in both the public and private sector. In particular, contractors who engage in so-called public works projects are already familiar with affirmative action procedure.

Economic Impact

The assimilation of minority persons into the employment mainstream carries with it increased opportunity for economic growth for both the minority population (increased income) and the general populace (increased spending by those earning the income). Unlike the social benefit of affirmative action, which is somewhat philosophic, the economic benefit is real.

No significant economic impact is anticipated for contractors in order for them to achieve compliance with the program. There is the possibility that individual contractors may elect not to seek contracts for NJEDA-financed projects, rather than undertake an affirmative action program. And, contractors who are awarded contracts but who fail to comply with the regulation, could be assessed fiscal penalties as described in the regulation. This should not create an adverse economic impact on the construction industry as a whole, nor on the general population.

Full text of the proposed new rule follows.

SUBCHAPTER 6. AFFIRMATIVE ACTION IN AUTHORITY-FINANCED CONSTRUCTION PROJECTS

19:30-6.1 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, subcontract, or agreement, whether written or oral, for construction, reconstruction, demolition, alteration, repair work, maintenance work, or construction related to installation of equipment, undertaken in connection with a Project receiving Authority assistance.

"Contractor" means any party who enters into a construction contract with the project owner/applicant, or any party to whom funds will be disbursed for payment of construction work, including any subcontractor of the Contractor.

"Executive Director" means the Executive Director of the Authority.

"Minority" means any person who is Black American, Spanish surnamed, a woman, or an American Indian.

"Project owner/applicant" means the entity or individual which has applied for, or is the recipient of, Authority financial assistance.

19:30-6.2 Application of affirmative action regulations

(a) Every contractor involved in the construction of a project receiving Authority assistance is required to undertake a program designed to employ minority workers in accordance with the minority hiring goals established by the New Jersey Department of Labor. All construction done in connection with such a project is subject to the application of this subchapter.

(b) The project owner/applicant shall be responsible for the performance of its contractors under this subchapter.

19:30-6.3 Compliance

(a) A contractor will be considered in compliance with this subchapter only if the contractor has made every effort to meet the minority hiring goal for each trade or craft employed on the project. Minority hiring goals are established by the New Jersey Department of Labor for each county in New Jersey. The goals are expressed as percentages of the total man-hours worked on the project in each trade. The Authority will publish these goals as part of its Affirmative Action Program. At a minimum, the contractor must take the following steps in this effort:

1. Notify the Authority and at least two minority referral organizations of the Contractor's manpower needs, and request referrals of minority workers. The contractor shall leave standing requests for referrals of minority workers with the local unions, the State Employment Service, New Jersey Bureau of Apprenticeship & Training, and at least two referral sources designated from time to time by the Authority until such time as the Contractor has met its minority hiring goals;

2. Give notice of employment opportunities to any minority workers who have been listed with the Contractor as awaiting available vacancies;

3. Employ qualified minority workers who have been listed with the contractor as candidates for available vacancies;

4. Keep complete and accurate records of all requests for worker referrals and man-hours worked.

19:30-6.4 Monitoring by the Authority

(a) The Authority will maintain an Office of Affirmative Action, the staff of which will review contractor performance for compliance with this subchapter. Each contractor will be required to submit to the Office of Affirmative Action, on a weekly basis, certified payroll records identifying the name, address, Social Security Number, race, number of hours worked in each craft or trade, hourly wage rate and gross earnings of minority and nonminority workers. The Office of Affirmative Action will make field inspections of project sites, and may perform audits of records relating to construction activities on the project.

(b) The project owner/applicant and the contractor are required to identify an officer or employee as the Affirmative Action Officer who will coordinate the Affirmative Action Program and act as liaison with the Authority's Office of Affirmative Action.

(c) Each Project owner/applicant and Contractor should resolve any questions regarding this subchapter with the Au-

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thority's Office of Affirmative Active prior to the execution of any construction contracts in connection with a project receiving Authority assistance.

19:30-6.5 Contract provisions

(a) Every construction contract executed in connection with projects receiving Authority assistance must require that:

1. Ten percent of each disbursement for the construction of the project will be retained by the project owner/applicant, agent or trustee until the Authority's Office of Affirmative Action gives written notice that the amount may be released.

2. The contractor will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, or religion.

3. The contractor must make every effort to employ minority workers at a level consistent with the applicable county employment goal prescribed by the New Jersey Department of Labor.

4. The contractor submit employment reports to the Authority on a weekly basis.

5. The contractor submit such certificates to the Authority as are required by the application for financial assistance.

6. The addendum to construction contract which is provided by the Authority with its application for financial assistance must be made a part of all construction contracts and must be signed by the contractor.

19:30-6.6 Failure to comply

(a) In the event the Authority determines that a contractor is not in compliance with this subchapter, the Authority will notify the contractor, the project owner/applicant, the construction lender, and the agent or trustee, in writing, of the steps of contractor should take to be considered in compliance.

(b) If the contractor fails to comply or otherwise respond after receipt of the notice in (a) above, the Authority may take action against the contractor or project owner/applicant including:

1. Direct the project owner/applicant, agent or trustee to withhold 10 percent of any disbursements to that contractor of bond proceeds or construction funds obtained with Authority assistance;

2. Institute debarment proceedings to preclude a contractor from contracting on Authority projects;

3. Refer reported violations to the Attorney General for enforcement action under "Laws Against Discrimination";

19:30-6.7 Executive Director to enforce regulation

(a) 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 as 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.

(b) The Executive Director of the Authority may, for good cause shown, grant exemptions from the requirements of this subchapter. In granting an exemption, the Executive Director may consider such factors as the cost, nature, and extent of the work to be performed under a particular contract, the availability of qualified minority workers, the length of time in which the work is expected to be performed, the percentages of minority workers in the total work force in the immediate labor area, the number of employees needed to perform the work under the contract, and the efforts which a contractor has made to comply with the requirements of this subchapter prior to seeking such exemption.

1. Exemptions may also be granted to any contractor or project owner/applicant who demonstrates that the work to be performed under a particular contract will be performed under an existing Federally approved or sanctioned Affirmative Action Program or in accordance with the Affirmative Action Program of a municipality or State agency.

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RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice
Jurisdiction of the Office of Administrative Law

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

Proposed: January 17, 1984 at 16 N.J.R. 94(a).
Adopted: February 21, 1984 by Ronald I. Parker, Acting Director, Office of Administrative Law.
Filed: March 21, 1984 d.117, **without change**.

Authority: N.J.S.A. 52:14F-5e, f and g.

Effective Date: March 21, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): March 21, 1985.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the readoption may be found in the New Jersey Register at 15 N.J.R. 66(a), 15 N.J.R. 435(a).

(b)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice
Jurisdiction of the Office of Administrative Law

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

Proposed: January 17, 1984 at 16 N.J.R. 95(a).
Adopted: February 21, 1984 by Ronald I. Parker, Acting Director, Office of Administrative Law.
Filed: March 21, 1984 as R.1984 d.118 **without change**.

Authority: N.J.S.A. 52:14F-5e, f and g.

Effective Date: March 21, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): March 21, 1985.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the readoption may be found in the New Jersey Register at 15 N.J.R. 68(a), 15 N.J.R. 436(a).

AGRICULTURE

(c)

DIVISION OF RURAL RESOURCES

State Agriculture Development Committee
Agricultural Management Practices

Adopted New Rule: N.J.A.C. 2:76-2

Proposal: January 17, 1984 at 16 N.J.R. 95(b).
Adopted: March 5, 1984 by Arthur R. Brown, Jr., Chairman, State Agriculture Development Committee.
Filed: March 9, 1984 as R.1984 d.84, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 4:1C-15f and 4:1C-16a.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): March 19, 1989.

Summary of Public Comments and Agency Responses:

There was one written comment submitted regarding the proposal from the Mercer County Extension Service. Mercer County Extension Service comments and Agency responses follow:

1. In the definition of "agricultural management practices" change "means" to "includes".

As written it could preclude a farmer from utilizing a legitimate practice used in some other state or use of an experimental pesticide with a registered experimental label without incurring possible liability.

Response: Agricultural management practices are not meant to exclude farm practices for which a determination by the Agricultural Experiment Station has not been made. However, Right to Farm protection will not be obtained until a practice is approved as an agricultural management practice.

2. Change ". . . .collected professional judgement and opinion of the faculty. . . ." to ". . . .collected professional judgement and opinion of the appropriate faculty. . . ."

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Response: The State Agriculture Development Committee adopted the recommendation to include the word "appropriate".

One verbal comment was received from John M. Hunter, Extension Specialist in Agricultural Policy, Cook College to change the word "collected" to "collective" in the definition for agricultural management practices.

Response: The State Agriculture Development Committee changed the word "collected" to "collective" to help clarify the definition.

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

SUBCHAPTER 2. AGRICULTURAL MANAGEMENT PRACTICES

2:76-2.1 Applicability

(a) This subchapter applies to all commercial farm operations conforming to the following:

1. Agricultural management practices approved by the State Agriculture Development Committee.

2. All relevant Federal or State statutes or rules and regulations.

3. Not being a direct threat to public health and safety.

2:76-2.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Agricultural management practices" means practices either formally set forth in current published New Jersey Agricultural Experiment Station recommendations or practices which represent the best, *[collected]* ***collective*** professional judgment and opinion of the ***appropriate*** faculty of the New Jersey Agricultural Experiment Station and practices related to soil and water conservation and management approved by the State Soil Conservation Committee.[1]

"Board" means a county agriculture development board established pursuant to N.J.S.A. 4:1C-17 or a subregional agricultural retention board established pursuant to N.J.S.A. 4:1C-20.

"Commercial farm" means any place producing agricultural or horticultural products worth $2,500 or more annually.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

[1] Published New Jersey Agricultural Experiment Station recommendations are available from the Cooperative Extension Service, Cook College, P.O. Box 231, New Brunswick, New Jersey 08903. Soil and water conservation and management practices are available from the State Soil Conservation Committee, New Jersey Department of Agriculture, CN 330, Trenton, New Jersey 08625.

2:76-2.3 Dispute procedures

(a) The following procedure shall be utilized to advise and assist municipalities, farmers and the general public with respect to resolving disputes concerning agricultural management practices involving the operation of a commercial farm:

1. All disputes shall be presented by one or both parties directly to the respective board representing the agricultural operation.

2. For counties without a board, the dispute shall be presented to the State Agriculture Development Committee.

3. The board or committee shall establish in each case a reasonable time within which a written statement of finding shall be provided.

4. The board or committee shall establish and implement fact-finding procedures using expertise from governmental agencies or other appropriate sources.

5. Following fact-finding, the board or committee shall provide a written statement of finding regarding the conformance of the agricultural operation with agricultural management practices approved by the committee.

6. Following the presentation of a dispute, the board or committee shall encourage and provide mediation.

7. No statement or expression of opinion made by any party in the course of a meeting concerning the dispute shall be deemed admissible in any subsequent judicial proceeding.

ENVIRONMENTAL PROTECTION

(a)

NEW JERSEY WATER SUPPLY AUTHORITY

Sale of Water from Delaware and Raritan Canal and Spruce Run/Round Valley Reservoir Systems
Procedures for Rate Adjustments

Adopted Amendments: N.J.A.C. 7:11-2.10 through 2.13

Proposed: August 15, 1983 at 15 N.J.R. 1311(a).

Adopted: March 19, 1984 by Robert E. Hughey, Chairman, New Jersey Water Supply Authority, and Commissioner, Department of Environmental Protection.

Filed: March 19, 1984 as R.1984, d.109, **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. 58:1B-1 et seq.

Effective Date: April 2, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): June 6, 1988.

Summary of Public Comments and Agency Responses:

The New Jersey Water Supply Authority Act, N.J.S.A. 58:1B-1 et seq. requires the New Jersey Water Supply Authority ("Authority") to construct, operate and maintain its water supply facilities as a completely self-supporting utility. Therefore, the Authority has the dual responsibility of generating sufficient revenues to ensure the proper management of the water supply facilities while at the same time carrying out its business in a manner which will allow the public to be assured that the rate structure is just, reasonable and equitable.

Shortly after its creation on October 7, 1981 the Authority proposed and adopted initial adjustments in its rate structure to allow the Authority to meet its financial obligations during

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the initial years of its independent existence. During the initial rate adjustment program, numerous individuals and institutions criticized various aspects of the Authority's rate making procedure. In response to the concerns of these parties, while also recognizing and preserving the Authority's statutory responsibility to ensure the timely implementation of necessary rate adjustments, the Authority has proposed significant amendments to the procedure for rate adjustments for the "Schedule of Rates, Charges and Debt Service Assessments for the Sale of Water from the Delaware and Raritan Canal and the Spruce Run/Round Valley Reservoir Systems", N.J.A.C. 7:11-2.10 through 13.

On August 12, 1983 copies of a Notice of Public Hearing and the text of these proposed amendments were mailed to the 22 contractual water customers, the clerks of 65 municipal bodies either bordering the Delaware and Raritan Canal and Spruce Run/Round Valley Reservoir System facilities or within the areas serviced with water from the Authority's facilities, and 74 other interested parties on the Authority's mailing list. The Notice of the Public Hearing and the proposed amendments were also published in the New Jersey Register on August 15, 1983 at 15 N.J.R. 1311(a). A Public Hearing was held on September 30, 1983 at the Labor Education Center, Rutgers University, New Brunswick. Five written comments were received during the comment period which ended on October 30, 1983. A number of very constructive suggestions and comments were received during this process concerning the section titled "Procedures for Rate Adjustments", N.J.A.C. 7:11-2.11. Most of the suggested changes to N.J.A.C. 7:11-2.11 have been incorporated in the amended rate making procedures which are being adopted by the Authority.

The Authority summarizes and responds to the comments received concerning the proposal according to the following major issues:

ISSUE NO. 1 - The rate making procedures of the Authority should involve an adjudicative type hearing and an independent Hearing Officer.

RESPONSE - The objective of this comment is to assure that the record of the procedures is complete, that the proposed rates are just, reasonable and equitable and that the Hearing Officers' Report and the Authority's final action is based solely on the record of the proceedings. Further, the goal is to assure that the record of the proceeding includes ample opportunity for all interested parties to enter into the record their concerns, questions, positions and evidence in support of their positions, as well as a requirement for the Authority staff to provide all supporting information, records and responses to all questions raised during the proceedings.

The recommended procedures, as they have been amended in response to the suggestions and comments submitted by various parties, should more than meet all of the indicated objectives. The suggestion that an independent Hearing Officer is needed to avoid a "white wash" is inconsistent with the manner in which the Authority conducts its business. All Authority members will receive a copy of the complete record, including the Hearing Officers' Report, and they will exercise their independent judgments when the full Authority takes action on the Hearing Officers' recommendations.

ISSUE NO. 2 - The Authority should be required to provide ample supporting information and financial records prior to any meeting with contractual customers to discuss proposed rate adjustments. There should be provision for "discovery" by interested parties prior to the public hearing. Requests for additional information should be entertained.

RESPONSE - The Authority intends that its rate making procedures shall involve full disclosure of the circumstances to all interested parties. The provision of this information prior to the public hearing should help expedite rate adjustment matters and is in the best interests of both the Authority and its constituents. In order to clarify these pre-hearing procedures, the "Official Notice" section of the proposed regulations should be augmented to address the concerns for adequate information in advance of the public hearing. We are, therefore, recommending two additional paragraphs which specifically deal with the provision of "Supporting Documents and Financial Records" and "Requests for Additional Information".

ISSUE NO. 3 - The indicated time limits to submit questions and/or statements are very restrictive. The opportunity to raise additional questions arising through the rate adjustment procedure is unclear. Will additional questions be entertained at the public hearing?

RESPONSE - The Authority should entertain questions arising at any time during the rate adjustment procedure. In order to make this clear in the regulations, several amendments to the "meeting with contractual customers" and "Public Hearing" sections should be added. Whenever possible, questions asked will be answered immediately. If this is not possible, the staff will respond within 10 days of the public hearing. Opportunity for comment on those questions answered after the hearing will be provided and these matters will also become part of the record.

ISSUE NO. 4 - The Public Advocate, Division of Rate Counsel, should also be included in all rate adjustment processes as an "interested party".

RESPONSE - The sections of the proposed rate making procedure dealing with "Official Notice", "Meeting with Contractual Customers", and "Public Hearing" have been amended to contain specific mention of the Public Advocate, Division of Rate Counsel.

ISSUE NO. 5 - The rate adjustment procedure should allow the introduction of testimony at the hearing. There should also be a provision for cross-examination, both during the hearing and for those responses provided after the hearing. Adequate follow up rights should be allowed.

RESPONSE - The Authority is interested in all responsible input, including any supporting evidence, to its rate adjustment processes. Questioning and follow up questioning of the staff is also included in the procedures. The "Public Hearing" section of the proposed rate adjustment procedures have been amended to clarify these rights.

ISSUE NO. 6 - The Authority should be required to supply complete and specific answers to specific questions instead of generally addressing the issues.

RESPONSE - All appropriate sections of the proposed rate making procedures have been clarified to require specific responses to all issues and questions raised.

ISSUE NO. 7 - The hearing record should include all questions and answers and the Authority should base all findings and decisions solely on the hearing record.

RESPONSE - The Authority intends that the Hearing Officers' report and all findings of fact will be based solely on the record of the rate adjustment proceedings. This report will also be provided to all members of the Authority for review prior to any final action on the rate adjustment proposal.

ISSUE NO. 8 - The Hearing Officers' Report should be made available for review and expression of exceptions by the interested parties prior to submission of the report to the full Authority board.

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RESPONSE - The amended procedures proposed for adoption cover an extensive period of time during which there is ample opportunity to enter into the record, for consideration by the entire Authority membership all concerns, questions and evidence relative to any proposed adjustment in the rates. As indicated under Issue No. 1, the Hearing Officers' Report, including the recommendations, must be based upon the record of the proceedings. The full Authority membership will consider the Hearing Officers' findings and recommendations consistent with this policy. When final action is to be taken by the full Authority membership, the Hearing Officers' findings and recommendations will be presented for discussion at one of the Authority's meetings. At that time an additional opportunity is available for further comment or exceptions on the proposed action prior to a vote of the Authority membership. Therefore, a further delay in the submission of the Hearing Officers' Report, as suggested, is not considered to be appropriate or necessary to establish a complete record of the proceedings as discussed under Issue No. 1.

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]*).

7:11-2.10 Rate adjustment

(a) The New Jersey Water Supply Authority reserves the right to review and revise the General Rate Schedule from time to time by the establishment of a new General Rate Schedule promulgated pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and any regulations promulgated thereto.

1. A purchaser shall be notified of such changes not less than six months in advance of the effective date of such revision pursuant to N.J.A.C. 7:11-2.11.

2. Adjustments made under this section shall be subject to public hearing and all other requirements of N.J.A.C. 7:11-2.11.

3. Any contract for the sale of water shall be subject to the exercise of this power.

(b) The New Jersey Water Supply Authority reserves the right to annually review the sales base to make adjustments, if necessary, in the General Rate Schedule as set forth at N.J.A.C. 7:11-2.2 and the Debt Service Assessment rate as set forth at N.J.A.C. 7:11-2.3. Any said adjustments shall be promulgated pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and any regulations promulgated thereto.

1. If any adjustment is required, at least six months notice shall be provided prior to the next fiscal year to a purchaser pursuant to N.J.A.C. 7:11-2.11.

2. Adjustments made under this section shall be subject to public hearing and all other requirements of N.J.A.C. 7:11-2.11.

(c) (No change.)

7:11-2.11 Procedures for rate adjustments

(a) Prior to adopting an adjustment in the Schedule of Rates, Charges and Debt Service Assessments established in this subchapter, the Authority shall comply with the following rate-making procedures and schedule:

1. Official notice: Official notice *[of the proposed rate adjustment]* ***and an explanation outlining the need for the proposed rate adjustment*** shall be given to all contractual water customers *; **the Department of the Public Advocate, Division of Rate Counsel;*** and other interested parties at least six months prior to the proposed effective date. *[Thereafter, all appropriate supporting documents and financial records of the Authority in support of the proposed adjustments shall be made available for review at the Authority's offices in Clinton, New Jersey]*.

2. Supporting documents and financial records: All appropriate supporting documents and financial records of the Authority in support of the proposed adjustment shall either be supplied to all contractual water customers; the Department of the Public Advocate, Division of Rate Counsel; and other interested parties upon request, or shall be made available for review at the Authority's offices in Clinton, New Jersey at the time official notice of the proposed rate adjustment is given. This information shall be deemed to be part of the record of the proceedings for purposes of preparing the hearing officers' report required under (a)(7) below.

3. Requests for additional information: The contractual water customers and the Department of the Public Advocate, Division of Rate Counsel shall be afforded the opportunity to submit written questions and requests for additional data prior to the time of the meeting required under (a)(4) below. The Authority staff shall provide written answers to the questions and supply the additional data requested prior to the meeting.

[2.] ***4.*** Meeting with contractual customers ***and the Public Advocate, Division of Rate Counsel***: Within 45 days after sending official notice to the contractual water customers ***and the Public Advocate, Division of Rate Counsel, regarding*** *[of]* the proposed rate adjustment, Authority staff shall meet with representatives from the contractual water customers ***and the Public Advocate's office*** in order to present and explain the proposal.

i. At that time, contractual water customers ***and the Public Advocate, Division of Rate Counsel,*** will be invited to submit written questions which shall be put into the hearing record and which will be answered by Authority staff at the public hearing.

ii. In order to be answered at the public hearing, such questions must be received by the Authority no later than 15 days prior to the public hearing. ***The Authority staff will make every reasonable effort to answer those questions received later than 15 days prior to the public hearing at the time of the hearing. All questions will be answered as part of the hearing record at the time of the hearing or as indicated under (a)(5)vi below.***

[3.] ***5.*** Public hearing: After meeting with the contractual customers and after giving sufficient opportunity for submission of written questions on the proposed rate adjustment, a public hearing shall be held, at which one or more members of the Authority shall serve as hearing officer(s). The public hearing agenda shall include, but not be limited to:

i. Opening statement by the hearing officer(s):

ii. Staff *[response]* ***answers*** to the questions raised ***prior to the hearing*** by the contractual water customers ***and the Public Advocate, Division of Rate Counsel*** *[prior to the hearing]*;

iii. *[Statements]* ***Oral statements, written statements and any supporting evidence are to be presented and entered into the record*** by all interested parties including the contractual water customers, ***the Public Advocate, Division of Rate Counsel,*** intervenors who are judged by the hearing officer(s) to meet the criteria established in (a)*[3]***5***iv below, and any other party of interest.

iv. Requests for intervention for purposes of directing questions to the staff as delineated under (a)*[3]***5***v below.

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(1) Any person other than a contractual water customer who is substantially and specifically affected by the proposed rate adjustment may move either in writing prior to the public hearing or orally during the public hearing to intervene in the proceedings for purposes of directing questions to the staff, as delineated under (a)*[3]****5***v below.

(2) Anyone seeking to intervene must identify themselves as well as the manner in which he/she will be affected. The hearing officer(s) will then either approve or deny the request.

(3) The Public Advocate, Division of Rate Counsel, shall be deemed a qualified intervenor for purposes of the public hearing.

v. Questions by contractual water customers and qualified intervenors.

(1) Agenda item (a)*[3]****5*** iii above provides for the submission of ***oral*** statements*, **written statements and any supporting evidence*** by *[any]* ***all*** interested parties.

(2) In addition, under this agenda item all contractual water customers and qualified intervenors may question the staff on any aspect of, the need for, the basis of or any provision of the proposed rate adjustment. ***Follow up questions relative to the answers of the staff may also be directed to the staff during the public hearing.***

vi. Responses from staff.

(1) In the event that a response cannot be immediately given at the hearing, then a written response shall be prepared within 10 working days after the public hearing, and a copy of that written response shall be provided to all contractual water customers, ***the Public Advocate, Division of Rate Counsel,*** and attendees at the hearing and made a part of the hearing record.

(2) Within 10 working days of receipt of the answer, contractual water customers *, **the Public Advocate, Division of Rate Counsel,*** and attendees will be permitted to respond in writing to the answers of the staff for the record.

[4.] ***6.*** Hearing record: The hearing record shall remain open for at least 25 working days after the public hearing in order to allow additional written comments to be submitted.

[5.] ***7.*** Hearing Officers' Report: After the hearing record is closed, a hearing officers' report, *[including responses to all issues and questions raised during the public proceedings,]* ***which shall be based solely on the record of the proceedings, and which shall include findings of fact and specific responses to all issues and questions raised during the public hearing proceedings,*** shall be prepared and submitted to the Authority prior to the Authority taking final action on the proposal.

7:11-2.12 Special user rates: Spruce Run/Round Valley Reservoirs System
(No change in text.)

7:11-2.13 Short-term user rate
(No change in text.)

7:11-2.14 Late payment interest charge
(No change in text.)

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations Delineations of Portions of the Rockaway Creek and the South Branch Rockaway Creek in Readington Township, Hunterdon County

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

Proposed: January 3, 1984 at 16 N.J.R. 5(a).
Adopted: March 19, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: March 19, 1984 as R.1984 d.108, **without change.**

Authority: N.J.S.A. 13:10-1 et seq. and 58:16A-50 et seq.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): July 19, 1988.

Summary of Public Comments and Agency Responses:

The Department of Environmental Protection held a public hearing on July 6, 1983 at the Reading Township Municipal Building, Whitehouse Station, New Jersey. No testimony was presented. Written comments were received from Exxon Company in favor of the adoption of the delineation. The comment period closed February 3, 1984.

Full text of the adoption follows.

7:13-1.11 Delineated floodways
(a)-(c) (No change.)

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

1.-10. (No change.)

11. . . .The floodway and flood hazard area of the Rockaway Creek from approximately 3,000 feet upstream of Laminton Road to its junction with the South Branch Rockaway Creek as shown on Plate RC-3.

12. . . .The floodway and flood hazard area of the South Branch Rockaway Creek from its confluence with the Rockaway Creek upstream to approximately 1,200 feet upstream of the Cushetunk Lake Dam, as shown as Plate SBR-1.

13.-50. (No change.)

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(a)

DIVISION OF WATER RESOURCES

Water Quality Management Planning and Implementation Process

Adopted New Rule: N.J.A.C. 7:15

Proposed: May 16, 1983 at 15 N.J.R. 765(b).
Adopted: March 13, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: March 19, 1984 as R.1984 d.110, **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. 58:11A-2 and 58:11A-9.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.
DEP Docket No. 022-83-04.

Summary of Public Comments and Agency Responses:

The Department has carefully reviewed the transcripts of the public hearings and the written comments submitted during the comment period. The following is a summary of the major issues raised and the Department's response or clarification. In addition, the Department has made some changes as a result of its own internal review of the proposed rules. Most of these changes are for the purpose of clarifying the proposal or are changes to the definitions.

Since many of the comments concerned overlapping issues, the Department has chosen to group specific comments on similar issues. The following comments address issues which have not resulted in specific changes to the proposed rules. Those comments which have resulted in changes to the rules are not separately addressed in this document.

7:15-2.1 The Continuing Planning Process
Comment: The Department received some comments requesting that environmentally sensitive areas should be identified in the Water Quality Management (WQM) Plans.
Response: The Department agrees that certain environmentally sensitive areas must be protected so as to minimize impacts on water quality. However, due to the importance of these areas the Department feels that maximum protection can best be accomplished through regulatory mechanisms, rather than through the WQM Plans. Once these regulatory actions are promulgated they will be adopted into the Statewide WQM Plan and will also be implemented through the consistency determination process.
Comment: One comment cited the need for the WQM Plans to be more closely linked to the Water Supply Master Plan (WSM).
Response: The WQM Plans are coordinated with the WSM Plan. The Department has also endeavored to provide such coordination in its review of plant upgrades and treatment requirements. In addition, the Department has undertaken a number of specific water quality/water supply studies which are investigating the interrelationship between wastewater, surface and groundwater pollution, and water supply resources.

7:15-2.2 Relationship between Statewide, areawide and county WQM Plans
Comment: The Department received one comment concerning the need for all areawide WQM Plans to be consistent.
Response: The Department is presently attempting to provide for plan consistency both through the development of a Statewide WQM Plan, and through updated plan certification conditions aimed at strengthening the consistency determination program. This chapter provide the basic framework for developing this plan consistency.

7:15-3 Plan Assessment, Revision and Adoption
Comment: A number of comments concerned the need for more public participation in the planning, review and amendment processes.
Response: Due to the changing nature of public participation in the planning process, it was determined that the best place to address this issue is in the forthcoming Statewide WQM Plan. As to the consistency review process, public input, other than input required through endorsements (local municipalities and sewerage authorities), can be offered through the draft permit process. Questions of consistency are appropriate to this process and may be raised either through the permit hearings, or by letter. With regard to WQM Plan amendments, such amendments require public notice through the N.J. Register and two newspapers. In addition, public hearings may be held if there is significant interest. Public comment is always requested for a period of 30 days following notification. Amendments may be proposed by any individual or agency.

7:15-3.1 WQM Plan(s) consistency determinations
Comment: The Department received one comment to the effect that these rules provide requirements (consistency determinations) that are redundant to existing permit programs.
Response: The Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.) requires that no permit may be issued which is in conflict with an areawide WQM Plan. The permit process is designed to determine whether a particular project or proposal can technically meet State standards. The WQM Plans are primarily designed to address the broader policy planning aspects of water quality and wastewater disposal. The permit process cannot adequately address these consistency issues.

7:15-3.2 Procedures for making consistency determinations
Comment: Some comments were received concerning the use of other agencies (county planning boards, environmental commissions or watershed associations) to perform consistency determinations rather than Professional Planners.
Response: The Department has modified the proposed rules to delete reviews by Professional Planners. It was determined that those projects and activities which were listed in Table 1, ii as requiring consistency statements, should be either moved up to section i (requiring a consistency determination), or to the new section ii (not requiring a determination). Since certain activities are not fully addressed in the WQM Plans, it was determined that the use of Professional Planners might result in confusion and wasted effort on the part of both the reviewer and the applicant.
Comment: One comment concerned the need for one process for all agencies in processing consistency determinations.

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Response: The process established in the rules is the required minimum for other agencies. However, each designated agency will develop their own procedure which is responsive to local needs. The Department has final approval of these procedures and will require consistency with the regulations.
Comment: One comment cited the need for consistency determinations to be independently funded.
Response: There is no provision in the Water Quality Planning Act (N.J.S.A. 15A-1 et seq.) that would permit the assessment of fees by the Department.
Comment: The Department received one comment concerning the use of the term "where applicable" in 7:15-3.2(a) stating that this term should be deleted for consistency determination submittals.
Response: Each project is different and may require different information. For example, a request for the construction of a new treatment facility for a new residential development, requires more information than for an expansion of an existing facility in a developed municipality.

7:15-3.5 WQM Plans, review, adoption and certification
Comment: The Department received one comment requesting that areawide WQM Plans be updated regularly.
Response: In accordance with 7:15-3.5(a) the WQM Plans shall be reviewed annually and updated as necessary.
Comment: One comment requested that there should be a centralized location for all WQM Plans.
Response: All WQM Plans are located at the Bureau of Planning and Standards, Division of Water Resources, 25 Arctic Parkway, Trenton, N.J. Individual plans are located at various locations around the state. Contact the Bureau at 609-633-7021 for locations.

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]*).

CHAPTER 15
WATER QUALITY
MANAGEMENT PLANNING AND
IMPLEMENTATION PROCESS

SUBCHAPTER 1. GENERAL PROVISIONS

7:15-1.1 Scope
(a) This chapter establishes the following policies and procedures:
1. Policies, program requirements, and procedures for all State, areawide, and county water quality management planning and implementation activities;
2. The format for the Continuing Planning Process and the Statewide Water Quality Management Program Plan;
3. Mechanisms to resolve conflicts among State agencies, designated planning agencies, designated management agencies, counties, and other parties affected by the water quality management planning process;
4. Procedures for the amendment and revision of the Statewide Plan, and for other Water Quality Management Plans for which the State is responsible;
5. The objectives of the Continuing Planning Process; and
6. Procedures and criteria for the Department so that all projects and activities that affect water quality are consistent with the Water Quality Management Plans.

7:15-1.2 Construction
(a) This chapter shall be liberally construed to permit the Department to discharge its statutory functions, and to effectuate the provisions of the Water Quality Management Plans.
(b) The Commissioner may rescind, amend, or expand this chapter from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as amended and supplemented.

7:15-1.3 Purpose
(a) The purpose of this chapter is to achieve the following objectives:
1. Establish the Continuing Planning Process and the Statewide Water Quality Management Program Plan;
2. Define the relationship between the Statewide, areawide, and county Water Quality Management Plans;
3. Identify the roles of the State, designated agencies, and county planning boards;
4. Establish a water quality management consistency determination procedure;
5. Establish procedures for resolution of conflicts in plan consistency;
6. Establish Water Quality Management Plan amendment procedures; and
7. Provide for the review, adoption, and certification of Water Quality Management Plan revisions, updates, and amendments.

7:15-1.4 Severability
If any section, subsection, provision, clause, or portion of this chapter is adjudged invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

7:15-1.5 Definitions
The following words and terms as used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:
"Amendments" or "adopted amendments" are formal changes to the Statewide, areawide, or county Water Quality Management Plans that have been approved, adopted, and certified pursuant to this chapter.
"Adoption" means the approval given by the Governor to the Department to implement, through rulemaking procedures as necessary, any element of a Water Quality Management Plan.
"Areawide plan" means the areawide Water Quality Management Plan authorized in Section 5 of the Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.)*[.]* *["Best Management Practices (BMPs)" means the methods to prevent or reduce the amount of pollution generated by a particular source.]* ***, and Sections 208 and 303 of the Clean Water Act (33 U.S.C. et seq.).***
"Best Management Practices (BMPs)" means the methods , measures, or practices to prevent or reduce the amount of pollution from point or non-point sources, including structural and nonstructural controls, and operation and maintenance procedures.
"Certification" means the signification to the EPA Regional Administrator by the Governor, that Water Quality Management Plans or portions thereof are current in their inclusion of any annual revisions and their expected water quality improvements for specific Plan elements.

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"Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection or an authorized representative.

"Consistency determination" means the determination by the Department or designated planning agency as to whether a project or activity affecting water quality is either consistent or not inconsistent with an adopted areawide plan and/or the Statewide Plan.

["Consistency statement" or "certified consistency statement" means a statement by the applicant and certified by a licensed N.J. Professional Planner, that the project or activity is either consistent or not inconsistent with an adopted areawide plan and/or the Statewide Plan.]

"Continuing Planning Process" means the Statewide planning process conducted by the Department of Environmental Protection as authorized in Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7).

"CP-1 application" means the formal application for a permit from the Department.

"Department" or "NJDEP" means the New Jersey Department of Environmental Protection.

"Designated area" means an area designated by the Governor as an areawide water quality management planning area pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

"Designated management agency" means an agency designated in either the Statewide Plan, the areawide plan, or the county plan to implement one or more of the policies, objectives, and recommendations of the appropriate document.

"Designated planning agency" means an agency designated by the Governor to conduct statewide water quality management planning pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

"Division" means the Division of Water Resources, NJDEP.

"Drawings and/or plans" means those drawings, site plans and/or blueprints prepared by a Professional Engineer or Professional Planner, as appropriate, which portray the development specifications of the site project or activity.

"Environmentally sensitive areas" means those areas identified either in the 201 Facilities Plan or the Water Quality Management Plan as land areas possessing characteristics or features which are essential to the maintenance and/or improvement of water quality.

"Industrial/commercial" means any project or activity engaged in manufacturing, production and/or sales of *[technical]* services and/or products.

"Interim amendments" means amendments to the Statewide or areawide plans approved by the Commissioner or his designee but not yet adopted by the Governor or his designee.

"Major modification" means a significant alteration, expansion, or other change which may reasonably be expected to affect the quantity of flow treated or the quality of the effluent discharged to the waters of the State or to a publicly owned treatment works.

"Non-designated area" means an area not designated by the Governor as an areawide water quality management planning area pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

"Non-designated planning agency" means the New Jersey Department of Environmental Protection which is responsible for water quality management planning in all areas not otherwise designated by the Governor, or where the responsibility has reverted back to the State.

"Non-point source" means a contributing factor to water pollution that cannot be traced to a specific discernible confined and discrete conveyance.

"Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Revisions" means a change in the Water Quality Management Plan(s) necessary to correct existing information.

"State" means the State of New Jersey.

"Statewide Water Quality Management Program Plan" or "Statewide Plan" means the document containing the written policies, procedures and practices developed through the Continuing Planning Process pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7).

"Storm water control plan" means a plan which details the necessary structures or measures designed to control storm water runoff from a site.

"201 Facilities Plans" means the plans for wastewater treatment facilities adopted pursuant to Section 201 of the Clean Water Act (33 U.S.C. 466 et seq.).

"201 Facilities Planning agencies" means those agencies which are responsible for conducting 201 facilities planning, pursuant to Section 201 of the Clean Water Act (33 U.S.C. 466 et seq.).

"303(e) and 209 Basin Plans" means the plans which establish the initial water quality standards and the preliminary continuing planning process for water basins.

"305(b) Water Quality Inventory Report" means the biennial report prepared by the State, pursuant to Section 305 of the Clean Water Act (33 U.S.C. 466 et seq.), which inventories and assesses the quality of surface and ground waters of the State.

"Update" means a change in the Water Quality Management Plan(s) necessary to modify existing information in order to reflect new or additional information.

"USGS quadrangle map" means any of the set of topographic maps prepared by the United States Geological Survey at 1:24,000 scale and known as "quadrangles" or "quads".

"Waste load allocation" means the assignment of maximum waste loads to point source discharges so as to maintain water quality standards.

"Wastewater treatment works" means any device or system whether public or private, used in the storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any other works including sites for the treatment process or for ultimate disposal of residues resulting from such treatment.

1. Additionally, "wastewater treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, including storm water runoff, or industrial waste in combined or separate storm water and sanitary sewer systems.

"Water Quality Management Plan" or "Plan" means the documents which encompass the activities, defined in and

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referred to, in Sections 208 and 303 of the Clean Water Act (33 U.S.C. 466 et seq.) and the Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.) ***including both Statewide and areawide Plans***.

"Water Quality Planning Act" means the Act which provides for the restoration and maintenance of the State's surface and ground waters through the use and coordination of areawide plans (N.J.S.A. 58:11A-1 et seq).

"Work programs and plans" means those documents that detail the specific work activities proposed as part of a water quality management program.

SUBCHAPTER 2. PLANNING REQUIREMENTS

7:15-2.1 The Continuing Planning Process (CPP)

(a) The Department shall develop a Continuing Planning Process describing operating policies, procedures, and practices that comprise the water quality management planning process. This CPP is based upon formal State policy and on the policies, objectives, and programs in the areawide plans.

(b) The policies, goals, and objectives of the CPP which have Statewide or multi-county significance will be contained in the Statewide Water Quality Management Program Plan. In addition, elements of the adopted areawide plans having Statewide or multicounty significance may also be contained in the Statewide Plan. The remaining data and recommendations of the areawide and county plans will be incorporated by reference.

(c) The CPP may include, but is not limited to the following:

1. The following four-step process to insure that pollution problems are adequately addressed and solutions implemented:

i. Identification of existing and/or potential pollution problems related to surface and ground waters. (The 305(b) Water Quality Inventory Report shall be considered as the principal problem identification component of the Plan.)

ii. Development and recommendation of alternative technical solutions based upon available technology, effectiveness, economy, implementability, and public acceptance.

iii. Identification of strategies for the implementation of the aforesaid solutions through regulatory and non-regulatory programs, to include appropriate institutional and financial considerations.

iv. Designation of management agencies to carry out program activities.

2. Areawide Water Quality Management Plans, 201 Facilities Plans, the 305(b) Water Quality Inventory Report, and 303(e) and 209 Basin Plans.

3. Strategies, policies, standards, and criteria for point and non-point pollution control, protecting water resources, ***protecting environmentally sensitive areas*** and/or other water quality related issues.

4. Waste load allocation policy and effluent limitations for point sources.

5. A description of coordination activities of State, county and local agencies pursuant to applicable water quality related laws and regulations.

6. A description of existing and anticipated wastewater treatment needs, together with a description of actions and priorities to meet these needs.

7. Identification of measures necessary to implement the Water Quality Management Plans.

8. All regulations and modifications thereto adopted pursuant to all State laws that are applicable to water quality management and to water pollution control.

9. A description of a public participation strategy.

10. A description of delegated responsibilities of the CPP.

7:15-2.2 Relationship between the Statewide, areawide, and county Water Quality Management Plans

(a) The Statewide Water Quality Management Plan contains the written provisions of the Continuing Planning Process. It is the plan which directs and coordinates water quality management planning ***and implementation activities*** for the entire State and serves as a guide for areawide planning.

(b) The areawide plan is the basis by which the State and/or the designated areawide planning agencies conduct water quality management planning for a particular "area" or section of the State which has either designated or non-designated area status.

1. The areawide plan and its amendments shall be consistent with the Continuing Planning Process and the Statewide Plan.

2. All policies, objectives, and recommendations adopted in the Statewide Plan shall be concurrently adopted in the areawide plans without the need for separate hearings.

(c) Every county planning board may conduct a countywide water quality management planning process and prepare a county Water Quality Management Plan. This process and Plan must be consistent with the appropriate areawide plan and the Statewide Plan. All policies, objectives, and recommendations adopted in the Statewide and appropriate areawide plans shall be concurrently adopted in the county plans without the need for separate hearings.

7:15-2.3 Role of the Department

(a) The Department shall:

1. Conduct areawide planning for non-designated areas and for those designated areas where the responsibility for planning has reverted back to the State. Partial or full reversion of responsibility from designated planning agencies may result from one of the following circumstances:

i. An agency is financially, administratively, or otherwise unable to fulfill its responsibilities, as determined by the Department; or

ii. An agency desires to relinquish part or all of its responsibilities.

2. Coordinate and direct the activities of areawide and county water quality management planning agencies;

3. Review and approve areawide and county work programs, plans, and plan amendments;

4. To the maximum extent feasible, act as a resource for areawide and county planning agencies, providing them with technical assistance, and information on Best Management Practices and pollution control technologies;

5. Establish a Statewide Plan as part of its CPP responsibilities. Revise, update, and amend (as necessary) appropriate areawide or county plans, and/or the Statewide Plan;

6. Establish policies, procedures, standards, criteria, and regulations for water quality issues;

7. Establish waste load allocations on a case by case basis;

8. Prepare a biennial 305(b) Water Quality Inventory Report;

9. Prepare consistency determinations for non-designated areas and designated areas where the Department is responsible.

i. Also, determine consistency with 201 Facilities Plans for all designated and non-designated areas.

ii. Also, determine consistency for all projects and activities either proposed, constructed, and/or operated by the State for all designated and non-designated areas.

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10. Coordinate State, county and local activities pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.);

11. Make recommendations to the Governor, or his designee, regarding certification and adoption of the areawide Water Quality Management Plans; and

12. Delete aspects and responsibilities of the CPP to other State, Federal, interstate, ***county,*** or local agencies.

7:15-2.4 Role of designated water quality management planning agencies

(a) The designated water quality management planning agencies shall:

1. Revise, update, and amend the areawide and county plans as necessary;

2. Fulfill all responsibilities assigned to them under these rules, the Statewide Plan, their charter, any grant agreement, approved work program, and any agreement with the State;

3. Make consistency determinations pursuant to N.J.A.C. 7:15-3 et seq., and carry out other responsibilities as agreed with and/or assigned by the Department in accordance with N.J.A.C. 7:15-2.3;

4. Ensure that the areawide plan shall be consistent with the CPP and shall be in conformance with all State laws, rules, and regulations; and

5. Ensure that environmental health ordinances adopted pursuant to the County Environmental Health Act shall be consistent with the applicable areawide plan and the Statewide Plan.

(b) Each planning agency shall coordinate is work with every other planning agency with which it shares a river basin or sub-basin and shall refer any conflicts between itself and any such planning agency to the Commissioner for his mediation.

SUBCHAPTER 3. PLAN ASSESSMENT, REVISION, AND ADOPTION

7:15-3.1 Water Quality Management Plan(s) consistency determinations

(a) The Commissioner shall not undertake, nor shall he authorize through the issuance of a permit, approval, or any similar action, any project or activity that is inconsistent with applicable sections of the areawide, county and/or Statewide Plans. This requirement shall apply, but not be limited, to the following:

1. No permit shall be issued by the Department for a project or activity that is inconsistent with an approved Water Quality Management Plan.

2. For certain projects and activities which will require NJDEP permits, the Department (where it is responsible) and the designated planning agencies (where they are responsible) shall perform the consistency determination. Other projects and activities *[will either require a consistency statement from the applicant, certified by a New Jersey licensed Professional Planner, that the project or activity is either consistent or not inconsistent with the approved areawide Water Quality Management Plan; or require no determination at all.]* ***do not require a consistency determination, however all projects and activities shall still be consistent with the approved areawide water quality management plans.***

3. Table 1 identifies the appropriate consistency requirement. Actions that do not require *[either]* a determination *[or a statement]* are considered to be either consistent or not inconsistent by their nature*[.]* ***; or are not presently addressed in the Water Quality Management Plans.***

Table 1

Identification of Project and Activities Requiring Consistency Determinations

i. Projects and activities proposing the following actions require Department or designated planning agency determinations:

(1) New surface water discharges (regulated by N.J.S.A. 58:10A-1 et seq.)

(2) New groundwater discharges (regulated by N.J.S.A. 58:10A-1 et seq.).

(3) Existing surface water discharges proposing major modifications (N.J.S.A. 58:10A-1 et seq.).

(4) Existing ground water discharges proposing major modifications (N.J.S.A. 58:10A-1 et seq.).

(5) Sewer Systems (interceptors, collectors, pump stations) for residential developments of 50 units or greater (N.J.S.A. 58:10A-1 et seq.), and industrial/commercial and mixed use (including residential) developments *[s]* having flows of 25,000 gallons per day or more.

(6) Actions regulated by the Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.).

(7) Actions regulated by the Wetlands Act of 1970 as Type B activities (N.J.S.A. 13:9A-1 et seq.).

[(8) Waterfront developments not included in iii of this table.]

(8) Actions regulated by the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.).

(9) Diversion of surface or ground waters (over 100,000 gallons per day) (N.J.S.A. 58:1A-1 et seq.).

*[ii. New projects and activities proposing the following actions require only a consistency statement certified by a New Jersey Professional Planner:

(1) Diversion of surface or ground waters (N.J.S.A. 58:1A-1 et seq.).

(2) Water lowering (N.J.S.A. 23:5-29, N.J.S.A. 58:4-9).

(3) Construction and or operation of public potable water works (N.J.S.A. 58:12A et seq.).

(4) Stream encroachments excluding "over-the-counter" actions (N.J.S.A. 58:16A-50 et seq.).

(5) Actions regulated by the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.

(6) Sewer Systems (interceptors, collectors, pump stations) for residential developments of 49 units or less (N.J.S.A. 58:10A-1 et seq.), and industrial/commercial and mixed use (including residential) developments having flows of 25,000 gallons per day or less; excluding "over-the-counter" actions. (Projects that are extensions or modifications to existing projects where the cumulative total for the project is greater than 49 units or 25,000 gallons per day as appropriate, shall require a consistency determination)]*

[iii.] ***ii.*** Projects and activities proposing the following actions only, without any of the actions in part*[s]* i *[or ii]* of this table, do not require *[either]* a consistency determination *[or the consistency certification]**[:]****but shall still be consistent with the approved areawide Water Quality Management Plans:***

(1) Purchase of water (pursuant to N.J.S.A. 58:1B-1 et seq., N.J.S.A. 58:22-1 et seq., N.J.S.A. 13:1).

(2) Approved and non-approved water supply connections (N.J.S.A. 58:12A et seq.).

(3) Construction or repair of dam (N.J.S.A. 58:4-2 et seq.).

(4) Well drilling (N.J.S.A. 58:4A-14 et seq.).

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(5) Actions regulated by the Air Pollution Control Act (1954) (N.J.S.A. 26:2C-9.2 et seq.).

(6) Renewals and/or modifications of existing permitted activities that do not propose major modifications (as determined by the Department).

(7) Actions regulated by the Wetlands Act of 1970 as Type A activities (N.J.S.A. 13:9A-1 et seq.).

(8) Stream encroachment*s* *[and sewer extensions that would qualify for "over-the-counter" reviews pursuant to Ninety-Day Construction Permits (N.J.A.C. 7:1C-1).]* ***N.J.S.A. 58:16A-50 et seq.***

(9) Waterfront development activities *[covered under the General Waterfront Development Permit (N.J.S.A. 12:5-3, permit notice June 8, 1981); and all other projects and activities in manmade tidal water bodies; above ground cable crossing/transmission lines; and/or the placement of riprap at the top of any existing bulkhead.]* ***N.J.S.A. 12:5-3.****

(10) Sewer systems (interceptors, collectors, pump stations) for residential developments of 49 units or less (N.J.S.A. 58:10A-1 et seq.), and industrial/commercial and mixed use (including residential) developments having flows 25,000 gallons per day or less. (Projects that are extensions or modifications to existing projects where the cumulative total for the project is greater than 49 units or 25,000 gallons per day as appropriate, shall require a consistency determination.)*

(11) Water lowering (N.J.S.A. 23:5-29, N.J.S.A. 58:4-9).*

(12) Construction and/or operation public potable works (N.J.S.A. 58:12A et seq.).*

4. Grants for construction of publicly-owned treatment works, facilities planning, design, and construction may be awarded only to appropriately designated management agencies as identified in the approved Water Quality Plan.

5. Department planning and funding programs that impact State waters, including but not limited to the establishment of water quality standards, water quality inventories, and waste load allocations.

(b) Prior to issuing *[an]* ***a**** NJDEP permit, the Department shall require the applicant to provide either determination from the applicable designated planning agency or the State (in areas where it is responsible)*[, or a certified consistency statement in accordance with (a) above,]* indicating that the project or activity is not inconsistent with the Water Quality Management Plan. ***Although projects and/or activities that are not identified, herein, do not require the issuance of a consistency determination, nevertheless, said projects and/or activities shall be consistent with the Water Quality Management Plan.****

(c) The consistency determination review by the designated planning agency or the State may be conducted either concurrently with other NJDEP permit reviews, or prior to other reviews on a pre-application basis. If reviews are conducted concurrently, no permit may be issued if the project or activity is found to be inconsistent with the Water Quality Management Plan.

[(d) Applications for NJDEP permits for proposals that only require a certified consistency statement shall not be considered complete unless accompanied by the certified statement.]

[(e)] ***(d)**** If the project is in a designated area where the designated agency is responsible, then the applicant must follow the consistency determination procedure established by the designated planning agency and approved by the Department. The procedure in N.J.A.C. 7:15-3.2 shall be used by the designated planning agency until their procedure is adopted by them and has been approved by NJDEP.

[(f)] ***(e)**** If the designated planning agency finds that the project is inconsistent with the Plan, then the conflict resolution process appropriate to that agency will be followed.

1. The conflict resolution procedure in N.J.A.C. 7:15-3.3 shall be used by the designated planning agency until their procedure is adopted and has been approved by NJDEP.

2. All procedures prepared by the designated planning agencies must be consistent with these regulations and approved by the Department.

[(g) If a project is found to be inconsistent by the applicant (and/or the Professional Planner), then the applicant may request a resolution of conflict pursuant to N.J.A.C. 7:15-3.3 or the conflict resolution procedure adopted by the appropriate designated planning agency.]

[(h)] ***(f)**** The Department, or its delegated agency, shall be responsible for consistency determinations for the areawide plans in the non-designated areas of the State; for projects and activities either proposed, constructed, and/or operated by the State; and in those designated areas where the Department is responsible for consistency determinations.

[(i)] ***(g)**** In those designated areas where the responsibility for consistency determinations remains with the Department, the Department shall have the authority to amend, revise, and/or update the areawide plan pursuant to the procedures in N.J.A.C. 7:15-3.4.

7:15-3.2 Procedures for making consistency determinations

(a) Proposals for projects and activities in Table 1 of N.J.A.C. 7:15-3.1(a)3 shall be submitted to the Department for a consistency determination. These project proposals shall include, (where applicable), but not be limited to the following:

1. A narrative description of the project, including: discussion of geographic location, type and number of development units, anticipated population, anticipated wastewater flow, availability of existing wastewater treatment works, proposals for new wastewater treatment works (to include proposed owner and operator), ***potential water quality impacts,**** and storm water control plan.

2. A USGS quadrangle map showing the project site and discharge location.

3. Drawings and/or plans which illustrate the description in (a)1 above.

(b) The following procedure shall be followed by the Department in the review of a project proposal:

1. Upon receipt of a completed proposal, the Department will review the appropriate areawide plan and the Statewide Plan to determine whether the project or activity is consistent with the provisions and recommendations of the Plan. This review shall include, but not be limited to, the following plan components where applicable:

i. Population forecast(s);

ii. Wastewater flow projection(s);

iii. Availability of wastewater treatment works (treatment plant, interceptor lines);

iv. Identification of appropriate wastewater treatment works (regional or municipal facility, on-site treatment facility, on-site septic system, other);

v. Identification of appropriate project management agency;

vi. Use of Best Management Practices for storm water; and

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vii. Other water quality based policies, goals, objectives, and/or recommendations.

viii. The Department will assure consistency with appropriate elements of the applicable adopted 201 Facilities Plans for all non-designated and designated areas. These elements shall include, but not be limited to:

(1) Identification of areas suitable or unsuitable for development with consideration of environmentally sensitive areas; and

(2) Items i through v above, where applicable

2. This review will be completed within 90 days of receipt of a completed project proposal, as identified by the Department, in accordance with (a) above.

3. Upon completion of the review, the Department will issue a determination of consistency. This determination will state that the project or activity is either consistent, not inconsistent, or inconsistent with the Water Quality Management Plans.

i. A project or activity will be determined to be consistent if it is in accordance with the policies, goals, objectives and/or recommendations of the Water Quality Management Plan.

ii. If the plans do not contain provisions precluding a project or activity, then this will be interpreted to mean that the project is not inconsistent. A finding of ***not*** inconsistent is equivalent in effect to a finding of consistent.

iii. A finding of inconsistent means that the project is in conflict with the written provisions of the Water Quality Management Plan.

4. If a project is found to be consistent or not inconsistent, then the applicant either may proceed to apply formally for the appropriate NJDEP permit, or may be issued a permit applied for concurrently (where appropriate). A statement from the Department will be provided for the applicant's use in preparing his CP-1 application, or for submittal to the appropriate Department bureau.

5. If a project or activity is found to be inconsistent, then the applicant will be notified of the reasons for this finding.

i. The applicant may request a resolution of the conflict. The conflict resolution procedure is presented in N.J.A.C. 7:15-3.3.

ii. No permit may be issued for a project or activity found to be inconsistent.

(c) Interested parties may comment on consistency determinations through the appropriate draft and/or final permit public review and comment process. Such comments will be taken into consideration prior to the issuance of a final permit.

7:15-3.3 Procedures for resolution of conflicts in plan consistency

(a) The following procedures shall be followed where a proposed project or activity has been found to be inconsistent with the policies and procedures of the areawide plans where the State is responsible and/or the Statewide Plans, and the applicant chooses to resolve the conflicts. Conflicts with designated areawide plans shall follow the appropriate procedures of the designated agency. Such procedures must be consistent with this section and approved by the Department.

1. The applicant may formally request a resolution of conflict by writing to the Department via certified mail within 30 days of receipt of notification. This request shall include, but not be limited to:

i. Description of project;

ii. Description of conflict; and

iii. Proposed resolution of conflict.

2. The applicant shall meet with the Department within a reasonable period of time to examine and resolve mutual differences in a resolution conference.

3. As a result of the resolution conference, the applicant may either revise his project or activity to conform with the Plan, or seek an amendment to the Plan as discussed in N.J.A.C. 7:15-3.4, or appeal the determination pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

4. Other interested parties (as determined by the Department) may appeal the consistency determination by writing to the *[Commissioner]* ***Director,*** via certified mail, within 30 days of the date of the determination.

7:15-3.4 Water Quality Management Plan amendment procedures

(a) The Department shall propose amendments to the Statewide and appropriate areawide plans whenever such amendments are deemed necessary due to new or changed circumstances modified State or Federal requirements as a result of the conflict resolution procedure, new policies, and/or to correct information.

(b) Designated planning and/or management agencies, 201 Facilities Planning agencies, county or municipal governments, interested citizens, and applicants*[, following]* ***who have followed*** the conflict resolution procedure, may petition the Department to amend the Statewide plan.

1. Areawide plans may be amended pursuant to procedures adopted by the individual designated planning agency or the procedures under (c) below for the plans where the State is responsible.

2. Procedures developed by the designated planning agencies must be consistent with this section and approved by the Department.

3. All amendments to areawide and county plans must be approved by the Department and certified by the Governor or his designee.

(c) The procedures for seeking an amendment to the plans under the State's responsibility are as follows:

1. Requests for amendments should be submitted in writing to the Bureau of Planning and Standards (BPS), Division of Water Resources, CN 029, Trenton, New Jersey 08625.

2. Requests for amendments as a result of the conflict resolution procedure shall include, but not be limited to:

i. Detailed description of the basis for the proposed amendment;

ii. Previous resolution techniques utilized;

iii. Documentation substantiating the party's position; and

iv. Letters of approval or resolutions by parties affected by the proposed amendment, where appropriate (as determined by the Department). A list of parties that must be included will be provided by the BPS.

3. These requests, and any other amendment requests not initiated by the Department, shall be reviewed by the BPS, which will develop recommendations for the Commissioner's consideration.

4. For all amendment requests, the Commissioner shall make a preliminary decision within a reasonable period of time based upon a complete review of the case file, the BPS recommendation, and any other pertinent information.

i. If the Commissioner makes a preliminary approval or approves the amendment request, then a public notice will be posted in the New Jersey Register and two appropriate newspapers.

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(1) Interested parties may submit written comments to the BPS within 30 days of the date of the notice.

(2) Parties may also request in writing, that the Department hold a nonadversarial public hearing. If there is significant interest, as determined by the Department, in holding a public hearing, then a public hearing will be held 45 days after the public notice, and the public comment period will be extended for 15 days following the hearing. Following the notice or hearing, as appropriate, the Commissioner shall render a final decision on the amendment within 60 days.

ii. If the Commissioner disapproves the amendment request, then the request will be returned to the party for appropriate revision, if the applicant so chooses.

5. All appeals of amendment decisions shall be made in accordance with the requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq., as amended and supplemented).

6. Amendment proposals that have been approved by the Commissioner, in accordance with (c)4 above, shall be considered interim amendments until adopted by the Governor or his designee.

(d) Adoption of related portions of 201 Facilities Plans, 305(b) Water Quality Inventory, or any other water quality related plan or regulation formally adopted by the Governor, or his designee, shall be considered to be adopted in the Water Quality Management Plans without the need for further adoption procedures.

7:15-3.5 Water Quality Management Plans review, adoption and certification

(a) At a minimum, all the Water Quality Management Plans shall be reviewed annually and, if necessary, revised and updated.

1. The revisions, updates and any interim amendments to the areawide and Statewide plans will be adopted annually by the Governor, or his designee, subject to a public hearing, and pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq., as amended and supplemented).

2. A certification of this adoption shall be made to the United States Environmental Protection Agency annually by the Governor.

(a)

DIVISION OF WATER RESOURCES

Standards and Procedures for Establishing Privileges to Divert Water and for Obtaining Water Usage Certifications for Agricultural and Horticultural Purposes

Adopted New Rules: N.J.A.C. 7:20A-2.2, 2.7, 2.8, 2.9, 2.22
Adopted Amendments: N.J.A.C. 7:20A-1.3, 2.10, 2.11, 2.19, 2.21

Proposed: December 19, 1983 at 15 N.J.R. 2122(a).
Adopted: March 19, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: March 19, 1984 as R.1984 d.107, **without change**.

Authority: Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.

DEP Docket No. 065-83-11.
Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): December 19, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the adopted new rules and amendments, including full text of the sections of N.J.A.C. 7:20A originally proposed on November 15, 1982 at 14 N.J.R. 1249(a) and previously adopted with substantive changes not requiring additional public notice and comment on December 19, 1983 at 15 N.J.R. 2154(b), follows.

CHAPTER 20A
STANDARDS AND PROCEDURES FOR ESTABLISHING PRIVILEGES TO DIVERT WATER AND FOR OBTAINING WATER USAGE CERTIFICATIONS FOR AGRICULTURAL OR HORTICULTURAL PURPOSES

SUBCHAPTER 1. GENERAL PROVISIONS

7:20A-1.1 Scope and authority

This chapter shall constitute rules governing water usage certifications for agricultural and horticultural purposes pursuant to the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq. This chapter establishes the schedule persons diverting 100,000 or more gallons of water per day for agricultural or horticultural purposes shall follow to establish their privilege to divert water and prescribes the application, review, notification and hearing procedures for establishing privileges to divert water and to obtain water usage certifications.

7:20A-1.2 Construction

(a) This chapter shall be liberally construed to implement the statutory functions pursuant to the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.

(b) This chapter may be amended, repealed, or rescinded from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as amended and supplemented, and the Office of Administrative Law's Rules for Agency Rulemaking, N.J.A.C. 1:30.

(c) Any agricultural or horticultural uses of water in the State of New Jersey will be presumed to be in the public interest for the purpose of this chapter.

7:20A-1.3 Definitions

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

"Act" means the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.

"Agricultural or horticultural purposes" means the commercial activity of producing principally for sale food crops, plants, animals or their products for the use or consumption by man including in a primary sense the growing, harvesting, storage and the on-farm preparation for use and marketing of food crops, plants, animals or their products.

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"Applicant" means any person filing or required to file an application to establish a privilege to divert water or for a water usage certification pursuant to this chapter or the Act. An applicant may be the owner or operator of property or a person leasing property for agricultural or horticultural purposes.

"Appropriate county agricultural agent" means the county agricultural agent assigned jurisdiction over the area involved in the application.

"Coastal Plain" means the southeasterly portion of the State of New Jersey described in the "Geologic Map of New Jersey" revised by Meredith E. Johnson in 1950 (scale 1:25000) with its boundaries indicated as the northern most border (basal contact) of the Raritan Formation of the Cretaceous age, beginning in the west at Trenton junction trending northeasterly to Woodbridge.

"Commissioner" means the Commissioner of the Department of Environmental Protection or his designated representative.

"Cone of depression" means an area where the groundwater has been drawn down to the point where the aquifer to be utilized is overstressed, threatened by saline intrusion or in a critical water supply area.

"County agricultural agent" means such person so designated by the New Jersey Cooperative Extension Service in each of the respective counties.

"Critical water supply usage area" means any areas to be designated in which special water supply usage conditions shall be mandated pursuant to regulations promulgated by the Department pursuant to Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.

"Decision maker" means the person designated by the Division to make recommendations to the appropriate county agricultural agent on applications for water usage certifications and claims of privileges to divert water.

"Department" means the New Jersey Department of Environmental Protection.

"Divert" or "diversion" means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other water body, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

"Division" means the Division of Water Resources in the Department of Environmental Protection.

"Person" means any individual, corporation, company, partnership, firm, association, owner or operator of an enterprise engaged in agricultural or horticultural purposes.

"Pinelands area" means the area so designated by N.J.S.A. 13:18A-11(a) of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq.

"Water" means any surface water or groundwater in the State.

"Water usage certification" or "certification" means the document issued by a county agricultural agent pursuant to this chapter to a person granting that person the privilege to divert 100,000 gallons or more of water per day from ground and surface water sources for agricultural or horticultural purposes for a five-year period.

7:20A-1.4 Applicability

(a) This chapter applies to all persons who have been issued a water usage certification, a Water Policy and Supply Council permit, or to other persons diverting or claiming the right to divert 100,000 or more gallons of water per day for agricultural or horticultural purposes, and to all persons who in the future wish to divert 100,000 or more gallons of water per day for agricultural or horticultural purposes except as specified below:

1. This chapter shall not apply to diversion of salt water as determined by the Division except in situations such that salt water diversion and usage may affect utilization of fresh water.

2. Water usage certifications shall not be required for a person diverting water from a water purveyor or for transfers from a water purveyor within the scope of an existing water usage certification or Water Policy and Supply Council permit. Modification of a certification shall be required for diversions or transfers of water from certified or permitted usage to another use not within the scope of an existing water usage certification or Water Policy and Supply Council permit regardless of the same or different ownership of the property.

3. This chapter shall not apply in cases of emergency as defined in State contingency plans; fire fighting; flood prevention; or any other emergency diversion of water. If such an emergency diversion is contemplated to continue for a period of more than three months, then a certification shall be applied for within 30 days of the beginning of the emergency or of the determination that the emergency will last for more than three months, whichever is less, in accordance with this chapter.

4. An applicant with a total demand of 100,000 or more gallons of water per day may be issued a water diversion allocation from ground and surface water sources by a single water usage certification in cases where:

i. The agricultural or horticultural site or group of properties under common ownership or management are contiguous to each other;

ii. The non-contiguous agricultural or horticultural site or group of properties under common ownership or management are all located within the same municipality; or

iii. The non-contiguous agricultural or horticultural site or group of properties under common ownership or management lie within an area of a square two miles on a side.

7:20A-1.5 Schedule for applying for water usage certifications and establishing privileges to divert water

(a) Any person issued a valid Water Policy and Supply Council permit for agricultural or horticultural purposes which will terminate within five years after the effective date of this chapter shall apply for a water usage certification 90 days prior to the termination date of the person's present Water Policy and Supply Council permit, by following the procedures set forth in N.J.A.C. 7:20A-2.

(b) Any person issued a valid Water Policy and Supply Council permit for agricultural or horticultural purposes with no termination date or a termination date five or more years after the effective date of this chapter shall apply for a water usage certification within 180 days after the effective date of this chapter, by following the procedures set forth in N.J.A.C. 7:20A-2.

(c) Any person other than those referred to in (a) and (b) above who intends to divert 100,000 or more gallons of water per day for agricultural or horticultural purposes shall apply for a water usage certification by following the application procedures set forth in N.J.A.C. 7:20A-2.

7:20A-1.6 Calculation of gallons of water per day used for agricultural or horticultural purposes; penalty provision

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(a) For the purpose of this chapter, the applicant shall be considered to have diverted 100,000 or more gallons of water per day for agricultural or horticultural purposes if the applicant proposes to divert or existing documentation establishes that the applicant's proposed or actual total gallons of water diverted for agricultural or horticultural uses during the maximum month for usage in the most recent calendar year, when divided by the total number of days in the measuring month produces a figure of 100,000 or more gallons of water per day.

(b) Any person who fails to comply with this chapter or the Act shall be subject to the penalty provisions set forth in Section 16 of the Act.

7:20A-1.7 Procedure after transfer of ownership or operation of agricultural or horticultural property with existing water usage certification

(a) A certification for any property utilized for agricultural or horticultural purposes under an existing water usage certification, which has been transferred in ownership or operation without any change or modification in the specified conditions of water usage for agricultural or horticultural purposes, may be transferred upon application by the new owner or operator to the appropriate county agricultural agent for such a transfer of the existing water usage certification except that:

1. If any change in the specified conditions of water usage or property utilization for agricultural or horticultural purposes occurs prior to or subsequent to the transfer of ownership or operation, then the application process for new water usage certifications outlined in N.J.A.C. 7:20A-2 shall be followed by the new owner or operator of the property.

2. If the new owner or operator of the property does not apply for the privilege to transfer the existing water usage certification within 180 days after the transfer or ownership or operation, then the privilege of the new owner or operator to divert water under the existing water usage certification shall cease and will have to follow the procedures set forth in N.J.A.C. 7:20A-2 to establish their privilege to divert water.

7:20A-1.8 Program information

Unless otherwise specified, any questions concerning the requirements of N.J.A.C. 7:20A-1 and 2 shall be directed to the appropriate county agricultural agent, or to the Office of Water Allocation, Water Supply and Watershed Management Administration, Division of Water Resources, New Jersey Department of Environmental Protection, CN 029, Trenton, New Jersey 08625.

7:20A-1.9 Severability

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

SUBCHAPTER 2. WATER USAGE CERTIFICATION PROCEDURE

7:20A-2.1 Scope

This subchapter prescribes the procedures which shall be followed by applicants, county agricultural agents, and the Department when applying for and in the processing of applications for water usage certifications to establish a privilege to divert water.

7:20A-2.2 Information and reports

(a) The Division shall prepare and maintain a complete and current listing of all existing certifications and Water Policy and Supply Council permits for agricultural or horticultural purposes.

(b) The list required pursuant to (a) above shall be provided by the Division to the Chairman, Department of Agricultural and Resource Management Agents, Cooperative Extension Service, Cook College, Rutgers University, New Brunswick, New Jersey 08903, for distribution to all county agricultural agents and shall be updated by the Division as appropriate.

(c) The list required pursuant to (a) above shall include the following information:

1. Name and address of existing certification and Water Policy and Supply Council permit holders;

2. Amount of water previously permitted to be diverted;

3. Dates for the term of the certification or Water Policy and Supply Council permit;

4. Whether location of the existing certification or Water Policy and Supply Council permit is within a critical water supply usage area; and

5. Other information deemed necessary by the Division.

(d) Copies of the existing certification or Water Policy and Supply Council permit documents will be provided to the appropriate county agricultural agent upon a written request to the Division.

(e) The appropriate county agricultural agent shall concurrently upon issuance of any water usage certification issued pursuant to this chapter provide the Water Allocations Office of the Division with a copy of the relevant water usage certification.

(f) The appropriate county agricultural agent shall include as standard conditions in all water usage certifications issued pursuant to this chapter the following informaton to be annually prepared and submitted to the appropriate county agricultural agent:

1. Annual water usage on December 31 of each year; and

2. All other information deemed necessary by the appropriate county agricultural agent.

7:20A-2.3 General application procedures

(a) The Department shall provide the current application forms required for water usage certifications to the Chairman, Department of Agricultural and Resource Management Agents, Cooperative Extension Service, Cook College, Rutgers University, Box 231, New Brunswick, New Jersey 08903, for distribution to all county agricultural agents.

(b) An applicant for a water usage certification to establish a privilege to divert 100,000 or more gallons of water per day for agricultural or horticultural purposes shall contact the appropriate county agricultural agent to obtain application forms and other instructions needed to file a complete application.

(c) The applicant shall follow all the instructions to complete the application forms, and shall obtain and prepare all other documents required by the instructions and submit the completed applications and other documents to the appropriate county agricultural agent.

(d) All applications shall be signed by the applicant if an individual, or a duly authorized representative of the applicant if the applicant is an entity other than an individual. If the applicant is not an individual, a certified copy of the document authorizing the representative to sign for the applicant shall be attached to the application.

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7:20A-2.4 Standards and procedures for approval of water usage certifications

(a) In general, an applicant for a water usage certification shall provide all information reasonably available to the applicant which establishes that the application complies with the standards and procedures as follows:

1. The plans proposed are in the public interest, and provide for the proper and safe construction of structures connected therewith;

2. Diversion of the quantity of water requested shall not unduly interfere with other existing or proposed diversions;

3. Diversion normally shall not exceed the natural replenishment of safe yield of the water resources or threaten to exhaust such waters or to render them unfit for use, from any cause;

4. The plans for the proposed diversion are just and equitable to the other known water users affected thereby, such known water users shall be identified and located on an appropriate map; and

5. In the case of surface water only, whether the reduction of the dry season flow of any stream will be caused to an amount likely to produce unsanitary conditions or otherwise unduly injure public or private interests; or

6. In the case of groundwater only, that the proposed diversion does not lie within a cone of depression and that the location relative to hazardous waste disposal sites or other major source of pollution is not such as to be likely to result in groundwater contamination.

(b) The applicant for the diversion of groundwater shall show the present land use for all land within half a mile of the proposed diversion point. Municipal master plan information may be sufficient for the purpose of this subsection.

(c) The appropriate county agricultural agent shall review the application and make a determination concerning the accuracy of information submitted pursuant to (a) above, based on the appropriate county agricultural agent's actual knowledge of the water systems in the area of the application.

(d) If, based upon the appropriate county agricultural agent's actual knowledge, the information submitted is insufficent to indicate compliance with (a) above, the appropriate agricultural agent shall request additional information or consideration of the applicant of some more suitable alternative source of water.

7:20A-2.5 Conversion of existing Water Policy and Supply Council permits to water usage certifications and applications for renewals of existing water usage certifications

(a) A water usage certification may be granted with the same or different conditions as the existing water usage certification or Water Policy and Supply Council permit, or the request for an extension of the conditions set forth in the existing certification or permit may be denied.

1. If the extension is granted to a water usage certification or Water Policy and Supply Council permit which will terminate within five years after the effective date of this chapter, then the scheduled termination date of the existing water usage certification or Water Policy and Supply Council permit shall be the starting date of the water usage certification pursuant to this section.

2. If the extension is granted to a water usage certification or Water Policy and Supply Council permit which has no termination date or a termination date five or more years after the effective date of this chapter, then the starting date of the water usage certification pursuant to this section shall be the effective date of this chapter.

3. Any change in existing water usage conditions shall require compliance with the procedures set forth in N.J.A.C. 7:20A-2.

(b) Applications for renewal of existing certifications or permits shall supply information not previously established in the existing certification or permit, any information relevant to proposed changes in certification or permit conditions, and other information as requested by the appropriate county agricultural agent or the Division for the proper implementation of the Act and this chapter.

7:20A-2.6 Preliminary application review

(a) (Reserved)

(b) If the application is insufficient, incomplete, or prepared improperly, the applicant shall be so advised and instructed by the appropriate county agricultural agent as to what steps must be taken to make the application acceptable.

7:20A-2.7 Extension of existing certifications; Water Policy and Supply Council permits or privileges allowed pursuant to other lawful legislative or administrative actions by county agricultural agent

(a) The appropriate county agricultural agent shall consult the list established pursuant to N.J.A.C. 7:20A-2.2(a) above to determine if an application requests an extension of an existing certification, Water Policy and Supply Council permit or privileges previously allowed pursuant to other lawful legislative or administrative actions under the same conditions as previously allowed.

(b) If an application requests an extension of the existing certification, Water Policy and Supply Council permit or privileges previously allowed pursuant to other lawful legislative or administrative actions under the same conditions as previously allowed and the applicant does not request any increase in the amount of water diverted or any modification of the existing certification or Water Policy and Supply Council permit, the appropriate county agricultural agent may directly issue a new five year certification under the previous conditions plus any additional conditions deemed necessary by the appropriate county agricultural agent or the Division without public notice as set forth in N.J.A.C. 7:20A-2.8(b) below.

(c) N.J.A.C. 7:20A-2.7(a) and (b) shall not apply to diversions located within any designated critical water supply usage area.

7:20A-2.8 Opportunity to review application by interested parties

(a) Copies of the application may be reviewed by interested parties at the offices of the county agricultural agent.

(b) Unless a certification has been issued pursuant to N.J.A.C. 7:20A-2.7, the applicant shall have a notice of the application published in a newspaper circulating in the territory affected by the application within one week of the filing of the application.

1. The notice shall be published for one day per week for two weeks and shall summarize the application and describe the area affected.

2. The cost of publishing the notice of the application shall be paid by the applicant.

3. Unless acceptable proof of notice required by this section shall be furnished by the applicant to the appropriate

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county agricultural agent within a reasonable time period, no further action on the application shall be undertaken.

7:20A-2.9 Verification of agricultural water need and determination of appropriate processing for application

(a) The county agricultural agent shall verify the need for the water usage requested for all applications submitted and make a determination whether the applications for a water usage certification describes and includes proposed diversions as follows:

1. Within critical water supply usage areas;

2. When objections have been filed concerning an application with the appropriate county agricultural agent;

3. Within the pinelands area; or

4. Within the coastal plain outside the pinelands area for diversions of not more than 500,000 gallons as calculated pursuant to N.J.A.C. 7:20A-1.6(a).

(b) If the application for a water usage certification concerns (a) 1 above, the application shall be processed pursuant to N.J.A.C. 7:20A-2.8 and 2.10.

(c) If the application for a water usage certification concerns (a) 2 above, the application shall be processed pursuant to N.J.A.C. 7:20A-2.8 and 2.10.

(d) Unless specified in (a)1 or 2 above, if the application for a water usage certification concerns either (a)3 or 4 above, the application may be directly approved or disapproved by the appropriate county agricultural agent without any further processing and pursuant to the standards and procedures for approval of certifications set forth at N.J.A.C. 7:20A-2.4, including conditions deemed necessary by the appropriate county agricultural agent or the Division, and subject to the public notice provisions of N.J.A.C. 7:20A-2.8.

(e) All other applications for a water usage certification not specified in N.J.A.C. 7:20A-2.7 and 2.9 shall be processed pursuant to N.J.A.C. 7:20A-2.8 and 2.10.

7:20A-2.10 Applications referred to the Division

(a) The appropriate county agricultural agent shall forward verification of the applicant's need for water usage requested and the following information to the Water Allocations Office of the Division for all applications pursuant to N.J.A.C. 7:20A-2.9 (b), (c) and (e) above:

1. The county agricultural agent shall also promptly forward to the Division copies of any written objections to the proposed application from any interested parties.

2. The appropriate county agricultural agent shall forward the application and all other relevant data to the Division's Water Allocations Office for evaluation and review of the applications compliance with the standards and procedures set forth in N.J.A.C. 7:20A-2.4.

(b) The Division's Water Allocation Office shall review and evaluate the application and verification of the need for the water usage and complete the following activities:

1. Enter information concerning the application into official Division records;

2. Review the application and all other relevant data;

3. Check relationship to sources of possible pollution of the proposed water usage certification;

4. Check relationship to nearby wells, ponds and other water supplies for possible interference; and

5. Prepare a written analysis that all plans and specifications have been recommended for approval or disapproval.

(c) If no written objection from any interested parties concerning the application for a water usage certification has been made or received by the county agricultural agent and no written objections are made during the Division's Water Allocation Office review process, and the application complies with the standards and procedures set forth in this chapter, then the Division's Water Allocation Office shall:

1. Draft the necessary water usage certifications with attachments of any conditions deemed necessary and obtain approval of the Division's designated decision maker; and

2. Recommend that the appropriate county agricultural agent issue the water usage certification drafted by the Division's Water Allocation Office and based upon the standards and procedures set forth in this chapter.

(d) If objections exist to the application from any source, the procedures outlined in N.J.A.C. 7:20A-2.11 shall be followed.

7:20A-2.11 Advisory Panel

(a) If objections are made concerning an application for a water usage certification by the Division or any interested parties, then the appropriate county agricultural agent shall convene an informal Advisory Panel which shall consist of the designated representative of the Commissioner of the Department of Environmental Protection, the designated representative of the Secretary of Agriculture, and the designated representative of the Dean of Cook College. The Advisory Panel shall have the following duties:

1. Schedule an informal meeting with the applicant, the Division, the appropriate county agricultural agent, and interested parties who have registered official written objections to the application.

2. Attempt to settle the dispute by encouraging communications, negotiation and agreement between the parties involved to encourage resolution of the issues relating to the various objections.

3. If an agreement satisfactory to all parties can be made through the good offices of the Advisory Panel, the Advisory Panel shall prepare a written document outlining the suggested settlement to the Division, for recommendation for approval or denial of the suggested settlement by the appropriate county agricultural agent.

i. The appropriate county agricultural agent may then issue a water usage certification, drafted by the Division, based upon the recommendations of the Advisory Panel including any other conditions deemed necessary by the Division.

4. If the Advisory Panel determines that the objections concerning an application for a water usage certification are without merit or frivolous in nature, the Advisory Panel shall include in its written recommendation that the application for a water usage certification be approved or disapproved without utilization of the public hearing process set forth at N.J.A.C. 7:20A-2.12. If the Division concurs with this recommendation of the Advisory Panel, the Division shall recommend that the appropriate county agricultural agent issue either a water usage certification, drafted by the Division, or a letter of denial for the application for a water usage certification. All persons presenting objections before the Advisory Panel shall receive a copy of either the water usage certification or the letter of denial for the purposes of future actions pursuant to N.J.A.C. 7:20A-20.

(b) If no resolution can be achieved by the Advisory Panel or if the Advisory Panel determines that the objections have merit and are not frivolous in nature pursuant to N.J.A.C. 7:20A-11(a)4, then the public hearing process outlined in this subchapter shall be followed.

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7:20A-2.12 Notice of public hearing requirements

(a) When a public hearing on a water usage certification is required pursuant to N.J.A.C. 7:20A-2.11(b), or the appropriate county agricultural agent or the Division determines that a public hearing is required in the public interest, the Division shall:

1. Set a date for a public hearing;

2. Have a notice of the public hearing published one day per week for two weeks in a newspaper circulating in the territory affected by the application at least 30 days prior to the scheduled hearing.

i. If the Division determines that an emergency or other similar circumstances require an expedited hearing, the notice of the hearing need only be published in a local newspaper at least 14 days prior to the scheduled hearing.

3. Notify in writing, the applicant, the governing bodies of municipalities and counties in the territory affected by the application, and officials of existing public water systems within a five mile radius of the proposed diversion.

(b) The notice for the public hearing shall contain:

1. A description of the application;

2. A date for the public hearing; and

3. A statement that written comments, arguments or objections to the application may be submitted until the end of the scheduled hearing date.

(c) The public hearing shall be before a hearing officer specified by the Division.

(d) Between the time the notice is published and the scheduled date for the public hearing, the Division shall review the application and develop staff recommendations concerning the disposition of the application and any conditions that should be included in the water usage certification if issued.

1. The staff recommendations shall review and consider the application, the water usage verification of the appropriate county agricultural agent, the Division's Office of Water Allocations recommendation, the Advisory Panel's report, written comments of interested parties and all other relevant information pertaining to the application. These staff recommendations shall be:

i. Made available to interested parties upon written request five working days prior to the scheduled hearing date;

ii. Presented at the hearing to be commented upon or objected to; and

iii. If there is no hearing, upon timely written request by the applicant or any interested person to the Division, the staff recommendations shall be made available to the applicant or any interested person within seven days of the rendering of a decision.

7:20A-2.13 Expenses of hearing

The cost of advertisement and other expenses of the hearing, including stenographic record, but excluding expenses for Division hearing staff will be certified to the applicant who shall pay the bill within 30 days thereafter. Payment in full of the bill shall be a condition of final water usage certification issuance.

7:20A-2.14 Public hearing

(a) The hearing officer shall have reasonable discretion in the conduct of the public hearing and shall give:

1. The applicant opportunity to submit his information meeting the requirements of this chapter;

2. Other persons opportunity to comment in favor of or in opposition to matters relevant to the application; and

3. The applicant opportunity to respond to the commentors including written comments received by the Division.

(b) The hearing officer shall give the applicant reasonable time after the hearing to correct deficiencies in its application and respond to comments received at the hearing.

7:20A-2.15 Public hearing report

(a) The hearing officer shall review the application, the water usage verification of the appropriate county agricultural agent, the Division's Office of Water Allocations recommendation, the Advisory Panel's report, staff recommendations, written comments of interested parties, transcripts from the public hearing, and all other relevant information pertaining to the application and prepare and submit written findings and recommendations to the decision maker for a final recommendation for approval or disapproval of the application for a water usage certification by the appropriate county agricultural agent.

1. These findings and recommendations shall be made available and an opportunity for comment offered to the applicant and other principal interested parties.

7:20A-2.16 Decision maker's recommendation

(a) Where a hearing has been held, the decision maker shall review the hearing report and the entire record of the application before making a final recommendation to the appropriate county agricultural agent for the approval, with necessary conditions, or denial of the application.

(b) In addition, the decision maker shall review any other documents submitted during the review process and use his professional judgement when making his recommendation.

7:20A-2.17 Notification of recommendation

The appropriate county agricultural agent shall be notified of the Department's recommendation by either the drafting of a water usage certification with any conditions deemed appropriate, or by a draft letter of denial of the application from the appropriate county agricultural agent stating reasons for the denial.

7:10A-2.18 Approval by county agricultural agent

(a) The appropriate county agricultural agent shall approve or disapprove of water usage certification applications in accordance with the binding recommendations of the Department as provided in this chapter.

(b) The appropriate county agricultural agent shall then notify the applicant by the issuance of a water usage certification or by letter of denial of the application, stating reasons for the denial and setting forth right of appeal.

(c) In addition all persons testifying at the public hearing shall be notified by letter of the decision of the appropriate county agricultural agent.

7:20A-2.19 Record of decision

(a) There shall be maintained by the Division for each application reviewed a record consisting of copies of:

1. The application documents;

2. Water usage verification by appropriate county agricultural agent;

3. Staff recommendations;

4. Advisory Panel recommendations;

5. The public hearing report and transcript;

6. Comments received;

7. The water usage certification or letter of denial; and

8. All other relevant information.

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(b) This record may be reviewed by interested parties at the Division and copies of it may be obtained from the Division upon payment of the fee for duplication. The applicable water usage certification information shall be added by the Division to the list required pursuant to N.J.A.C. 7:20A-2.2(a).

7:20A-2.20 Appeal procedure

(a) The applicant, the Department or any person alleging to be adversely affected by the decision on a water usage certification application shall have a right to a hearing thereon if requested in writing within 20 days of receipt of a copy of the decision. Any person or entity alleging to be adversely affected by the decision on a water usage certification shall be required to specify in writing and in detail the basis for its appeal.

(b) For 30 days following receipt of the request for a hearing, the appropriate county agricultural agent and the Division shall attempt to settle the dispute by conducting such proceedings, meetings and conferences as deemed appropriate.

(c) If such efforts at settlement fail, the Department shall file the request for a hearing with the Office of Administrative Law provided the conditions of (a) above have been satisfied by the person or entity alleging to be adversely affected by the decision on a water usage certification.

(d) The hearing shall be held before an administrative law judge and in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as amended and supplemented, and the Office of Administrative Law's Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) The decision by the Commissioner, based on the record of the application and the recommendations of the administrative law judge shall be the final administrative decision on the approval/or denial of the application.

7:20A-2.21 Validity of water usage certifications issued

(a) Water usage certifications of any nature shall not be valid unless issued in compliance with and pursuant to this chapter.

(b) The conditions and provisions of previously issued water usage certifications, Water Policy and Supply Council permits and privileges previously allowed pursuant to other lawful legislative or administrative actions shall remain in effect pending approval or disapproval of an application submitted pursuant to this chapter.

7:20A-2.22 Certification programs including construction, repair or reconstruction of dams and other related structures

(a) A water usage certification program issued by an appropriate county agricultural agent may include the right to construct, repair or reconstruct dams or other related structures provided that any proposed work to construct, repair or reconstruct dams or other related structures shall comply with N.J.S.A. 58:4-1 et seq. and all other applicable laws and regulations.

(b) In the case of a water usage certification program issued pursuant to (a) above, a stream encroachment permit for irrigation headgates and tidegates along the banks of a stream shall not be required by the Department.

HEALTH

(a)

DRUG UTILIZATION REVIEW COUNCIL

Readoption: N.J.A.C. 8:71

Proposed: January 17, 1984 at 16 N.J.R. 116(a).
Adopted: March 16, 1984 by the Drug Utilization Review Council, Robert Kowalski, Acting Chairman.
Filed: March 19, 1984 as R.1984 d.106, **without change**.

Authority: N.J.S.A. 24:6E-6(a).

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No.66(1978): April 2, 1989.

Summary of Public Comments and Department Responses:

The New Jersey Pharmaceutical Association commented, giving suggestions as to the format of the List of Interchangeable Drugs and suggesting areas for possible legislative action, but the comments did not oppose any part of the proposed readoption. The Council will attempt to incorporate the format suggestions in future editions.

No other comments were received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 8:71, as amended in the New Jersey Register.

Full text of the adopted amendment to the readoption follows (deletions indicated in brackets [thus]).

[Chlorpheniramine 5 mg, Phenylephrine 10 mg, Phenylpropanolamine 40mg, Phenyltoloxamine 15 mg E.R. Tabs Amide]

HUMAN SERVICES

(b)

DIVISION OF MENTAL RETARDATION

Organization Rule
Division of Mental Retardation

Adopted New Rule: N.J.A.C. 10:40

Adopted: By George J. Albanese, Commissioner, Department of Human Services.
Filed: March 15, 1984 as R.1984 d.93.

Authority: N.J.S.A. 30:109 et seq. and N.J.S.A. 52:14B-4(b) (Exemption organizational rule).

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Effective Date: March 15, 1984.
Expiration Date pursuant to Executive Order 66(1978): March 15, 1989.

Summary

George J. Albanese, Commissioner, Department of Human Services, hereby adopts, as a rule, a description of the organization of the Division of Mental Retardation. This rule is intended to inform the public of the basic composition, responsibilities and goals of the Division of Mental Retardation.

This organizational rule is exempt from the notice and hearing requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Social Impact

The rule should have a positive social impact since it provides an official and ready reference of general information concerning the Department of Human Services' Division of Mental Retardation.

Economic Impact

No additional costs, either to the public or any state agency, shall be incurred from this rule, as it merely provides public notice regarding the operation of an existing unit of state government.

Full text of the adopted new rule follows.

CHAPTER 40
DIVISION OF MENTAL RETARDATION
ORGANIZATIONAL RULE

SUBCHAPTER 1. GOALS AND RESPONSIBILITIES

10:40-1.1 Goals of the Division of Mental Retardation

(a) Provision of comprehensive evaluation, functional and guardianship services to eligible mentally retarded persons residing in the state.

(b) Provision of prompt and effective care, treatment, training and habilitation services to eligible persons.

(c) To enable mentally retarded persons to be placed in the least restrictive living arrangement, and to be sustained in their own homes whenever possible.

(d) Provision of education and counseling to the families of the mentally retarded.

(e) Assurance of appropriate utilization of private and public facilities for the eligible mentally retarded population, and recommending and securing alternative services when needed.

(f) The provision of clean, safe and wholesome living environments for eligible mentally retarded persons in residence.

(g) The provision of effective management of all the Division's programs and services.

(h) Contribution to the public understanding of mental retardation, and the encouragement of research and prevention of its causes.

(i) The continual assessment of Division programs in order to assure that client needs are met, that established program standards are maintained, and maximum benefits is derived from the coordinated use of available resources.

(j) The integration of the use of Federal, State, Local and private resources in providing essential services to eligible mentally retarded clients and their families.

SUBCHAPTER 2. COMPOSITION OF THE DIVISION

10:40-2.1 Organization for the provision of mandated services

(a) The Division of Mental Retardation operates as an integral part of the Department of Human Services.

(b) Programs and services of the Division are administered by a Director, who is appointed by the Commissioner, Department of Human Services, two Deputy Directors, two Assistant Directors and a Coordinator, Residential Services.

(c) Under the direction of a Deputy Director for Residential Services, the Division operates ten (10) developmental centers for the mentally retarded located throughout the state. Each center is operated under the direction of a Superintendent and an Assistant.

(d) Under the direction of the Deputy Director for Community Services, the Division operates a vast network of community based services, including, but not limited to, residential placement services, day training and adult training programs, case management and evaluation, and referral services. Programs and services are administered from four regional offices located in the central, southern, northern and (metropolitan) northeastern sections of the state. Services in each region are administered by a Regional Administrator.

1. Applications for a determination of eligibility may be made to one of the four regional offices under the Community Services Section.

(e) Under the direction of a Bureau Chief, the Division provides guardianship services for eligible mentally deficient adults, and eligible orphaned or abandoned children. The program is administered from three regional offices located in the central, northern and southern sections of the state. Each regional office is under the direction of a Regional Supervisor.

(f) Under the direction of a Chief, Bureau of Special Residential Services, the Division provides a purchase of services program utilizing contracted private residential facilities to appropriate care and training for eligible mentally retarded persons.

(g) Under the direction of a Program Director, the Division administers the New Jersey Foster Grandparent Program. The program is designed to mobilize senior citizens to provide personal care, education and training and companionship to mentally retarded persons under 21 years of age. A similar program is also developed for mentally retarded persons ages 22 and over.

(h) The Division Central Office, comprising the management and support staff, provides executive management, budgetary, and technical assistance to the various operating units in the Division.

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(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Facilities (LTCF) Appeals Process for LTCFs Whose Medicaid Provider Agreement is Being Denied, Terminated or Not Renewed

Adopted Amendments: N.J.A.C. 10:49-1.16 and 10:63-1.15

Proposed: January 17, 1984 at 16 N.J.R. 118(a).
Adopted: March 13, 1984 by George J. Albanese, Commissioner, Department of Human Services.
Filed: March 14, 1984 as R.1984 d.91, **without change.**

Authority: N.J.S.A. 30:4D-6a(4)a, b(13)(14), 7 and 7b, 42 CFR 431.151-154.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order 66(1978): Administration Manual-N.J.A.C. 10:49-1-April 30, 1985.
Long Term Care Services Manual-N.J.A.C. 10:63-1-March 30, 1984.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the adoption follows.

10:49-1.16 Provisions for appeals; fair hearings
(a)-(d) (No change.)
(e) Any long term care facility whose certification or Medicaid Provider Agreement is denied, terminated or not renewed may request a hearing in accordance with the appeals procedure described in N.J.A.C. 10:63-1.15.

10:63-1.15 Program participation
(a) (No change.)
(b) Any LTCF whose certification or Medicaid Provider Agreement is denied, terminated or not renewed shall have the opportunity to request a full evidentiary hearing before an Administrative Law Judge from the Office of Administrative Law.
1. In order to obtain a hearing the LTCF must submit a written request to the Director, Division of Medical Assistance and Health Services, CN 12, Trenton, New Jersey, 08625.
2. At the discretion of the Division all hearings requested pursuant to this section must be completed either before the effective date of the denial, termination or non-renewal or within 120 days thereafter.
3. If the Division elects to provide a hearing after the effective date of a denial, termination or non-renewal the LTCF will be entitled to an informal reconsideration to be completed prior to the effective date of the denial, termination or non-renewal.
4. The informal reconsideration, if requested, will include the following:
i. Written notice to the LTCF outlining the findings upon which the denial, termination or non-renewal is based;
ii. A reasonable opportunity for the LTCF to refute the findings in writing; and
iii. A written affirmation or reversal of the denial, termination or non-renewal.
5. If the LTCF is a SNF participating or seeking to participate in both the Medicare and Medicaid Programs, and if the basis for the Division's denial, termination or non-renewal of participation in the Medicaid Program, is also a basis for denial, termination or non-renewal of participation in the Medicare Program, the SNF is entitled to elect:
i. The review and appeals procedures specified for Medicare facilities in Part 405, Subpart 0 of 42 CFR 405.1501, in lieu of the appeal procedures set forth in this section.
6. A final decision entered under the Medicare review procedures will be binding for purposes of Medicaid participation.

(b)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Definitions

Readoption: N.J.A.C. 10:81-9

Proposed: February 6, 1984 at 16 N.J.R. 206(a).
Adopted: March 15, 1984 by George J. Albanese, Commissioner, Department of Human Services.
Filed: March 15, 1984 as R.1984 d.92, **without changes.**

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date of Readoption: March 15, 1984.
Effective Date of Amendments: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): March 15, 1989.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the adoption follows.

10:81-9.1 Definitions
The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise.
. . . .
"Aid to Families with Dependent Children (AFDC-C, -F and -N)" means:
1. (No change.)
2. AFDC-F-families with eligible children when both parents are in the home, are not incapacitated and the father meets the Federal definition of unemployment.
3. AFDC-N-families with eligible children when both parents are in the home, are not incapacitated and there is insuf-

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ficient income or other resources for support of the family.

. . . .

"Assistance payment" means the money amount authorized and issued by the CWA.

. . . .

"BARA" means the Bureau of Administrative Review and Appeal in the Division of Public Welfare.

. . . .

"BLO" means the Bureau of Local Operations in the Division of Public Welfare.

"BMA" means the Bureau of Medical Affairs in the Division of Public Welfare.

"Boarder, roomer, roomer-boarder" means a person, other than a member of an eligible unit, whose acceptance in the household is a business arrangement based upon payment in cash for board, room, or room and board.

"BQC" means the Bureau of Quality Control in the Division of Public Welfare.

"BTS" means the Bureau of Transitional Services in the Division of Mental Health and Hospitals.

. . . .

"Capacity of a legally responsible relative (LRR) to support" means amount of contribution to be anticipated from an LRR.

. . . .

"Categorical assistance" means Federal programs including Aid to Families with Dependent Children, Refugee Resettlement Program and Cuban/Haitian Entrant Program.

. . . .

"CHEP" means Cuban/Haitian Entrant Program.

"Child of eligible age" means a child up to the age of 18 and a child up to the age of 19 if a full-time student in a secondary school, or in the equivalent level of vocational or technical training and reasonably expected to complete the program before reaching age 19.

. . . .

"Cuban/Haitian Entrant Program (CHEP)" means a federally-funded program designed to aid Cuban and Haitian entrants.

. . . .

"Disregards" means the amount of earned income discounted in the AFDC programs according to Federal and/or State regulations.

. . . .

"Division of Public Welfare" means office within the State Department of Human Services responsible for supervision of the administration of local assistance agencies.

"DMR" means the Division of Mental Retardation.

. . . .

"Essential person" means a particular member of a household who is required to be in the home on a substantially continuous basis because of the (certified) mental or physical impairment of another member and no other appropriate individual of the household is available.

. . . .

"ICS" means the Integrity Control Section of the Bureau of Local Operations.

. . . .

"Inquiry" means any request for information about assistance programs which is not a request for application.

"ISS" means Institutional Services Section of the Bureau of Local Operations.

"LMAU" means Local Medical Assistance Unit in the Division of Medical Assistance and Health Services.

. . . .

"MAAC" means Medical Assistance for the Aged Continuation.

. . . .

"Medicaid" means a Federal/State program administered by the Division of Medical Assistance and Health Services providing for payment of claims for and evaluation of health services; eligibility is limited to persons who are receiving or who are eligible to receive AFDC-C, -F, -N or SSI (medical needs of AFDC-N recipients are met solely from State funds).

. . . .

"Medical Assistance for the Aged Continuation (MAAC)" means a State program for individuals 65 years of age or older who can normally maintain themselves, are not eligible for Medicaid, but who are in need of hospitalization, home health care or long-term care and are unable to meet such costs.

"Medical Review Team (MRT)" means a unit within the Bureau of Medical Affairs of the State Division, composed of a Medical Consultant and a Medical Social Worker, which is responsible for determinations of medical eligibility, based on information submitted by CWAs.

. . . .

"Monthly amount" means the amount of money required or provided for one month.

. . . .

"New application" means a written request for assistance under a specified program from an individual/family who has never previously requested assistance in any county in the State under that program.

"N.J.A.C." means New Jersey Administrative Code.

"NJSES" means the New Jersey State Employment Service, New Jersey Department of Labor and Industry.

. . . .

"PEC" means presumptive eligibility confirmed.

. . . .

"Policy" means guidelines, limited by and consistent with law, which control CWA and DPW staff in carrying out public assistance programs.

. . . .

"Presumptive eligibility confirmed (PEC)" means verification by the welfare agency that the client(s) meets all eligibility requirements, either through official documentation or collateral sources, within a prescribed time period.

"Protective payee" means a person authorized by the CWA under certain conditions to receive and administer assistance payments on behalf of an eligible family.

. . . .

"Recovery" means the process whereby the CWA seeks the repayment of assistance improperly obtained.

. . . .

"Referral" means a request from an agency, institution, or individual on behalf of another individual who is interested in

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applying for financial assistance; or a request from the CWA to another agency.

"Refugee Resettlement Program (RRP)" means a federally-funded program designed to help meet the needs of refugees as defined by the Immigration and Naturalization Service.

. . . .

"Restricted payments" means checks drawn to the order of a specified person and subject to some condition or restriction which prevents immediate and unconditional negotiations and use by the payee upon delivery; checks drawn to the order of a third person (not a vendor) and intended for use on behalf of the client.

"Retirement, Survivors and Disability Insurance (RSDI)" means the Federal program administered by the Social Security Administration (SSA) which provides protection to workers and their families against loss or stoppage of earnings resulting from retirement at age 62 or older, death or disability.

. . . .

"RRP" means the Refugee Resettlement Program.

"RSDI" means Retirement, Survivors and Disability Insurance.

. . . .

"SSI" means Federal Supplemental Security Income Program, including State supplemental payments administered through this program for aged, blind or disabled of any age.

"State institution" means any institutional facility for the mentally ill or retarded, penal institution or veteran's hospital under the jurisdiction of the State of New Jersey.

. . . .

"Undue hardship" means certain situations which, in the judgment of the CWA, will result in unreasonable financial stress upon recipient families.

. . . .

"Vendor payment" means a check drawn to the order of a person or facility for providing goods or services to or for the client, representing payment for such goods or services.

"WIN" means Work Incentive Program.

"Withdrawn application" means an oral or written request by an applicant that the CWA terminate its activity on his/her application.

"Work Incentive Program (WIN)" means a program designed to place in employment, or train for employment, appropriate recipients of AFDC-C or -F.

"Worksheet and Authorization for Public Assistance", Form PA-3A, on which is recorded the computations relating to allowance, income, and monthly grant for an eligible unit and including the action recommended or approved by the CWA.

(a)

DIVISION OF PUBLIC WELFARE

General Assistance Manual
Residential Health Care Facility Allowance Rate

Adopted Amendment: N.J.A.C. 10:85-3.3

Proposed: January 19, 1984 at 16 N.J.R. 119(a).
Adopted: March 19, 1984 by George J. Albanese, Commissioner, Department of Human Services.
Filed: March 19, 1984, as R.1984 d.111, **without change.**

Authority: N.J.S.A. 44:8-111(d).

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): July 25, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the adoptions follows.

10:85-3.3 Financial eligibility

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

(f) Assistance allowance standards are as follows:

1.-3. (No change.)

4. Room and board living arrangements: When an individual is purchasing a room and board living arrangement, the following shall apply:

i. Residential health care facility: When an individual who is in need of extensive personal services on a regular and continuous basis is purchasing a room and board living arrangement in a Residential Health Care Facility (licensed by the New Jersey Department of Health for purposes other than the care or treatment of drug or alcohol abuse), the monthly assistance payment including a personal allowance shall not exceed the rate approved by the New Jersey Department of the Treasury, less any countable income. When a rate increase is approved, a public notice to that effect will be published in the New Jersey Register. Information about the current rate may also be obtained by contacting the Division of Public Welfare. However, the cost of purchasing such living arrangement shall not exceed the minimum amount which the establishment customarily charges to or for other guests not dependent on public assistance, for the same accommodations and/or services.

ii.-v. (No change.)

5. (No change.)

(g) (No change.)

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(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Release of Criminal History Record Information

Readoption: N.J.A.C. 10:121-4

Proposed: January 17, 1984 at 16 N.J.R. 119(b).
Adopted: March 13, 1984 by George J. Albanese, Commissioner, Department of Human Services.
Filed: March 13, 1984 as R.1984 d.88, **without change**.

Authority: N.J.S.A. 30:1-12, 30:4C-26(a), 9:3-47(b) and 9:3-48(a), (2), (b).

Effective Date: March 13, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): March 13, 1989.

Summary of Public Comment and Agency Responses: **No comments received**.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 10:121-4.

INSURANCE

(b)

DIVISION OF ADMINISTRATION

Automobile Insurance Personal Injury Protection Options

Adopted New Rule: N.J.A.C. 11:3-14

Proposed: December 19, 1983 at 15 N.J.R. 2139(a).
Adopted: March 16, 1984 by Joseph F. Murphy, Commissioner, Department of Insurance.
Filed: March 19, 1984 as R.1984 d.116, **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. 17:1-8.1, 17:1C-6(e) and P.L. 1983, c.362.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:

The Department received several comments on its proposed new rules concerning Personal Injury Protection (PIP) options (N.J.A.C. 11:3-14) and standards for the Buyer's Guide and Written Notice (N.J.A.C. 11:3-15). These proposed rules implement various provisions of the New Jersey Automobile Insurance Freedom of Choice and Cost Containment Act of 1984, P.L. 1983, c.362. Since some of the comments received by the Department were applicable to both proposals, a consolidated summary has been prepared.

In conjunction with the proposed rules, the Department produced a sample buyer's guide, written notice and coverage selection form. Drafts of the documents were distributed to insurance industry trade associations, and property/casualty insurers and published as a matter of public information in the February 6, 1984, Register (16 N.J.R. 254(d)). Comments and suggestions were invited. The revisions to N.J.A.C. 11:3-14 and 15 noted herein are attributable to the comments offered with respect to the sample documents, as well as the specific comments received on the proposals.

One commenter, an insurer writing only commercial risks, requested clarification regarding the applicability of these rules to commercial automobile policies. P.L. 1983, c.362, at section 7, provides that PIP coverage shall be included in every automobile policy covering an "automobile" as defined in the Act. That term has been defined to include "a private passenger automobile of a private passenger or station wagon type that is owned or hired and is neither used as a public or livery conveyance for passengers nor rented to others with a driver . . .". The Department's implementing rules are, accordingly, applicable to qualifying private passenger automobiles whether such automobiles are insured under a personal or commercial automobile policy.

Another writer expressed concern regarding the impact of P.L. 1983, c.362 on the cost of health insurance benefits which are provided by employers to employees as a negotiated benefit. It was suggested that the Department's rules specifically address the obligations of employers to provide health benefit coverages which may be utilized to meet the cost of the PIP medical expenses deductibles. The extent of any coordination of health benefit coverages with PIP coverage options will be controlled by the provisions of the policyholder's health insurance contract. The Department's rules, therefore, do not limit or define the obligations of the employer-policyholder.

The Department, however, recognizes that employers must be in a position to respond to employee inquiries concerning the status of their health care benefits. To facilitate the flow of information between health insurers and employers or other policyholders, the Department issued Circular Letter Life and Health #83-1 advising health insurers writing in New Jersey of the enactment of P.L. 1983, c.362. The circular letter also directed such insurers to determine the extent of their present liability under the law so as to be in a position to inform policyholders of its impact on health benefits being provided.

A consumer inquiry concerning the availability of PIP medical expense deductibles drew attention to a slight ambiguity at N.J.A.C. 11:3-14.3(a). Section 13a of P.L. 1983, c.362, which became operative on December 3, 1983, requires insurers to provide specified PIP medical expense deductibles. An insurer apparently took the position that it was not obligated to provide deductibles on a policy which was in effect on December 3, 1983 until that policy came up for renewal. It is the Department's position that the deductibles must be available to all policyholders on or after December 3, 1983. The rule has been amended to provide clarification.

Pursuant to the requirements of section 17 of P.L. 1983, c.362, the proposed rule N.J.A.C. 11:3-14.3(d)1 through 9 prescribed minimum language for the statement which must

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be contained in the buyer's guide and written notice concerning the possible coordination of other health benefit coverages with PIP coverage options. As a result of comments received both on the proposal and on the sample drafts of the Buyer's Guide/Written Notice, the Department has made several substantive as well as technical and editorial changes to this statement.

A savings and loan association recommended that N.J.A.C. 11:3-14.3(d)3 be amended to reflect the applicability of coinsurance provisions, as well as deductibles, to the determination of whether and to what extent health coverages may be used to fill in PIP deductibles. The rule has been amended as suggested. Further, the statement has been revised to inform consumers that their health coverages may not apply to every resident relative in their household.

One insurer recommended that the reference found at N.J.A.C. 11:3-14.3(9) to the average New Jersey PIP premium of $135.00 be deleted. It was argued that the average PIP premium of each company is likely to vary significantly from this figure and has little meaning to the individual policyholder. This insurer also argued that the use of the word "credit" in 11:3-14.3(d)9 is misleading since most policyholders perceive this term to mean an amount due them. The word "reduction" was offered as a substitute. The Department has deleted paragraph 9 in its entirety from the adopted rule.

With respect to the proposed rule N.J.A.C. 11:3-15 concerning standards for the Buyer's Guide/Written Notice, an insurer suggested that the phrase "on the part of insureds" found at N.J.A.C. 11:3-15.5(b) be deleted. It was noted that the written notice and buyer's guide will be available to applicants as well as insureds. The Department concurs with this view and has amended the rule accordingly.

Finally, an insurer suggested that N.J.A.C. 11:3-15 include a sample buyer's guide and written notice. It was felt such an inclusion would assist greatly in producing a satisfactory guide/notice for New Jersey insureds. As noted earlier, the Department has produced a sample buyer's guide/written notice satisfying the requirements of N.J.A.C. 11:3-15, as well as a sample coverage selection form. Although these documents have not been made a part of the rule, their availability will help to promote the use of a standardized guide by insurers.

Full text of the adoption follows (additions to the proposed shown in boldface with asterisks ***thus***; deletion from the proposal shown in brackets with asterisks *[thus]*).

SUBCHAPTER 14. PERSONAL INJURY PROTECTION OPTIONS

11:3-14.1 Purpose

The New Jersey Automobile Insurance Freedom of Choice and Cost Containment Act of 1984 ***(P.L. 1983, c.362)*** requires each automobile insurer offering personal injury protection coverage to provide, at approximately reduced premiums, optional deductibles, exclusions and setoffs. This subchapter establishes rules for the implementation of these requirements.

11:3-14.2 Scope

This subchapter applies to every insurer authorized to transact the business of automobile insurance in this State and every rating organization engaged in the business of ratemaking for such insurers.

11:3-14.3 Optional medical expense benefit deductibles for personal injury protection coverage

(a) *[Effective with all new automobile policies issued and renewal policies prepared on and after December 3, 1983 which include personal injury protection coverage, insurers shall provide the named insured the option, at appropriately reduced premiums, to select medical expense benefit deductibles of $500.00, $1,000 and $2,500.]* ***Effective December 3, 1983, each insurer must provide, at appropriately reduced premiums, the option to select medical expense benefit deductibles of $500.00, $1,000 and $2,500 on all automobile policies which include personal injury protection coverages.***

(b) The medical expense deductibles shall apply on a per person/per accident basis.

(c) A medical expense deductible elected by the named insured shall apply only to the named insured and any resident relative in the named insured's household, and not to any other person eligible for personal injury protection benefits required to be provided in accordance with N.J.S.A. 39:6A-4.

(d) *[The]* ***Pursuant to Section 17 of P.L. 1983, c.362 the*** notice of the deductibles shall be in writing and shall be accompanied by a statement of the possible coordination of other health benefit coverages, prescribed by the Commissioner of Insurance. The minimum language which must be included in the notice is as follows:

[1. Under the terms of Ch. 362, laws of 1983, signed by Governor Thomas H. Kean on October 4, 1983, you may now choose your type of auto insurance coverage and may qualify for a reduction in premium cost.]

[2.] The law permits you to select a deductible for the medical portion of your *[auto insurance coverage called personal injury protection coverage, commonly known as PIP]* ***Personal Injury Protection Coverage***. You can, under this law, select a deductible of $500.00, $1,000 or $2,500. This option *[should]* ***may*** be of interest to those persons who have other health insurance that will pay the deductible amount.

[3.] Is a PIP medical expense deductible the right choice for you? If you are willing to pay the amount of the deductible yourself, or if you have health insurance such as Blue Cross-Blue Shield, Medicare, or medical expense benefits from another source that covers you and your resident *[family members]* ***relatives*** in auto accidents, you may wish to consider selecting a PIP deductible. Bear in mind health coverages may also contain ***coinsurance provisions and*** deductibles ***which you may have to pay and, your health coverage may not apply to every resident relative in your household***.

[4.] If you select *[the $500.00]* ***a*** deductible, it means that your auto insurance will not pay *[the first $500.00 of]* ***up to the amount of the deductible for*** any medical bills for you or *[any member of your immediate family]* ***your resident relatives*** which result from injuries suffered in an accident. Costs above that figure will continue to be met by your auto insurance carrier.

[5.] For example, if you and three *[family members]* ***resident relatives*** are injured in an auto accident and you have selected a $500.00 deductible, you will be responsible for up to the first $500.00 in medical costs sustained by each person, or a maximum of $2,000. ***If you select a $2,500 deductible and you and three resident relatives are injured in an auto accident, you will be responsible for up to the first $2,500 in medical costs sustained by each person, or a maximum of $10,000.***

[6.] You are not required to select a deductible, of course, and you are free to continue to carry the identical coverage you now have.

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[7.] Whether or not to choose a deductible should depend upon your ability to pay a portion of your medical costs, or whether your health insurance carrier will meet the cost.

[8.] You should bear in mind that not all health insurance policies contain provisions for payment of a PIP medical expense deductible amount, so it is important that you examine your health policy or contact your health insurer or employer to determine your health policy's provisions.

*[9. The average PIP premium in New Jersey is $135.00. Your premium credit for each deductible will be approximately:

i. $ 500.00	% premium credit
ii. $1,000.00	% premium credit
iii. $2,500.00	% premium credit

OR

iv. The maximum credit for the deductible may be as much as 40 percent of the PIP premium.

v. Contact your Company, agent/broker/producer of record for information as to the applicable premium credit for your policy.]*

CAUTION: BEFORE YOU CHOOSE A PIP MEDICAL EXPENSE DEDUCTIBLE, YOU SHOULD FIND OUT IF AND TO WHAT EXTENT YOUR HEALTH CARE COVERAGE WILL PAY FOR MEDICAL EXPENSES FROM AUTO ACCIDENTS.

(e) The buyer's guide and written notice specified in section 17 of P.L. 1983, c.362 shall satisfy the requirements of this subchapter.

(f) Premium credits calculated and represented as a percentage of the applicable premium shall be provided for each deductible. The premium percentage shall be uniform by filer on a statewide basis.

(g) Should an applicant or policyholder fail to elect a deductible, full coverage shall be provided by the insurer and an appropriate premium shall be charged.

(h) The deductible option elected by the named insured shall continue in force as to subsequent renewal or replacement policies until the insurer or its authorized representative receives a properly executed written request to eliminate or change the deductible.

11:3-14.4 Optional exclusion of income continuation benefits, essential service*s* benefits, death benefits and funeral expense benefits

(a) Automobile insurers offering personal injury protection coverage shall, at an approximately reduced premium, provide the named insured the option to exclude all of the following benefits from such coverage:

1. Income continuation benefits;
2. Essential service *s* benefits;
3. Death benefits;
.4. Funeral expense benefits.

(b) Election of the exclusion shall result in the elimination of all elements of personal injury protection coverage except medical expense benefits.

(c) An exclusion elected by the named insured in accordance with this subchapter shall apply only to the named insured, and any resident relative in the named insured's household, but not to any other person eligible for personal injury protection benefits to be provided in accordance with N.J.S.A. 39:6A-4.

(d) Additional personal injury protection coverage pursuant to N.J.S.A. 39:6A-10 shall not be available to any named insured selecting the exclusion or to any relative resident in his household.

(e) No new automobile insurance policy shall be issued on or after July 1, 1984 unless the option to exclude personal injury protection benefits in accord with this section is made available to the applicant. In the case of any automobile policy expected to be in force on July 1, 1984, the named insured shall be provided not later than May 15, 1984 with the opportunity to elect, effective July 1, 1984, the personal injury protection coverage exclusion in accord with this section. Any notice of renewal of an automobile insurance policy with an effective date subsequent to July 1, 1984 shall be accompanied by a notice to the named insured providing the opportunity to elect personal injury protection coverage exclusion in accord with this subchapter.

(f) A premium credit calculated and represented as a percentage of the applicable premium shall be provided for the exclusion. The premium percentage shall be uniform by filer on a statewide basis.

(g) The buyer's guide and written notice specified in section 17 of P.L. 1983, c.362 shall satisfy the requirements of this subchapter.

(h) Should an applicant or named insured fail to elect the exclusion *,* full personal injury protection coverage shall be deemed to have been selected and an appropriate premium shall be charged.

(i) The exclusion elected by a named insured shall continue in force as to subsequent renewal or replacement policies until the insurer or its authorized representative receives a properly executed written request for its elimination.

11:3-14.5 Setoff option entitling an automobile insurer paying PIP medical expense benefits to reimbursement

(a) Automobile insurers offering personal injury protection coverage shall, at approximately reduced premiums, provide a setoff option whereby the named insured agrees to reimburse the insurer from any award, judgment or settlement for noneconomic loss for the medical expense benefits paid by it, up to a maximum of 20 percent of the award, judgment or settlement.

(b) A setoff option elected by the named insured in accordance with this section shall apply only to the named insured, and any resident relative in the named insured's household, but not to any other person eligible for personal injury protection benefits to be provided in accordance with N.J.S.A. 39:6A-4.

(c) No new automobile insurance policy shall be issued on or after July 1, 1984 unless the setoff option in accord with this section is made available to the applicant. In the case of any automobile policy in force on July 1, 1984, the named insured shall be provided no later than May 15, 1984 with the opportunity to elect, effective July 1, 1984, the setoff option in accord with this section. Any notice of renewal of an automobile insurance policy with an effective date subsequent to July 1, 1984 shall be accompanied by a notice to the named insured providing the opportunity to elect the setoff option in accord with this subchapter.

(d) A premium credit calculated and represented as a percentage of the applicable premium shall be provided for the setoff option. The premium percentage shall be uniform by filer on a statewide basis.

(e) The buyer's guide and written notice specified in section 17 of P.L. 1983, c.362 shall satisfy the requirements of this subchapter.

(f) Should an applicant or named insured fail to elect the setoff option, a full appropriate premium shall be charged.

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(g) The setoff option elected by a named insured shall continue in force as to subsequent renewal or replacement policies until the insurer or its authorized representative receives a properly executed written request to eliminate the option.

11:3-14.6 Refund or credit of unearned premium

Every automobile insurer offering personal injury protection coverage shall establish a fair, practicable and non-discriminatory plan for the refund or application of credit of any unearned premium resulting from the selection of any deductible, exclusion or setoff option pursuant to this subchapter.

11:3-14.7 Filing requirements

(a) Every automobile filer shall submit to the Commissioner for approval filings of rates or manual rules which provide the optional medical expense benefit deductibles for personal injury protection coverage.

(b) Within 30 days of the effective date of this subchapter, every automobile filer shall submit to the Commissioner for approval filings of rates or manual rules which provide the optional exclusion from personal injury protection coverage of income continuation benefits, essential service benefits, death benefits, and funeral expense benefits.

(c) Within 30 days of the effective date of this subchapter, every automobile filer shall submit to the Commissioner for approval filings of rates or manual rules which provide the setoff option entitling an insurer to reimbursement for medical expense benefits pursuant to section 13c of P.L. 1983, c.362.

(d) All filings submitted for approval pursuant to this subchapter, and all changes and amendments thereto, shall be prepared in accordance with insurance laws and regulations, including the applicable provisions of N.J.S.A. 17:29A-1 et seq. and N.J.A.C. 11:1-2 and the Department's existing filing procedures.

(e) The filing of a rating organization shall be applicable to the members and subscribers of the organization who have authorized the organization to file on their behalf.

(a)

DIVISION OF ADMINISTRATION

Automobile Insurance Standards for Buyer's Guide/Written Notice

Adopted New Rule: N.J.A.C. 11:3-15

Proposed: December 19, 1983 at 15 N.J.R. 2142(a).
Adopted: March 16, 1984 by Joseph F. Murphy, Commissioner, Department of Insurance.
Filed: March 19, 1984 as R.1984 d.114 **with technical and substantive changes** not requiring public notice and comment (se N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e) and P.L. 1983, c.362.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:

The Department received several comments on its proposed new rules concerning Personal Injury Protection (PIP) options (N.J.A.C. 11:3-14) and standards for the Buyer's Guide and Written Notice (N.J.A.C. 11:3-15). These proposed rules implement various provisions of the New Jersey Automobile Insurance Freedom of Choice and Cost Containment Act of 1984, P.L. 1983, c. 362. Since some of the comments received by the Department were applicable to both proposals, a consolidated summary has been prepared.

In conjunction with the proposed rules, the Department produced a sample buyer's guide, written notice and coverage selection form. Drafts of the documents were distributed to insurance industry trade associations, and property/casualty insurers and published as a matter of public information in the February 6, 1984 Register (16 N.J.R. 254(d)). Comments and suggestions were invited. The revisions to N.J.A.C. 11:3-14 and 15 noted herein are attributable to the comments offered with respect to the sample documents, as well as the specific comments received on the proposals.

One commenter, an insurer writing only commercial risks, requested clarification regarding the applicability of these rules to commercial automobile policies. P.L. 1983, c.362, at section 7, provides that PIP coverage shall be included in every automobile policy covering an "automobile" as defined in the Act. That term has been defined to include "a private passenger automobile of a private passenger or station wagon type that is owned or hired and is neither used as a public or livery conveyance for passengers nor rented to others with a driver . . . ." The Department's implementing rules are, accordingly, applicable to qualifying private passenger automobiles whether such automobiles are insured under a personal or commercial automobile policy.

Another writer expressed concern regarding the impact of P.L. 1983, c.362 on the cost of health insurance benefits which are provided by employers to employees as a negotiated benefit. It was suggested that the Department's rules specifically address the obligations of employers to provide health benefit coverages which may be utilized to meet the cost of the PIP medical expenses deductibles. The extent of any coordination of health benefit coverages with PIP coverage options will be controlled by the provisions of the policyholder's health insurance contract. The Department's rules, therefore, do not limit or define the obligations of the employer-policyholder.

The Department, however, recognizes that employers must be in a position to respond to employee inquiries concerning the status of their health care benefits. To facilitate the flow of information between health insurers and employers or other policyholders, the Department issued Circular Letter Life and Health #83-1 advising health insurers writing in New Jersey of the enactment of P.L. 1983, c.362. The circular letter also directed such insurers to determine the extent of their present liability under the law so as to be in a position to inform policyholders of its impact on health benefits being provided.

A consumer inquiry concerning the availability of PIP medical expense deductibles drew attention to a slight ambiguity at N.J.A.C. 11:3-14.3(a). Section 13a of P.L. 1983, c.362, which became operative on December 3, 1983, requires insurers to provide specified PIP medical expense deductibles. An insurer apparently took the position that it was not obligated to provide deductibles on a policy which was in effect on December 3, 1983 until that policy came up for renewal. It is

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the Department's position that the deductibles must be available to all policyholders on or after December 3, 1983. The rule has been amended to provide clarification.

Pursuant to the requirements of section 17 of P.L. 1983, c.362, the proposed rule N.J.A.C. 11:3-14.3(d)1 through 9 prescribed minimum language for the statement which must be contained in the buyer's guide and written notice concerning the possible coordination of other health benefit coverages with PIP coverage options. As a result of comments received both on the proposal and on the sample drafts of the Buyer's Guide/Written Notice, the Department has made several substantive as well as technical and editorial changes to this statement.

A savings and loan association recommended that N.J.A.C. 11:3-14.3(d)3 be amended to reflect the applicability of coinsurance provisions, as well as deductibles, to the determination of whether and to what extent health coverages may be used to fill in PIP deductibles. The rule has been amended as suggested. Further, the statement has been revised to inform consumers that their helath coverages may not apply to every resident relative in their household.

One insurer recommended that the reference found at N.J.A.C. 11:3-14.3(d)9 to the average New Jersey PIP premium of $135.00 be deleted. It was argued that the average PIP premium of each company is likely to vary significantly from this figure and has little meaning to the individual policyholder. This insurer also argued that the use of the word "credit" in 11:3-14.3(d)9 is misleading since most policyholders perceive this term to mean an amount due them. The word "reduction" was offered as a substitute. The Department has deleted paragraph 9 in its entirety from the adopted rule.

With respect to the proposed rule N.J.A.C. 11:3-15 concerning standards for the Buyer's Guide/Written Notice, an insurer suggested that the phrase "on the part of insureds" found at N.J.A.C. 11:3-15.5(b) be deleted. It was noted that the written notice and buyer's guide will be available to applicants as well as insureds. The Department concurs with this view and has amended the rule accordingly.

Finally, an insurer suggested that N.J.A.C. 11:3-15 include a sample buyer's guide and written notice. It was felt such an inclusion would assist greatly in producing a satisfactory guide/notice for New Jersey insureds. As noted earlier, the Department has produced a sample buyer's guide/written notice satisfying the requirements of N.J.A.C. 11:3-15, as well as a sample coverage selection form. Although these documents have not been made a part of the rule, their availability will help to promote the use of a standardized guide by insurers.

Full text of the adoption follows (additions to the proposal shown in boldface with asterisks ***thus***; deletions from the proposal shown in boldface with asterisks *[thus]*).

SUBCHAPTER 15. STANDARDS FOR WRITTEN NOTICE AND BUYER'S GUIDE

11:3-15.1 Purpose

Section 17 of The New Jersey Automobile Insurance Freedom of Choice and Cost Containment Act of 1984 ***(P.L. 1983, c.362)*** requires the Commissioner of Insurance to promulgate standards for the written notice nd buyer's guide to be provided to applicants for automobile insurance and policyholders. This subchapter establishes the necessary minimum standards companies shall use in giving notice of available coverages, options and rate credits.

11:3-15.2 Scope

This subchapter applies to every insurer authorized to transact the business of automobile insurance in this State.

11:3-15.3 Effective date

(a) No new automobile insurance policy shall be issued on or after July 1, 1984 unless the application for the policy is accompanied by a written notice. Each applicant shall also be provided with a buyer's guide.

(b) In the case of any automobile insurance policy in force on July 1, 1984, the named insured shall be provided not later than May 15, 1984 with a written notice and buyer's guide.

(c) Any notice of renewal of an automobile insurance policy with an effective date subsequent to July 1, 1984 shall be accompanied by a written notice.

11:3-15.4 General content of written notice

(a) The written notice shall contain an information section which shall:

1. Identify and briefly describe all available policy coverages and benefit limits;

2. Indicate which coverages are mandatory and which are optional under State law;

3. Identify and briefly describe all deductible, exclusion, setoff and tort limitation options offered by the insurer. A percentage of premium rate credit shall be identified for each option or combination of options as the case may be;

4. Contain a statement on the possible coordination of other health benefit coverages with the personal injury protection coverage options, the form and contents of which shall be prescribed by the Commissioner of Insurance.

(b) The written notice also shall provide a selection form enabling the named insured to choose coverage options. Insurers may incorporate the selection form into the application or renewal forms.

11:3-15.5 General content of buyer's guide

(a) The buyer's guide shall contain a description of the policy coverages, benefit limits and coverage options offered by the insurer, and a statement on the possible coordination of personal injury protection coverage benefits with other health benefit coverages.

(b) The buyer's guide and informational section of the written notice may be combined into a single form to improve readership and understanding *[on the part of insureds]*.

11:3-15.6 Specific coverages and options to be included in written notice and buyer's guide

(a) At least the following coverages and options shall be included in the written notice and buyer's guide:

1. Optional higher limits of bodily injury and property damage liability, if available.

2. Tort threshold of $200.00 with option to select $1,500 in accord with sections 14 and 14.1 of P.L. 1983, c.362.

3. Personal injury protection coverage:

i. Optional medical expense benefit deductibles of $500.00, $1,000 and $2,500 applicable on a per person/per accident basis in accord with section 13a of P.L. 1983, c.362.

ii. Optional exclusion for all benefits except medical expense benefits in accord with section 13b of P.L. 1983, c.362.

iii. Setoff option in accord with section 13c of P.L. 1983, c.362.

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iv. Additional personal injury protection coverage in accord with N.J.S.A. 39:6A-10.

4. Comprehensive and collision coverages with deductibles and copayment options in accord with P.L. 1983, c.359.

5. Higher limit uninsured and underinsured motorist coverage in accord with P.L. 1983, c.362.

11:3-15.7 Statement on the possible coordination of other health benefit coverages with the personal injury protection medical expense deductibel options.

(a) In accord with section 17a of P.L. 1983, c.362, the written notice and buyer's guide are to contain a statement on the possible coordination of other health benefit coverages with the personal injury protection medical expense deductible options, the form and contents of which shall be prescribed by the Commissioner.

1. For purposes of this statement, "coordination" shall mean the potential use of other health benefit coverages, including Medicare, as sources of full or partial payment or reimbursement for any personal injury protection medical expense benefit deductible selected.

2. When a PIP deductible has been selected and the insured has other applicable health benefits, such health benefits shall be the sole source of coverage up to the amount of the PIP deductible. Thereafter, the insured's PIP coverage shall apply for the payment of medical expenses. The Commissioner will prescribe the form and content of the statement on the possible coordination of other health benefit coverages with the personal injury protection coverage options.

11:3-15.8 Selection of coverage options

(a) On and after July 1, 1984, each applicant for a new automobile policy shall be provided with a buyer's guide and written notice prepared in accord with this subchapter. The applicant is to complete, sign and return the selection form to the insurer. The options selected shall apply to the initial policy issued, subsequent renewals and replacement policies until such time as the insurer or its authorized representative receives a properly executed written notice indicating that a change is desired.

(b) For any automobile policy in force on July 1, 1984, the named insured shall be provided not later than May 15, 1984 with a buyer's guide and written notice prepared in accord with this subchapter. The name insured is to complete, sign and return the selection form to the insurer. When a properly executed selection form is received, the insurer shall change and, if necessary, rerate the policy in accordance with the instructions of the named insured. These changes shall be effective July 1, 1984 or the date received if later than July 1, 1984. The options selected shall apply to the policy then in force as well as subsequent renewals and replacement policies until such time as the insurer or its authorized representative receives a properly executed written notice indicating that a change is desired.

(c) If the insurer does not receive a properly executed selection form:

1. The current policy coverages will continue in force. It will be deemed that the named insured has declined to make any changes in the current coverages.

2. The named insured will be deemed by law to have selected the $200.00 tort threshold and will be charged accordingly.

11:3-15.9 Effect on other notice requirements

The buyer's guide and written notice incorporate and therefore satisfy any and all other notice requirements previously set forth for the coverage options required by the New Jersey Automobile Reparation Reform Act, the New Jersey Automobile Insurance Reform Act of 1982 and the New Jersey Automobile Insurance Freedom of Choice and Cost Containment Act of 1984.

(a)

DIVISION OF ACTUARIAL SERVICES

Hospital-Medical-Dental Services Employees' Dental Benefit Plans; Alternate Coverage

Adopted New Rule: N.J.A.C. 11:10-2

Proposed: August 15,1983 at 15 N.J.R. 1350(a).

Adopted: March 19, 1984 by Joseph F. Murphy, Commissioner, Department of Insurance.

Filed: March 19, 1984 as R.1984 d.115, **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. 17:1-8.1, 17:1c-6(e), and P.L. 1983, Chapters 142-145 (N.J.S.A. 17B:26-44.4 et seq., 17:48D-9.1 et seq., 17:48C-18.1 et seq. and 17B:27-51.10a et seq.).

Effective Date: April 2, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:

The Department received a total of eight written comments on the proposal. Upon consideration of the recommendations they presented, the Department has incorporated several substantive and technical changes not requiring additional public notice and comment into the rules being adopted.

By far, the most controversial rule was N.J.A.C. 11:10-2.3 which deals with providing notice of the option to affected parties. One commenter, a County official, asked that we clarify the ambiguity concerning the time of the offering of the alternative coverage. An attorney representing the AFL-CIO found this section misleading with internal inconsistencies. Another commenter, a DPO, felt that the timing of the notice requirement in N.J.A.C. 11:10-2.3(b) was unclear.

Upon review, the Department shares the view that the language in this section should be improved to eliminate potential misinterpretation. The Department's intent was to separate the requirement providing the option from the rule for the timing of the notice. Unfortunately, the separation created more confusion than it eliminated. In reviewing the statutory language which required the option to be offered ". . . at the time a dental benefit plan is offered or renewed . . . ," it became evident that groups are not required to provide the option on existing plans prior to renewal. Since the statutes became effective on April 20, 1983, groups should have begun providing the option and presenting the notice on renewals and offerings on or after that date. Therefore, in compliance

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with the statutory directive, the 60-day period referred to in N.J.A.C. 11:10-2.3(b) has been eliminated. Furthermore, the two paragraphs of N.J.A.C. 11:10-2.3(b) have been combined as suggested by the AFL-CIO commenter. To improve understanding of when the notice of option should be presented, the Department utilizes the term "enrollment period" in the rule as the time when members should be given the opportunity to select the plan of their choice. Many groups already hold enrollment periods so the term should be familiar. The notice is to be given to members when a new plan is obtained or on renewal of an existing plan. In adding language to the rule concerning the offering of the plan to new members, the Department has also made it clear that a group need not make such an offering unless the group has already made the offer to existing members.

The AFL-CIO commenter expressed the view that the rules would be inapplicable due to preemption of State regulation by the Employer Retirement Income Security Act of 1974 (ERISA). However, this view is currently in litigation and since the Commissioner is required by the enabling statutes to promulgate these rules, the Department will proceed with adoption to meet this statutory mandate. Until such time as the courts rule upon the validity of ERISA preemption, the rule is being promulgated and will be enforced.

Concern over the ERISA preemption prompted another commenter, NJDA, to recommend that preempted groups submit proof of this to the Commissioner who would then certify the preemption. It was felt that this procedure would be too burdensome and costly without appreciable benefit to the public.

The AFL-CIO commenter also recommended definitions of associations, dental plan organiations, dental service corporations and insurers. Since definitions of the last three terms are contained in the statutes they need not be repeated. In regard to the first two terms, it is felt that ordinary usage, with the help of the examples provided, is adequate.

Another commenter suggested that the notice of option include advice on the effect of choosing each plan. However, since the effect of the choice will vary by plan and would be too numerous to include in the rules, this recommendation was deemed impractical.

One commenter recommended that the rule become effective with respect to any group which has attained 25 or more members, regardless of duration. This was declined because of specific statutory language requiring only those groups which employ or have 25 members ". . . during the full preceding calendar year . . ." need comply.

A recommendation that sanctions or penalties for noncompliance be added to the rule was felt to be unnecessary since they are already specified in the statutes governing the various entities providing dental services.

Another commenter suggested that the rules include a definition of "self insure" as a possible means of providing alternate coverage. However, since self insurance is only one way of providing the alternative and since it has a commonly accepted usage, the Department felt that the inclusion of such a definition might restrict or inhibit the exploration of other means for providing the alternate coverage.

The same commenter expressed concern over how employers would budget for potential dental expenses. This is covered in section 2 of each of the enabling statutes which require subject employers or organizations to pay or contribute towards the alternative coverage ". . . an amount equal to the premium or cost which it pays or contributes to the . . . contract which limits the number of providers of dental sevices."

In the final comment to be discussed, a DPO objected to the requirement of N.J.A.C. 11:10-2.3(c) that groups post written notice of the coverage option and the enabling statutes. He stated that no other business is required to advise its clientele of its rights to go elsewhere. Members of a group are not, however, its clientele and the group is not in the business of delivering dental services so the situations are not analogous. The requirement is included to assure that proper notification in accordance with statutory mandate is provided.

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]*).

CHAPTER 10
HOSPITAL-MEDICAL-DENTAL SERVICES

SUBCHAPTER 2. EMPLOYEE'S DENTAL BENEFIT PLANS; ALTERNATE COVERAGE

11:10-2.1 Purpose

P.L. 1983, Chapters 142 thru 145, require that each employer or other organization subject thereto offer its employees or members the option of selecting alternate coverage which permits covered persons to obtain dental services from any dentist of their choice whenever the employer is contributing to a dental plan contract (as described in N.J.A.C. 11:10-2.2(a)). These statutes also direct the Commissioner to promulgate rules and regulations to effectuate their purposes. This subchapter is being promulgated to meet this statutory mandate and to implement the notification requirements of the statutes.

11:10-2.2 Scope and application

(a) This subchapter applies to each employer or other organization which:

1. Employs or has 25 or more employees or members during the full preceeding calendar year; and

2. Contributes to a dental plan contract.

(b) For the purpose of this subchapter, "other organization" includes, but is not limited to, a group such as, a labor union and an association, which enters into a dental plan contract. As used in this subchapter, a "dental plan contract" is a contract issued by a health insurer, dental plan organization, or dental service corporation, which contract restricts covered persons in selecting the providers of dental services to a single provider or a limited number of providers.

(c) Insurers, dental plan organizations, and dental service corporations which are authorized to enter into contracts providing dental coverage, are also subject to this subchapter.

11:10-2.3 Notification of affected parties

(a) Within 30 days after the effective date of this subchapter, each insurer, dental plan organization, and dental service corporation providing a dental plan contract, shall deliver to each employer or other organization to which this subchapter applies, a copy of P.L. 1983, Chapters 142 thru 145 (as appropriate) and this subchapter. An insurer, dental plan organization and dental service corporation, shall provide to each employer or other organization a copy of the appropriate law and this subchapter at the time of offering a dental plan contract to which this subchapter applies.

(b) *[Within 60 days after the effective date of this subchapter,]* Every employer and other organization subject to this subchapter, shall offer in writing to its employees or

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members and their eligible dependents the option of selecting coverage which permits dental services to be obtained from any licensed dentist as an alternative to the coverage provided under a dental plan contract. ***For new dental plan contracts being provided for the first time, this option shall be offered during the period for enrolling the employees or members in the new plan. For existing dental plan contracts, this option shall be offered during an enrollment period preceding the renewal date of the contract. Employers and other organizations which have offered this option to existing employees or members shall also offer this option to new employees or members at the time they are enrolled in a dental plan contract.***

[1. This option shall be offered at the time a dental plan contract is initially offered to employees or members. Each employer or other organization shall also offer this option at the time its dental plan contract is renewed. New employees or members shall be offered this option at the time they are enrolled in the dental plan contract.]

(c) Employers and other organizations to which this subchapter applies, shall post in a conspicuous manner, written notice of the coverage option and the text of P.L. 1983, Chapters 142-145, whichever chapter is applicable.

11:10-2.4 Separability

If any provision of this subchapter, or its application to any person or circumstances, is held invalid, the remainder of this subchapter and its application to other persons or circumstances shall not be affected.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL
BUREAU OF AMUSEMENT GAMES CONTROL

Application and Licensing Systems
State and Municipal Licensing

Adopted Amendments: N.J.A.C. 13:3-1.10, 1.13, 1.15, 1.18, 2.1, 2.3, 3.1

Proposed: February 6, 1984 at 16 N.J.R. 208(a).
Adopted: March 12, 1984 by John F. Vassallo, Jr., Director, Division of Alcoholic Beverage Control and Amusement Games Control Commissioner.
Filed: March 14, 1984 as R.1983 d.90, **without change**.

Authority: N.J.S.A. 5:8-79, 5:8-79.1, 5:8-102, and 5:8-105.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): January 17, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the adoption follows.

13:3-1.10 Application form and license certificate

(a) Each application for license shall be submitted in duplicate in form prescribed by the Commissioner.

(b) The original shall be retained by the municipal governing body and, in the event the application is granted, the copy shall be transmitted forthwith to the Commissioner.

13:3-1.13 Municipal resolution to authorize licenses

(a) (No change.)

(b) A certified copy of each such resolution, together with a copy of the application endorsed to show the granting of a municipal license shall be transmitted to the Commissioner by the municipal governing body forthwith.

13:3-1.15 Disposition of license certificate

(a) After municipal approval and the Commissioner's approval, the license certificate shall be prepared in quadruplicate.

(b) (No change.)

(c) One of the copies shall be delivered to the municipality to be made part of its licensing records.

(d) The remaining two copies shall be retained by the Commissioner.

13:3-1.18 Reporting change in application facts

Whenever any change shall occur in the facts as set forth in any application for a license, the licensee shall file with the Commissioner and the municipal governing body a notice in writing of such change within ten days after the occurrence thereof.

13:3-2.1 Need for municipal license

No municipal approval of a license shall become operative unless and until the licensee named therein shall have been issued the State license certificate by the State Commissioner of Amusement Games Control.

13:3-2.3 Separate application and fee for specific games and separate premises

(a) A separate application shall be made, and separate fee paid, for each specific kind of game to be authorized to be held, operated and conducted by the applicant pursuant to municipal and State license and for each place at which the applicant seeks authorization to hold, operate and conduct such game or games.

13:3-3.1 Conspicuous display of license

No licensee shall hold, operate or conduct, or allow, permit or suffer the holding, operation or conduct of any amusement game on the licensed premises unless during the holding, operation and conduct of such game the currently effective and operative license certificate evidencing that a license has been issued to permit the holding, operation and conduct of such game is conspicuously displayed upon the licensed premises, suitably weather-proofed if subject to exposure to the elements, and in such plain view and location as to be easily read by all persons visiting such premises.

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(a)

DIVISION OF MOTOR VEHICLES

Vehicle Inspection
Inspection Period of Passenger Vehicles and Commercial Vehicles Registered for Not More Than 6,000 Lbs.

Adopted New Rule: N.J.A.C. 13:20-7.4

Proposed: August 1, 1983 at 15 N.J.R. 1261(a).
Adopted: March 2, 1984 by Clifford W. Snedeker, Director of the Division of Motor Vehicles.
Filed: March 8, 1984 as R. 1984 d.83, **without change.**

Authority: N.J.S.A. 39:8-2.

Effective Date: April 2, 1984.

Full text of the adoption follows.

13:20-7.4 Inspection period of passenger vehicles
The expiration of the windshield inspection sticker of each passenger vehicle shall be the last day of the month in which the vehicle registration expires. Each such vehicle shall be presented for inspection after registration has been renewed and prior to the expiration date shown on the windshield inspection sticker.

(b)

BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

General Administrative Regulations

Readoption: N.J.A.C. 13:33
Readoption with Amendments: N.J.A.C. 13:33-1.41

Proposed: February 6, 1984, 16 N.J.R. 215(a).
Adopted: March 9, 1984 by J. Leo Kymer, President, State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians.
Filed: March 19, 1984 as R.1984 d.112, **without change.**

Authority: N.J.S.A. 52:17B-41.13, 45:1-3.1 and 3.2.

Expiration Date pursuant to Executive Order No. 66(1978): March 19, 1989.

Summary of Public Comments and Agency Responses:

The Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians afforded all interested persons the opportunity to express their views on the proposed readoption to N.J.A.C. 13:33-1 and the proposed readoption with amendment of N.J.A.C. 13:33-1.41. Notification of the opportunity to submit written comments to the Board was given in the New Jersey Register on February 6, 1984. An announcement was also forwarded for publication in a trade newsletter issued by the Society of Dispensing Opticians.

The Board received comments from two parties, both of which directed their criticism and questions only to N.J.A.C. 13:33-1.41. The thrust of the comments was to oppose the rise in fees instituted by the proposed fee schedule. The Board responded to a request by Joseph D. Grodman, President of the Dispensing Opticians of New Jersey, to obtain an explanation of the increases by issuing a letter on February 23, 1984 which essentially reiterated the reasoning contained in the economic impact statement from the original proposal. Mr. Grodman submitted a follow-up comment which expressed distress over the dramatic increases anticipated by N.J.A.C. 13:33-1.41. He asked that the Board either postpone the fee changes until the Society of Dispensing Opticians could examine the proposed operating budget or conduct a public hearing. The comment received by Louis B. Triche, President of the New Jersey Association of Optimetrists and Opticians was similar in focus, with Mr. Triche stating that the level of increases proposed by N.J.A.C. 13:33-1.41 "cannot be explained by inflation alone" and that they are "dramatic." He also concluded his comment by requesting that the Board postpone adoption.

The Board considered the requests for postponement of its adoption, but saw no compelling reason to delay adoption any further beyond the required time period. There has been ample time for inquiry by interested parties. The Board further felt a public hearing was inappropriate and unnecessary.

It is the Board's position that the justifications for the amendment was clear from the initial proposal. The comments received suggested there was not enough elaboration. The Board feels the reasons it had relied upon to propose the increases were simple and elaboration would only mean repetition. Although it notes in direct response to Mr. Triche's comment, they were not based upon inflation alone. To reiterate for the benefit of those commenting, the Board adopts these increases as a necessary means for meeting the operating costs of its effective administration.

In considering the comments, the Board regrettably notes the extent of the increases. It was well aware of the differential when they were proposed. The only way to have avoided such an increase would have been to continuously update this regulation. This was not done since 1975 and the Board feels nine years at the same level fees has taken its toll and has resulted in the absolute necessity of these increases in order to meet current costs.

The Board readopted N.J.A.C. 13:33-1.41 as amended without change; and readopted the remainder of N.J.A.C. 13:33-1 as proposed without change.

A full record of this opportunity to be heard can be inspected by contacting the Board Office at 1100 Raymond Boulevard, Room 501, Newark, New Jersey 07102.

Full text of the readoption appears at N.J.A.C. 13:33-1.1 through 1.42, as amended in the New Jersey Register at 14 N.J.R. 545, 14 N.J.R. 1085, and 15 N.J.R. 1833.

Full text of the adopted amendment to the readoption follows.

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13:33-1.41 Fee schedule

(a) The following fees shall be charged by the Board effective December 31, 1983:

1. Examination
i. Ophthalmic Dispenser $80.00
ii. Ophthalmic Technician $50.00
iii. Qualifying Technical $50.00
2. Reexamination:
i. Ophthalmic Dispenser $50.00
ii. Ophthalmic Technician $30.00
iii. Qualifying Technical $30.00
3. License:
i. Ophthalmic Dispenser $50.00
ii. Ophthalmic Technician $30.00
iii. Branch Office Ophthalmic Dispenser $50.00
iv. Branch Office Ophthalmic Technician $30.00
4. Biennial Renewal:
i. Ophthalmic Dispenser $140.00
ii. Ophthalmic Technician $100.00
iii. Branch Office Ophthalmic Dispenser $120.00
iv. Branch Office Ophthalmic Technician ..... $ 80.00
5. Permits:
i. Temporary $50.00
ii. Apprentice Dispenser $75.00
iii. Apprentice Technician $25.00
6. Biennial Permit renewal:
i. Apprentice Dispenser $25.00
ii. Apprentice Technician $25.00
7. Late renewal of license or permit $25.00
8. Late application for licensure $25.00
9. Replacement certificate of registration:
i. License $25.00
ii. Branch Office License $25.00
iii. Permit $15.00

(a)

BOARD OF PHARMACY

Prescriptions; Computers in Pharmacies

Readoption: N.J.A.C. 13:39-6

Proposed: February 6, 1984 at 16 N.J.R. 217(a).
Adopted: March 14, 1984 by Elaine N. Dunn, President, New Jersey Board of Pharmacy.
Filed: March 14, 1984 as R.1984 d.89 **without change**.

Authority: N.J.S.A. 45:14-15 and 45:14-17.

Effective Date: March 14, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): March 13, 1989.

Summary of Public Comments and Agency Responses:

The Board received only one comment, which originated from the New Jersey Hospital Association. The comment expressed concern that there was no statement in the readoption proposal indicating that the computer regulations pertained only to community pharmacies, and not to hospital pharmacies.

The Board responded by indicating that the summary of the computer regulations when proposed for initial adoption made clear that the rules cover computerized recordkeeping in the practice of pharmacy, but not including the hospital setting. The Board now reaffirms its position in this regard.

Full text of the readoption follows.

SUBCHAPTER 6. PRESCRIPTIONS

13:39-6.1 Imprinted prescription blanks

No prescription blank shall bear the imprint of the name of any pharmacy or drug store or other licensed premises or bear the name or address of any person registered under this Act.

13:39-6.2 Original handwriting necessary

No pharmacy or registered pharmacist shall compound, dispense, fill or sell a prescription in an institution or a hospital unless it is in the original handwriting of the duly licensed physician, dentist, veterinarian or other medical practitioner licensed to write prescriptions in the State of New Jersey or he is furnished with a carbon copy of the same.

13:39-6.3 Lack of directions on original prescriptions

(a) If the prescriber fails to include directions to a patient for use of the medication on the original prescription, the registered pharmacist shall indicate on the label the words "use as directed" or "as ordered by the physician" or similar words to the same effect.

(b) When in the judgment of the pharmacist, directions to the patient and/or cautionary messages are necessary, either for clarification or to insure proper administration of the medication, the pharmacist may add such directions or cautionary messages to those indicated by the prescriber on the original prescription.

13:39-6.4 Record of prescription refills

If a prescription is refilled, a record of the date upon which the prescription is refilled must appear on the prescription, in a permanent prescription record book, or in use of an electronic data processing system entered into such system.

13:39-6.5 Authorization for renewal of prescriptions

(a) A prescription written for medication which pursuant to State or Federal law may be sold, dispensed or furnished only upon prescription shall not be renewed without specific authorization of the prescriber but not after one year of the date of the original prescription unless otherwise indicated by the prescriber (for example six Refills-two Years).

(b) Prescriptions marked "prn" or with letters or words of similar import may not be renewed after one year of the date of the original prescription.

(c) When the renewals listed on the original prescription have been depleted, no additional renewals may be added to this prescription. A new prescription must be authorized as provided in N.J.S.A. 45:14-14 by the prescribing physician and reduced to writing by the pharmacist for additional dispensing and entered into the electronic data processing system as a new prescription.

13:39-6.6 Approval of FDA necessary

No drug or medicine shall be sold or dispensed in any pharmacy within the State of New Jersey until such drug or medicine has received approval from the Federal Food and Drug Administration for a "new drug clearance order".

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13:39-6.7 Copies of prescriptions

(a) Copies of prescriptions issued directly to the patient by the pharmacy where the medication was dispensed, pursuant to the receipt of said prescriptions, shall bear on the face thereof, in letters red in color and equal in size to those describing the medication dispensed, the statement: COPY FOR INFORMATION ONLY".

(b) Prescriptions may be transferred by pharmacists between pharmacies for the purpose of refill dispensing provided that:

1. The transferor pharmacist invalidates the prescription on file as of the date the copy is given by writing "VOID" on its face, and records on the back of the invalidated prescription order that a copy has been issued, to whom, the date of issuance of such copy and the initials of the pharmacist issuing the transferred prescription order.

2. The transferee pharmacist, upon receiving such prescription directly from another pharmacist, records the following:

i. The name, address and original prescription number of the pharmacy from which the prescription was transferred;

ii. The name of the transferor pharmacist;

iii. All information constituting a prescription order, including the following:

(1) Date of issuance of original prescription;

(2) Original number of refills authorized on original prescription;

(3) Complete refill record from original prescription;

(4) Date of original dispensing;

(5) Number of valid refills remaining.

3. The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it was obtained.

(c) Computerized systems must satisfy all information requirements of a manual mode, including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership.

(d) Presentation of an informational written prescription copy or prescription label shall be for information purposes only and have no legal status as a valid prescription order. The recipient pharmacist of such copy or prescription label shall contact the prescribing practitioner or transferor or pharmacy and obtain all information required under (b)2 above for authorization to dispense the prescription, which is the same as obtaining an original prescription order.

13:39-6.8 Record of pharmacist filling prescription

(a) A registered pharmacist who fills or compounds a prescription or who supervises the filling or compounding of a prescription by an intern shall place his/her signature or readily identifiable initials on the face of the original prescription. In use of an electric data processing system, the initials of the pharmacist responsible for the filled prescription shall also be recorded in this system.

(b) A registered pharmacist who refills a prescription shall place his/her signature or readily identifiable initials on the reverse side of the original prescription next to the date of the refill and the amount dispensed in refilling the prescription, if it is different from the original amount prescribed. In use of an electronic data processing system the information shall be entered into the electronic data processing system for refills.

(c) An intern who fills or compounds a prescription under the supervision of a registered pharmacist, shall place his/her signature or readily identifiable initials on the face of the original prescription. In use of an electronic data processing system, the initials of the intern responsible for the filling of the prescription shall also be recorded in this system.

(d) An intern who refills a prescription under the supervision of a registered pharmacist, shall place his/her signature or readily identifiable initials on the reverse side of the original prescription next to the date of the refill and the amount dispensed in refilling the prescription if different from the original amount prescribed. In use of an electronic data processing system, this information shall be entered into the electronic data processing system for all refills.

(e) When a prescription is filled or refilled by an intern under the supervision of a registered pharmacist, the intern filling or refilling the prescription shall place his/her signature or readily identifiable initials, on the prescription as required in (c) and (d) above, prior to submitting the prescription to the registered pharmacist who shall place his/her signature or readily identifiable initials on the prescription, in accordance with (a) and (b) above, directly below the signature or readily identifiable initials of the intern into filled or refilled the prescription under his/her supervision. A record identifying such initials with the signature and the address of the pharmacist or intern, shall be maintained for a period of five years after the termination of employment of said pharmacist or intern.

(f) If an electronic data processing system is being utilized in connection with the required recording of prescription information, a means acceptable to the Board may be utilized to identify the pharmacist or intern dispensing the medication.

(g) In use of an electronic data processing system, a pharmacist in charge shall maintain a document log in which each pharmacist shall sign a statement at the end of the pharmacist's working day attesting to the fact that the prescription information entered in the electronic data processing system that day is accurate and complete and identifying designations are correct. The document log shall be maintained at the pharmacy for a period of five years after the date of the last entry therein. The five years of record information may be kept in such a manner so as to be sight-readable within two weeks. The most recent one year of record information must be immediately retrievable.

(h) In the use of an electronic data processing system, the system shall have the capability of producing sight-readable documents of all original and refilled prescription data, as required by N.J.A.C. 13:39-13 and, in addition, the number of refills authorized by the prescribing physician for a period of not less than five years. Five years of record information must be maintained in such a manner so as to be sight-readable within two weeks. The most recent one year of record information must be immediately retrievable. The term sight-readable, as it appears in all regulations of the Board of Pharmacy means that the Board or Attorney General shall be able to examine the record of information and read the information. During the course of an on-site inspection, the record may be read from the cathode ray tube (CRT), microfiche, microfilm, hard copy printout or other acceptable method. For the purpose of administrative proceedings before the Board, records must be provided in a paper printout form.

(i) Initials of the dispensing pharmacist and intern if applicable must be entered into the system each time a prescription is filled or refilled. Initials which are system generated without direct entry at the time of dispensing are prohibited.

13:39-6.9 Availability of records

(a) Where a pharmacy is terminated by suspension, retirement or death of owner, sale or other cause including insol-

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vency, the licensee, or the one responsible for supervising the disposition of the practice shall make efforts to notify customers of the right to retrieve their prescriptions which are currently valid and the location thereof for a six months' period following notice, using all of the following methods:

1. Notification in writing to the State Board of Pharmacy;
2. Notification in writing to the professional licensee society, such as the pharmaceutical society of the county, region or state in which the licensee formerly practiced;
3. Publication once weekly for two successive weeks in a newspaper whose circulation emcompasses the major area of the licensee's former practice of a notice advising customers of the right to retrieve the prescriptions and the location thereof for a six months' period following publication; and
4. A sign placed in the pharmacy location informing the customers of the right to retrieve the prescriptions and the location thereof.

(a)

DIVISION OF CONSUMER AFFAIRS

Representations Concerning and Requirements for the Sale of Kosher Food

Adopted New Rule: N.J.A.C. 13:45A-21

Proposed: February 6, 1984 at 16 N.J.R. 220(a).
Adopted: March 16, 1984 by James J. Barry, Jr., Director, Division of Consumer Affairs.
Filed: March 19, 1984 as R.1984 d.13, **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. 56:8-4.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:

The Division of Consumer Affairs received comments from trade associations and private citizens. These comments were helpful in redrafting the following sections of this regulation.

In N.J.A.C. 13:45A-21.1 definitions for "properly sealed meat" and "properly sealed food or food products" have been replaced by a definition entitled "properly sealed packages." The agency believes that this new definition is more inclusive. Additionally, the agency has added a new definition entitled "advertising, represents, or holds itself out" which more clearly defines the intended scope of this regulation.

Two changes were made in the first sentence of N.J.A.C. 13:45A21.3(a)(1)iii. The term "non-packaged" was added for clarity. Also, the language "or any diary products" was added for sufficiency. This language was inadvertently omitted in previous drafts of this regulation.

In N.J.A.C. 13:45A-21.4 the phrase "under rabbinic supervision" has been added to remove any inference that every exclusively Kosher facility must obtain rabbinic supervision. The addition of this phrase makes it clear that, documentation from the supervising rabbi must be provided only when the facility in question affirmatively advertises that it is under rabbinic supervision.

In N.J.A.C. 13:45A-21.6 a second paragraph, labeled section (b) has been added. The purpose of this paragraph is to inform the regulated businesses that by observing the display and handling requirements in N.J.A.C. 13:45A-21.3 they will be in substantial compliance with this regulation.

In N.J.A.C. 13:45A-21.2(a)4, the term "Holiday (Jewish) Foods" has been added to clarify an additional means by which Kosher or Kosher in Passover foods may be falsely represented.

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

SUBCHAPTER 21. REPRESENTATIONS CONCERNING AND REQUIREMENTS FOR THE SALE OF KOSHER FOOD

13:45A-21.1 Definitions

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

"Kosher" means a Kosher food or food product which is prepared and maintained in strict compliance with the laws and customs of the Orthodox Jewish religion.

"Kosher for Passover" means a Kosher food or food product which is prepared and maintained in strict compliance with the laws and customs of the Orthodox Jewish religion relating to the Jewish holiday of Passover.

["Properly sealed meat" shall mean a meat or meat product contained in a hermetically sealed package.]

["Properly sealed food or food products" shall mean a Kosher food or food product contained in any of the following types of materials: jar, can, bottle, cardboard box, plastic bag, cellophane or plastic container or any other such material.]

"Properly sealed packages" shall mean those packages placed on the Kosher meat or Kosher food or food product by the manufacturer.

Non-packaged Kosher food or food product" shall mean a Kosher food or food product which shall be kept in a separate display cabinet and sliced with a separate knife or on a separate slicing machine used solely for Kosher food or food products.

"Kosher-style," "Kosher-type," "Jewish," "Hebrew" or other similar words shall mean a non-Kosher food or food product which has not been prepared or maintained in strict compliance with the laws and customs which are generally recognized as being among the Orthodox Jewish religious requirements, but rather has either been prepared in such a way as to simulate the taste, appearance and/or consistency of a Kosher food or food product or has originally been prepared in accordance with the above religious requirements but has not been maintained in the proper manner.

"Advertises, represents or holds itself out" shall mean engaging in promotional activities including but not limited to newspaper, radio and television advertising and distribution of fliers.

13:45A-21.2 Unlawful practices

(a) It shall be an unlawful consumer practice for any person to sell, offer for sale, expose for sale, serve or have in his

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possession with intent to sell, by any of the following means, in any restaurant, hotel, store, catering facility or other place, any food or food product which is falsely represented to be Kosher, Kosher for Passover or as having been prepared under and/or with a product or products sanctioned by Orthodox Jewish religious requirements:

1. By direct statements, orally or in writing; or

2. By display of the word "Kosher" in English or Hebrew letters, or by display of any sign, emblem, insignia, six-pointed star, symbol or mark in simulation of the word Kosher; or

3. By inscription on any food or food product, or its package, container or contents, the word "Kosher" in English or Hebrew letters, or by display of any sign, emblem, insignia, six-pointed star, symbol or mark in simulation of the word Kosher; or

4. By display on any interior or exterior sign or menu or otherwise, the words "Kosher-Style," "Kosher-Type," "Jewish," "Hebrew", "Holiday (Jewish) Foods" or other similar words, either alone or in conjunction with the word "Type," "Style" or other similar expression, unless there is clearly and conspicuously stated a disclaimer in some prominent place or location that these terms refer to a Non-Kosher food or food product or food handling facility that does not observe Orthodox Jewish dietary laws. This paragraph shall not apply to labels on consumer commodities that have been affixed by the manufacturer or packer.

13:45A-21.3 Display and handling requirements

(a) A Kosher food or food product sold by a restaurant, hotel, store, catering facility or other place which advertises, represents or holds itself out as selling, serving or offering for sale both Kosher and non-Kosher food or food products may be falsely represented to be Kosher within the meaning of N.J.A.C. 13:45A-21.2 unless the following display and handling requirements are observed.

1. Interior display and handling requirements:

i. Kosher meats which are contained in properly sealed packages may not be commingled with Non-Kosher meats but shall be kept in a separate display cabinet or shall be separated from Non-Kosher meats by a clearly visible divider. There shall be a sign in block letters at least four inches in height affixed to said display cabinet or section indicating that only KOSHER FOOD is contained therein;

ii. Kosher and Non-Kosher food or food products which are contained in properly sealed packages may be commingled;

iii. ***Non-packaged*** Kosher meats and Kosher food or food products *[which are not contained in properly sealed packages]* shall be kept in a separate display cabinet which shall not contain any Non-Kosher meat *[or]* *,* Non-Kosher food or food products* [.]* **or any dairy products.*** There shall be a sign in block letters at least four inches in height affixed to said cabinet indicating that only KOSHER FOOD is contained therein. Such Kosher meat and food or food products shall be sliced with a separate knife or on a separate slicing machine used solely for Kosher meat and food or food products;

iv. No articles of food or food products, including meats, shall be sold as Kosher or Kosher for Passover unless a Kosher or Kosher for Passover identification is securely affixed thereto by the manufacturer or packer at his premises. No person other than such manufacturer or packer shall possess or affix such marks of identification.

2. Exterior sign requirements:

i. Any restaurant, hotel, store, catering facility or other place as is described in (a) above shall display in a prominent place in its front window the following sign which shall be printed in block letters at least four inches in height:

"KOSHER AND NON-KOSHER FOOD PRODUCTS SOLD HERE."

13:45A-21.4 Filing requirements

Any restaurant, hotel, store, catering facility or other place which advertises, represents or holds itself out as selling, serving or offering for sale exclusively Kosher food or food products ***, under rabbinic supervision,*** shall file with the Director of the Division of Consumer Affairs a document in writing from the supervising rabbi or rabbinical organization having geographical jurisdiction over such restaurant, hotel, store, catering facility or other place that said establishment meets Orthodox Jewish dietary laws.

13:45A-21.5 Presumptions

Possession of any Non-Kosher food or food product in any restaurant, hotel, store, catering facility or other place where food or food products are sold and/or served which advertises, represents or hold itself out as only selling Kosher food or food products, is presumptive evidence that the person is in possession of such food or food products with the intent to sell the same.

13:45A-21.6 Exculpatory section

(a) A restaurant, hotel, store, catering facility or other place where food or food products are sold and/or served shall not be deemed to have committed an unlawful practice under N.J.A.C. 13:45A-21.2 if it can be shown by a preponderance of the evidence that it relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer or distributor of any food or food product represented to be Kosher, Kosher for Passover or as having been prepared under or sanctioned by Orthodox Jewish religious requirements.

(b) Observance of the display and handling requirements set forth in N.J.A.C. 13:45A-21.3 shall be deemed to be substantial compliance with the intent and purpose of these regulations.

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Racing: Licensing
Standardbred Racing: Licensing; Officials; Starting

Readoption: N.J.A.C. 13:70-4, 13:71-7, 13:71-8, and 13:71-17

Proposed: February 6, 1984 at 16 N.J.R. 221(a).
Adopted: March 15, 1984 by Harold G. Handel, Executive Director, New Jersey Racing Commission.
Filed: March 19, 1984 as R.1984 d.103, **without change.**

Authority: N.J.S.A. 5:5-30.

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Effective Date: March 19, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): March 15, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 13:70-4, 13:71-7, 13:71-8 and 13:71-17, as amended in the New Jersey Register.

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules
Equine Fatality Report

Adopted New Rule: N.J.A.C. 13:70-14.16

Proposed: February 6, 1984 at 16 N.J.R. 222(a).
Adopted: March 15, 1984 by Harold G. Handel, Executive Director, New Jersey Racing Commission.
Filed: March 19, 1984 as R.1984 d.104, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): February 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

13:70-14.16 Equine fatality report
(a) An equine fatality report shall be submitted to the New Jersey Racing Commission regarding any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility. It shall be the responsibility of the trainer or custodian of the deceased animal to file said report which shall be complete in all particulars.
(b) Said report shall be on forms prescribed by the Commission and shall include the following information and any other information deemed necessary by the Commission:
1. Name and tattoo number of deceased equine;
2. Trainer of record;
3. Owner of record and particulars regarding purchase of equine;
4. Particulars as to time, date and place of death;
5. Disclosure of any post-mortem examination;
6. Attending veterinarian;
7. Cause of death;
8. Particulars as to removal of carcass; and
9. Pertinent information regarding existing insurance coverage.
(c) The attending veterinarian shall certify the cause of death and shall submit a report describing all administration of medication or drugs to said animal within the 96 hour period preceding the time of death.
(d) Failure to file the foregoing in a timely fashion or filing in an incomplete fashion may subject the trainer, custodian or veterinarian to disciplinary action.
1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the trainer, custodian and/or veterinarian to disciplinary action as provided in N.J.A.C. 13:71-2.3
(e) An equine fatality report shall not be required in connection with any pony or mascot.

(b)

NEW JERSEY RACING COMMISSION

Harness Rules; Equine Fatality Report

Adopted New Rule: N.J.A.C. 13:71-20.24

Proposed: February 6, 1984 at 16 N.J.R. 224(a).
Adopted: March 15, 1984 by Harold G. Handel, Executive Director, New Jersey Racing Commission.
Filed: March 19, 1984 as R.1984 d.105, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 5, 1987.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

13:71-20.24 Equine fatality report
(a) An equine fatality report shall be submitted to the New Jersey Racing Commission regarding any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility. It shall be the responsibility of the trainer or custodian of the deceased animal to file said report which shall be complete in all particulars.
(b) Said report shall be on forms prescribed by the Commission and shall include the following information and any other information deemed necessary by the Commission:
1. Name and tattoo number of deceased equine;
2. Trainer of record;
3. Owner of record and particulars regarding purchase of equine;
4. Particulars as to time, date and place of death;
5. Disclosure of any post-mortem examination;
6. Attending veterinarian;
7. Cause of death;
8. Particulars as to removal of carcass; and
9. Pertinent information regarding existing insurance coverage.
(c) The attending veterinarian shall certify the cause of death and shall submit a report describing all administration

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of medication or drugs to said animal within the 96 hour period preceding the time of death.

(d) Failure to file the foregoing in a timely fashion or filing in an incomplete fashion may subject the trainer, custodian or veterinarian to disciplinary action.

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the trainer, custodian and/or veterinarian to disciplinary action as provided in N.J.A.C. 13:71-2.3

(e) An equine fatality report shall not be required in connection with any pony or mascot.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Bills and Payments for Service
Return of Deposits

Adopted Amendment: N.J.A.C. 14:3-7.5

Proposed: August 15, 1983 at 15 N.J.R. 1355(a).
Adopted: March 5, 1984 by Board of Public Utilities, Barbara A. Curran, President.
Filed: March 12, 1984 as R.1984 d.87, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5) and with the proposed amendment to **N.J.A.C. 14:3-7.3 not adopted.**

Authority: N.J.S.A. 48:2-13 and 48:2-29.5.

Effective Date: April 2, 1984.

Summary of Public Comments and Agency Responses:

Jersey Central Power and Light Company (JCP&L) states that, while it could apply deposit interest to customer accounts if so required, such a procedure would have some negative impact upon its cash flow and uncollectables. This is because the utility presently enjoys the use of accrued interest and is able to apply such funds to finaled accounts, a practice which helps to offset losses. JCP&L was of the further opinion that the existing policy of reviewing customer accounts and refunding deposits, as set out in N.J.A.C. 14:3-7.5(b), is equitable.

Atlantic City Electric Company (ACE) and New Jersey Natural Gas Company (N.J. Natural) comments that the accrual of interest is used to offset the need to review and increase, if necessary, the amount of existing deposits and that the amendment would only benefit those customers with poor payment records. ACE and New Jersey Natural, along with American Water Works Service Company and Middlesex Water Company, also state the belief that the annual interest payment would be relatively small to an individual customer and, therefore, afford a minor benefit. They further comment that the amendment would cause administrative and billing problems. ACE, however, indicates that it has refunded interest on the anniversary of a deposit upon request.

In addition to the above, New Jersey Natural believes that the amendment should distinguish between residential and non-residential accounts while Public Service Electric and Gas Company (PSE&G) supports the crediting of deposit interest on bills rather than the issuance of checks made out to the affected customers.

Although aware that the implementation of this amendment will create some administrative costs and have some effect on the cash flow of the affected utilities, the Board is of the opinion that said increased costs will be minimal when compared to the benefit of returning accrued deposit interest to customers. In an attempt to insure that these costs remain small and that the effect on cashflow is slight, the Board has revised the amendment by limiting its application to residential accounts and by eliminating the option to distribute the interest payment through the use of checks. The Board has also limited the application of this amendment to those electric, gas, telephone, and water companies that require deposits on residential accounts.

N.J.A.C. 14:3-7.3

PSE&G, ACE, and N.J. Natural comment that this proposed amendment would circumvent the intended purpose of deposits as a guarantee of final bill payment and convert deposits into nothing more than a prepayment. PSE&G also states that those customers whose deposits have been applied to delinquent bills have shown themselves to be credit risks thereby necessitating an expeditious restoration of the deposit. JCP&L and N.J. Natural also comment that the proposed amendment could lead to abuses by short-term or seasonal customers. In addition, ACE, N.J. Natural and South Jersey Gas Company express the opinion that present Board regulations and programs provide aid to those custmers in economic distress. These include deferred payment agreements (N.J.A.C. 14:3-7.13(c)), budget billing (N.J.A.C. 14:3-7.11A), medical emergencies (N.J.A.C. 14:3-3.6(d)), notice of discontinuances to third parties and senior citizens (N.J.A.C. 14:3-7.12(a)) and the Winter Termination Program (Docket No. 792-88).

After careful review and consideration of the comments submitted, the Board is of the opinion that this proposed amendment would work to benefit those customers who have proven themselves to be poor credit risks at the expense of all other ratepayers. Although it is supportive of the intent behind the proposed amendment, the Board cannot allow this result to occur. Accordingly, the proposed amendment to N.J.A.C. 14:3-7.3 will not be adopted.

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]*).

14:3-7.5 Return of deposits

(a)-(b) No change.

(c) Simple interet at the rate of at least nine percent per annum shall be paid by the utility on all deposits held by it, provided the deposit has remained with the utility for at least three months.

1. The nine percent interest shall be applied to all deposits received by the public utility on and after August 1, 1979.

2. Interest on deposits previously collected and held by the public utility on August 1, 1979, shall be apportioned so that the nine percent shall be computed beginning August 1, 1979.

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3. *[Said]* Interest payments *[,which]* shall be made at least once during each 12 month period in which a deposit is held, ***and*** *[may]* ***shall*** take the form of *[cash payments of]* credits on bills toward utility service rendered or to be rendered. ***The effect of this subsection shall be limited to those deposits, if any, held by electric, gas, telephone, and water utilities to secure residential accounts.***

ENERGY

(a)

THE COMMISSIONER

Reporting Energy Information Suppliers of Motor Gasoline

Readoption with Amendments: N.J.A.C. 14A:11-1
Recodification: N.J.A.C. 14A:11-1 recodified as N.J.A.C. 14A:2-6

Proposed: February 6, 1984 at 16 N.J.R. 224(b).
Adopted: March 9, 1984 by Leonard S. Coleman, Jr., Commissioner, Department of Energy.
Filed: March 12, 1984 as R.1984 d.86, **without change**.

Authority: N.J.S.A. 52:27F-11b, c.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses: **No comments received**.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 14A:11-1.

Full text of the adopted amendments to the readoption follows.

Recodify N.J.A.C. 14A:11-1.1 through 1.3 as N.J.A.C. 14A:2-6.1 through 6.3.

SUBCHAPTER 6. SUPPLIERS OF MOTOR GASOLINE

14A:2-6.1 Scope
This subchapter shall govern the periodic reporting of energy information by persons who supply motor gasoline to retail dealers when the Governor, based on a finding by the Commissioner, proclaims that an emergency exists.

14A:2-6.3 Reporting
(a)-(d) (No change in text.)
(e) The above information shall be sent to:
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102
Attention: Data Center

TRANSPORTATION

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes US 9 and 27

Adopted Amendments: N.J.A.C. 16:28A-1.7 and 16:28A-1.18

Proposed: January 17, 1984 at 16 N.J.R. 126(a).
Adopted: February 23, 1984 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.
Filed: March 19, 1984 as R.1984 d.102, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.

Effective Date: April 2, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the adoption follows.

16:28A-1.7 Route US 9
(a) 1.-17. (No change.)
(b) The certain parts of State highway Route US 9 described in this section 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.-2. (No change.)
3. Along the northbound (easterly) side in Freehold Township, Monmouth County, at:
i. Far side bus stops:
(1) Schibanoff Road—Beginning at the northerly curb line of Schibanoff Road and extending 140 feet northerly therefrom.
(2) Craig Road—Beginning at the northerly curb line of Craig Road and extending 280 feet northerly therefrom.
4. Along the southbound (westerly) side in Freehold Township, Monmouth County, at:
i. Mid-block bus stop:
(1) County Route 537—Beginning 2,420 feet south of the Route 537 overpass to a point 150 feet southerly therefrom. (At jughandle in front of the Central Jersey Bank.)
4.-5. Renumbered 6.-7. (See notice at 13 N.J.R. 105(d).)
6.-7. Renumbered 7.-8. (See notice at 13 N.J.R. 106(a).)
8. Renumbered 9.
9.-23. as 10.-24.

16:28A-1.18 Route 27
(a) The certain parts of State highway Route 27 described in this section shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

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1.-14. (No change.)
15. No stopping or standing in Rahway City, Union County:
i. Along the westerly side of (St. Georges Avenue):
(1) From the northerly curb line of West Lake Avenue to a point 100 feet northerly therefrom.
Renumber 15.-17. as 16.-18. (See 13 N.J.R. 373(c).)
(b)-(d) (No change.)

(a)

PUBLIC TRANSPORTATION

Autobus Specifications
Vans, Small Buses, Recreational Vehicles, Equipment for Wheel Chairs, Modified Interiors for Charter or Special Bus Operations, Certificates, Public Liability Insurance

Readoption: N.J.A.C. 16:53

Proposed: January 17, 1984 at 16 N.J.R. 127(a).
Adopted: February 23, 1984 by James A. Crawford, Assistant Commissioner for Transportation Services & Planning.
Filed: March 8, 1984 as R.1984 d.82, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 52:14D-1 et seq., Executive Order on Reorganization Plan for Board of Public Utilities, September 19, 1978.

Effective Date: March 8, 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 readoption appears in the New Jersey Administrative Code at N.J. A.C. 16:53, as amended in the New Jersey Register.

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

Unfair Cigarette Sales Act

Readoption: N.J.A.C. 18:6

Proposed: February 6, 1984 at 16 N.J.R. 228(b).
Adopted: March 16, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: March 19, 1984 as R.1984 d.97, **without change**.

Authority: N.J.S.A. 56:7-31.

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 readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:6, as amended in the New Jersey Register.

(c)

DIVISION OF TAXATION

Corporation Business Tax

Readoption: N.J.A.C. 18:7

Proposed: February 6, 1984 at 16 N.J.R. 229(a).
Adopted: March 16, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: March 19, 1984 as R.1984 d.95, **without change.**

Authority: N.J.S.A. 54:10A-27.

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 readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:7, as amended by the New Jersey Register.

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(a)

DIVISION OF TAXATION

Financial Business Tax

Readoption: N.J.A.C. 18:8

Proposed: February 6, 1984 at 16 N.J.R. 232(a).
Adopted: March 16, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: March 19, 1984 as R.1984 d.96, **without change.**

Authority: N.J.S.A. 54:10B-22.

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 readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:8, as amended in the New Jersey Register.

(b)

DIVISION OF TAXATION

Public Utility Taxes

Readoption: N.J.A.C. 18:22

Proposed: February 6, 1984 at 16 N.J.R. 233(a).
Adopted: Marcy 16, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: March 19, 1984 as R.1984 d.99, **without change.**

Authority: N.J.S.A. 54:30A-16 through 29 and 54:30A-49 through 67 and 54:50-1.

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 readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:22, as amended in the New Jersey Register.

(c)

DIVISION OF TAXATION

Railroad Taxes

Readoption: N.J.A.C. 18:23

Proposed: February 6, 1984 at 16 N.J.R. 233(b).
Adopted: March 16, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: March 19, 1984 as R.1984 d.100, **without change.**

Authority: N.J.S.A. 54:29A-6.

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 readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:23, as amended in the New Jersey Register.

(d)

DIVISION OF TAXATION

Tax Maps

Readoption: N.J.A.C. 18:23A

Proposed: February 6, 1984 at 16 N.J.R. 234(a).
Adopted: March 16, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: March 19, 1984 as R.1984 d.101, **without change.**

Authority: N.J.S.A. 54:1-15 and 54:50-1.

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 readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:23A, as amended in the New Jersey Register.

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(a)

DIVISION OF TAXATION

Capital Gains and Other Unearned Income Tax

Readoption: N.J.A.C. 18:30

Proposed: February 6, 1984 at 16 N.J.R. 235(b).
Adopted: March 16, 1984 by John R. Baldwin, Director, Division of Taxation.
Filed: March 19, 1984 as R.1984 d.98, **without change.**

Authority: N.J.S.A. 54A:1-1, et seq., specifically 54A:10-9.

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 readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:30, as amended in the New Jersey Register.

OTHER AGENCIES

(b)

ELECTION LAW ENFORCEMENT COMMISSION

Reporting of Expenditures; Testimonial Affairs
Public Financing of Primary Election for Governor

Readoption: N.J.A.C. 19:25-12 and 19:25-16

Proposed: February 6, 1984 at 16 N.J.R. 236(a).
Adopted: March 12, 1984 by Scott A. Weiner, Executive Director, Election Law Enforcement Commission.
Filed: March 12, 1984 as R.1984 d.85, **without change.**

Authority: N.J.S.A. 19:44A-6 and 19:44A-38.

Expiration Date pursuant to Executive Order No. 66(1978): March 12, 1989.

Summary of Public Comments and Agency Responses: **No comments received.**

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 19:25-12 and 19:25-16, as amended and supplemented by the New Jersey Register.

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MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Notice of Extension of Commercial Shooting Preserve Season

Authority: N.J.S.A. 23:3-32

Take notice that the Commissioner, Department of Environmental Protection, hereby extends the commercial shooting preserve season from March 15, 1984 to April 15, 1984, upon recommendation of the Director of the Division of Fish, Game and Wildlife, pursuant to statutory authority granted at N.J.S.A. 23:3-32.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF MOTOR VEHICLES

Common and Contract Carrier Applications

Public Notice

Take notice that Clifford W. Snedeker, Director, Division of Motor Vehicles, pursuant to the authority of N.J.S.A. 39:5E.11, hereby lists the names and addresses of applicants who have filed an application for a common carrier's Certificate of Public Convenience and Necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

BLUE BELL TRANSPORT, INC.
BOX 329 RT. 1
TUCKAHOE ROAD
NEWFIELD, NJ 08344

CONTRACT CARRIER (NON-GRANDFATHER)

ALBERT SEELMAN
SOUTH JERSEY AVENUE
P.O. BOX 245
DOROTHY, NJ 08317

Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

TREASURY-GENERAL

(c)

DIVISION OF BUILDING AND CONSTRUCTION

Architect/Engineer Selection Notice of Assignments

The following assignments have been made:

DBC No.	PROJECT	A/E	CCE
H713	Convert Steam to Hot Water Heating-Hepburn Hall, Jersey City State College	A.D. Jilajian	$ 78,000.00
P341-01	Repairs & Modifications to Sally's Pond Dam Ringwood State Park	Storch Engineers	$229,500.00
P364-01	Dam Repairs Pomptom Dam Wayne Township, NJ	Storch Engineers	$ 22,000.00
S119	Data Processing Improvements Various Locations Division of Motor Vehicles	John C. Morris Associates	$ 59,000.00 Services
H704	Asbestos Removal & Insulation Replacement Boiler Room & Pipe Tunnel Hepburn Hall Jersey City State College Jersey City, NJ	Leslie M. Dennis & Son	$ 42,000.00

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DBC No.	PROJECT	A/E	CCE
S162	Alarm System-Lab Facility Building No. 4, N.J. State Police Headquarters, River Road, W. Trenton, NJ	John C. Morris Associates	$ 45,000.00
C240	Study-Emergency Generator & Electrical Service Leesburg State Prison	Jansen & Rogan, Engineers	$ 1,200.00 Study
A442-01	Elevator Modernization State House Annex Trenton, NJ	Short & Ford/Myers, Johnson & Jones	$230,000.00
H689-01	Phase II-Fire Alarm Panel Renovations-Various Buildings Stockton State College Pomona, NJ	Colm Engineering	$ 31,000.00
A459-01	Stained Glass Dome Restoration State House Dept. of Treasury Trenton, NJ	Willett Stained Glass Studios, Inc.	$ 1,400.00 Services
P355-01	Skylands Manor Water System Ringwood State Park	Wehran Engineering	$667,000.00
M382	Phase IA-Archaeological Survey Veterans Nursing Facility Paramus, NJ	Louis Berger & Associates	$ 1,776,000 Services
C199	Topographic Survey Extension Southern State Correctional Facility II, Delmont, NJ	Long Engineering & Survey Co.	$ 6,769.35 Services
C189	Environmental Assessment 48 Bed Temporary Housing Module, New Lisbon Tabernacle, NJ	Storch Engineers	$ 3,500.00
H707	Painting-Norsworthy Hall Trenton State College Trenton, NJ	Malloy & Duffe, AIA	$ 45,000.00
S163	Roof Replacement Lab Facility-Bldg. No. 4 N.J. State Police Headquarters W. Trenton, NJ	Matthew L. Rue, AIA	$ 65,000.00
S160	Repair Facility Marine Police Station Point Pleasant, NJ	Harry A. DiFazio, R.A., P.A.	$125,000.00
		Harry DiFazio, R.A., P.A	5.8%
		Bernard DeAnnuntis & Assoc.	9.45%
		Glenn A. Kahley, AIA	14.36%
P433	Phase III North Pond Dam Renovations Double Trouble State Park Ocean County, NJ	URS Company	$ 50,000.00
		URS Company	18.4%
		Site Engineers	20.0%
A460	Energy Audits-Various Locations-South Dept. of Human Services	Harvey Morris Assoc.	$ 52,600.00 Services
		Harvey Morris Assoc.	$ 52,600 Lump Sum
		Kallen & Lemelson, Engrs.	$199,500 Lump Sum
		Burns & Roe	$390,000 Lump Sum
A458	Energy Audits Various Sites-North Dept. of Human Services	Energy for America, Inc.	$ 67,800.00 Services
		Energy for America, Inc.	$ 67,800 Lump Sum
		Jansen & Rogan, Engrs.	$ 94,000 Lump Sum
		Wagner Associates	$109,042 Lump Sum

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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 your 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 or 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 December 6, 1979.

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW-TITLE 1				
1:1-2.2	Contested cases and OAL jurisdiction	14 N.J.R. 486(a)	R.1982 d.467	15 N.J.R. 23(a)
1:1-3.2	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)
1:2-3	"Hearings on the papers" and MV cases	15 N.J.R. 68(a)	R.1983 d.86	15 N.J.R. 436(a)
1:2-3.1	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)
1:20	Representation fee hearings before PERC Appeal Board	14 N.J.R. 862(a)	R.1983 d.305	15 N.J.R. 1243(a)
1:30	Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 29(a)
1:30-2.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 543(a)
1:30-3.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 101(a)
1:31	Organization of OAL	Organizational	R.1982 d.291	14 N.J.R. 976(a)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)

(Title 1, Transmittal 2 dated June 21, 1982)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
2:50-1.1	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)
2:85-1	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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3:1-9	Readopted: Home Mortgage Disclosure rules	15 N.J.R. 1146(a)	R.1983 d.379	15 N.J.R. 1575(a)
3:1-9.4–9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R.1983 d.85	15 N.J.R. 439(b)
3:1-10	Readopted: Restrictions on Real Property Transactions	16 N.J.R. 2(a)	R.1984 d.63	16 N.J.R. 520(a)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R.1982 d.242	14 N.J.R. 834(a)
3:1-11	"Executive officer" and affiliated persons	14 N.J.R. 490(b)	R.1982 d.243	14 N.J.R. 834(b)
3:1-13.1	Insurance tie-in prohibition	15 N.J.R. 820(a)	R.1983 d.566	15 N.J.R. 2033(a)
3:1-13.1	Insurance tie-in prohibition: hearing officer's report	15 N.J.R. 1207(a)	R.1983 d.566	15 N.J.R. 2049(a)
3:1-14	Revolving Credit Equity Loans	15 N.J.R. 1147(a)	R.1983 d.378	15 N.J.R. 1575(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R.1982 d.213	14 N.J.R. 755(a)
3:6-2.1	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	Standardization of executive officer classification	14 N.J.R. 491(a)	R.1982 d.244	14 N.J.R. 834(c)
3:6-3.2, 3.3	Limitations on loans to bank executive officers	15 N.J.R. 1786(a)	R.1983 d.606	16 N.J.R. 45(a)
3:6-7.1–7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R.1982 d.307	14 N.J.R. 988(a)
3:6-13	Automated teller machines	15 N.J.R. 190(a)	R.1983 d.286	15 N.J.R. 1179(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R.1983 d.42	15 N.J.R. 330(a)
3:7-4	Readopted: Notice of Maturity on Long Term Time Deposits	15 N.J.R. 1053(a)	R.1983 d.363	15 N.J.R. 1467(b)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R.1982 d.245	14 N.J.R. 834(d)
3:11-1.1	Readopted: Approval of banks to exceed 10% limitation on investments	15 N.J.R. 658(b)	R.1983 d.264	15 N.J.R. 1094(a)
3:11-2.1	Commercial bank lending: Approved subsidiaries	15 N.J.R. 110(a)	R.1983 d.108	15 N.J.R. 622(a)
3:11-5	Bank investments and domestic operating subsidiaries	15 N.J.R. 1787(a)	R.1984 d.69	16 N.J.R. 520(b)
3:11-7.2, 7.8, 7.9	Expanded lending limitations	15 N.J.R. 192(a)	R.1983 d.133	15 N.J.R. 688(a)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R.1982 d.263	14 N.J.R. 909(a)
3:11-8.1	Savings banks investment securities	15 N.J.R. 2087(a)	R.1984 d.38	16 N.J.R. 365(a)
3:17-7.1, 7.3	Small loan lenders and second mortgage purchases	15 N.J.R. 111(a)	R.1983 d.120	15 N.J.R. 622(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
3:23-2.1	License fees for credit sales and loan businesses	15 N.J.R. 463(a)	R.1983 d.183	15 N.J.R. 889(b)
3:26-3.1	Readopted: Action upon Detection of Crime	15 N.J.R. 372(a)	R.1983 d.184	15 N.J.R. 889(c)
3:28-5.1–5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R.1982 d.306	14 N.J.R. 989(a)
3:30-1.3, 1.4	Maturity notice on fixed-term and variable savings accounts	15 N.J.R. 1207(b)	R.1983 d.459	15 N.J.R. 1754(e)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R.1982 d.302	14 N.J.R. 977(a)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation	14 N.J.R. 493(a)	R.1982 d.303	14 N.J.R. 977(b)
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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)
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.1983 d.222	15 N.J.R. 1015(b)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:1-18.2, 18.6–18.8	Hours of work and compensation	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:1-18.5	Inclement weather emergency policy (State)	15 N.J.R. 273(a)	R.1983 d.196	15 N.J.R. 889(d)
4:1-20.9	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, 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)
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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)

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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)
5:11-2.1	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, 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)
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)
5:23-6.2, 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)
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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)
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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, 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)
5:80-3.1	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)
5:100-1.5, 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)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
EDUCATION–TITLE 6				
6:2-1.1, 1.2, 1.7–1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R.1982 d.268	14 N.J.R. 913(a)
6:3-1	School districts: general provisions	15 N.J.R. 376(a)	R.1983 d.248	15 N.J.R. 1016(b)
6:3-1.10	School districts: standards for determining seniority	15 N.J.R. 464(a)	R.1983 d.255	15 N.J.R. 1017(a)
6:3-1.10	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)
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(a)
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)
6:29-6.3	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)
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ENVIRONMENTAL PROTECTION–TITLE 7				
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)
7:1I	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)
7:7A-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)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
7:7E	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 sewarage 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 sewarage 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, -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)
7:12-2.7	Hard clam relay: Special Permits Program	Emergency	R.1984 d.66	16 N.J.R. 558(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)
7:13-1.11(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	Readopted: Delineated Floodway rules	15 N.J.R. 839(a)	R.1983 d.321	15 N.J.R. 1374(b)
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)
7:14A	Readopted: NJPDES permit program rules	15 N.J.R. 606(a)	R.1983 d.260	15 N.J.R. 1094(c)
7:14A-1.8, 1.9, 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-4.5	Hazardous waste management: interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:19-3	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)
7:25-2	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)
7:25-5	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 Atlan tic 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)

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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)
7:25-16.1	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)
7:25-22.1	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)
7:26-1.7	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(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)
7:26-2.14	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)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7	Waste oil management as hazardous material	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-7.6	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-7.6	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)
7:26-8.16	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)
7:26-12.2, 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)

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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)
	(Title 7, Transmittal 17 dated June 21, 1982)			
HEALTH–TITLE 8				
8:13-2.1, 2.3, 2.4, 2.7–2.9, 2.11, 2.13–2.15	Soft-shell clam depuration	14 N.J.R. 415(a)	R.1982 d.241	14 N.J.R. 835(b)
8:18-1	Repealed: Children's boarding home rules	14 N.J.R. 1436(b)	R.1983 d.101	15 N.J.R. 544(a)
8:21-2.34	Repealed (see 8:21-12)	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-2.40	EDB levels in food and recall of products	Emergency	R.1984 d.60	16 N.J.R. 436(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R.1982 d.451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R.1983 d.41	15 N.J.R. 244(b)
8:21-9	Readopted: Licensing rules for food and cosmetic plants	15 N.J.R. 609(a)	R.1983 d.345	15 N.J.R. 1475(a)
8:21-9.5	License fees for wholesale food and cosmetic plants	15 N.J.R. 1317(a)	R.1983 d.456	15 N.J.R. 1762(b)
8:21-12	Nonalcoholic beverages and bottled water	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-12.5	Correction: labeling of bottled water	15 N.J.R. 623(a)	_____	15 N.J.R. 809(a)
8:23-1.4	Psittacosis testing of quarantined birds	15 N.J.R. 466(a)	R.1983 d.207	15 N.J.R. 918(a)
8:24	Retail food establishments; vending machines	14 N.J.R. 509(a)	R.1983 d.98	15 N.J.R. 544(b)
8:24	Correction: retail food establishments	_____	R.1983 d.98	15 N.J.R. 809(b)
8:25	Readopted: Youth Camp Safety rules	15 N.J.R. 467(a)	R.1983 d.186	15 N.J.R. 918(b)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R.1982 d.476	15 N.J.R. 33(a)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:30	Repealed (see 8:39)	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:30-14	Recodified as 8:39-27	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R.1982 d.273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R.1982 d.274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R.1982 d.275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved	14 N.J.R. 1331(a)	R.1983 d.28	15 N.J.R. 147(b)
8:31-26.1	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R.1983 d.235	15 N.J.R. 1021(a)
8:31-26.3	All health care facilities: Employee physicals	14 N.J.R. 1274(a)	R.1983 d.69	15 N.J.R. 337(a)
8:31-26.3	Health care facilities: employee physical exams	15 N.J.R. 470(a)	R.1983 d.234	15 N.J.R. 1022(a)
8:31-26.5	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R.1982 d.452	14 N.J.R. 1456(b)
8:31A-7	SHARE Manual: relief from overspending challenge	15 N.J.R. 200(b)	R.1983 d.201	15 N.J.R. 918(c)
8:31A-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: medical discharge abstract	15 N.J.R. 470(b)	R.1983 d.338	15 N.J.R. 1374(d)
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-2.4, 2.6	Uniform bill-patient summaries (inpatient)	15 N.J.R. 1325(a)	R.1983 d.598	15 N.J.R. 2162(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R.1982 d.427	15 N.J.R. 43(a)
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8:31B-3	Hospital rate setting: 1984 procedure and methodology	15 N.J.R. 1326(a)	R.1983 d.597	15 N.J.R. 2163(a)
8:31B-3.19	Hospital rate setting: Patient care cost finding	14 N.J.R. 737(a)	R.1983 d.194	15 N.J.R. 919(a)
8:31B-3.26, 3.72	Hospital rate setting: economic factor; periodic adjustments	15 N.J.R. 471(a)	R.1983 d.206	15 N.J.R. 920(a)
8:31B-3.27, 3.73	Hospital rate setting: capital facilities; reconciliation	15 N.J.R. 201(a)	R.1983 d.200	15 N.J.R. 920(b)
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8:31B-4.32	Waiver extension of Medicare/Medicaid reimbursement principles	Emergency	R.1984 d.26	16 N.J.R. 252(a)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R.1982 d.449	14 N.J.R. 1457(a)
8:31B-5.1, 5.2	Diagnosis related groups and outliers	15 N.J.R. 1336(a)	R.1983 d.595	15 N.J.R. 2167(a)
8:33	Readopted: Certificate of Need Application and Review Process	15 N.J.R. 1708(b)	R.1983 d.604	16 N.J.R. 48(a)
8:33-2.2	Batching cycle for long-term care facilities	15 N.J.R. 307(b)	R.1983 d.205	15 N.J.R. 920(c)
8:33F	Regional renal disease services: certification of need	15 N.J.R. 1221(a)	R.1983 d.431	15 N.J.R. 1654(c)
8:33G-1.2, 1.4	CT scanners: Need review	14 N.J.R. 1275(a)	R.1983 d.64	15 N.J.R. 337(b)
8:33H-3.3	Long-term care: expansion and new construction	15 N.J.R. 473(a)	R.1983 d.195	15 N.J.R. 921(a)
8:33H-3.10	Long-term care: bed need methodology	15 N.J.R. 1226(a)	R.1983 d.429	15 N.J.R. 1656(a)
8:34	Readopted: Licensing Nursing Home Administrators	15 N.J.R. 1624(a)	R.1983 d.565	15 N.J.R. 2042(a)
8:37	Intermediate care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:37	Repealed (see 8:39)	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:37-4.7	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)

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8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:39-1.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
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8:39-1.34	LTC facilities: Additional standards	13 N.J.R. 809(b)	R.1982 d.277	14 N.J.R. 916(d)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:40	Repealed: interim rules for abortion facilities	15 N.J.R. 308(a)	R.1983 d.202	15 N.J.R. 922(a)
8:42-1.4, 2.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:42-2	Readopted: Inpatient drug treatment facilities	14 N.J.R. 812(a)	R.1982 d.391	14 N.J.R. 1214(a)
8:42-2	Repealed (see 8:42B)	15 N.J.R. 397(a)	R.1983 d.309	15 N.J.R. 1248(a)
8:42A-2.2	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:42B	Drug treatment facilities: licensure	15 N.J.R. 397(a)	R.1983 d.309	15 N.J.R. 1248(a)
8:43-1.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43-2.6	Residential health care facilities	15 N.J.R. 8(a)	R.1983 d.90	15 N.J.R. 440(c)
8:43-3.22	Fire protection in residential health care	15 N.J.R. 991(a)	R.1983 d.462	15 N.J.R. 1657(a)
8:43-4.13	Residential care facilities: personal needs allowance	15 N.J.R. 309(a)	R.1983 d.204	15 N.J.R. 923(a)
8:43-4.14	Repealed (see 8:43-7)	15 N.J.R. 992(a)	R.1983 d.428	15 N.J.R. 1658(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	Resident rights in residential health care	15 N.J.R. 992(a)	R.1983 d.428	15 N.J.R. 1658(a)
8:43-7.1	Residential health care facilities	15 N.J.R. 8(a)	R.1983 d.90	15 N.J.R. 440(c)
8:43-7.2	Residential health care patients: home energy assistance payments	15 N.J.R. 1713(a)	R.1983 d.631	16 N.J.R. 140(a)
8:43-8	Residential health care: maintenance and monitoring services	15 N.J.R. 309(b)	R.1983 d.430	15 N.J.R. 1660(a)
8:43A	Readopted: rules on Ambulatory Care Facilities	15 N.J.R. 994(a)	R.1983 d.427	15 N.J.R. 1662(a)
8:43A-1.5	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
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8:43A-8.1	Ambulatory care facilities: Surgical services	15 N.J.R. 9(a)	R.1983 d.92	15 N.J.R. 440(d)
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8:43A-9.9	Outpatient drug abuse counseling	15 N.J.R. 10(a)	R.1983 d.91	15 N.J.R. 441(a)
8:43B-1.8	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:43B-3.1, 3.1A	Hospital construction standards	13 N.J.R. 811(a)	R.1982 d.279	15 N.J.R. 916(f)
8:43B-6	Readopted: Hospital Medical Staff rules	15 N.J.R. 1065(a)	R.1983 d.469	15 N.J.R. 1762(c)
8:43B-8.3	Early detection of biochemical disorders in newborn infants	15 N.J.R. 311(a)	R.1983 d.203	15 N.J.R. 923(b)
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8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	13 N.J.R. 812(a)	R.1982 d.280	14 N.J.R. 917(a)
8:43B-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)
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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)
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8:44	Readopted: Operation of Clinical Laboratories	15 N.J.R. 995(a)	R.1983 d.498	15 N.J.R. 1862(a)
8:57-1.1	Reportable diseases	14 N.J.R. 1277(a)	R.1983 d.67	15 N.J.R. 338(b)
8:57-4	Readopted: Immunization of Pupils in Schools	15 N.J.R. 781(a)	R.1983 d.311	15 N.J.R. 1253(a)
8:65	Administrative corrections	_____	_____	15 N.J.R. 164(b)
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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)
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8:70	Readopted: Drug Evaluation and Acceptance Criteria	15 N.J.R. 845(a)	R.1983 d.422	15 N.J.R. 1663(a)
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8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R.1982 d.371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R.1982 d.372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R.1982 d.373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R.1982 d.426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1982 d.488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R.1982 d.489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1983 d.30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R.1983 d.31	15 N.J.R. 148(a)
8:71	Steri-med 50 mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R.1983 d.32	15 N.J.R. 148(b)

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8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R.1983 d.34	15 N.J.R. 149(a)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R.1983 d.65	15 N.J.R. 339(a)
8:71	Generic drug list changes	14 N.J.R. 888(a)	R.1983 d.138	15 N.J.R. 690(c)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R.1983 d.139	15 N.J.R. 691(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R.1983 d.140	15 N.J.R. 691(b)
8:71	Oxycodones; Schedule II policy	14 N.J.R. 1077(a)	———	15 N.J.R. 700(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R.1983 d.272	15 N.J.R. 1100(a)
8:71	Generic drug list addition	14 N.J.R. 690(a)	R.1983 d.273	15 N.J.R. 1100(b)
8:71	Generic drug list changes	15 N.J.R. 126(b)	R.1983 d.274	15 N.J.R. 1100(c)
8:71	Additions to generic drug list	15 N.J.R. 846(a)	R.1983 d.499	15 N.J.R. 1862(b)
8:71	Generic drug list additions	15 N.J.R. 420(a)	R.1983 d.500	15 N.J.R. 1863(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)

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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 Assitance 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)
9:9-1.9, 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)

(Title 9, Transmittal 17 dated June 21, 1982)

HUMAN SERVICES–TITLE 10

10:1-2	Public comments and petitions regarding department rules	———	R.1983 d.165	15 N.J.R. 924(c)
10:3-2	Capital Funding Agreement for community-based facilities	15 N.J.R. 1072(a)	R.1983 d.392	15 N.J.R. 1580(a)
10:3-2.3	Improvements to community-based facilities	15 N.J.R. 1627(a)	R.1983 d.561	15 N.J.R. 2042(b)
10:4	Group homes and community relations	14 N.J.R. 1192(a)	R.1982 d.475	15 N.J.R. 33(c)
10:5	Social Services Block Grant (Title XX)	15 N.J.R. 208(a)	R.1983 d.587	15 N.J.R. 2172(a)
10:6	Administrative hearings and reviews	15 N.J.R. 1725(a)	R.1984 d.27	16 N.J.R. 369(b)
10:13, 10:14, 10:15	Repealed: Obsolete veterans' loan and housing rules	15 N.J.R. 1430(a)	R.1983 d.523	15 N.J.R. 1944(a)
10:38	Interim Assistance Procedures Manual	13 N.J.R. 220(d)	R.1981 d.225	13 N.J.R. 412(c)
10:43	Readopted: Need for Guardianship rules	15 N.J.R. 1111(a)	R.1983 d.390	15 N.J.R. 1581(a)
10:44	Readopted: Standards for Public Institutions for Mentally Retarded	15 N.J.R. 1156(a)	R.1983 d.432	15 N.J.R. 1664(a)
10:44A	Group homes and supervised apartments for developmentally disabled	14 N.J.R. 531(a)	R.1983 d.23	15 N.J.R. 149(b)
10:45	Readopted: Guardianship Services for mentally retarded	15 N.J.R. 1073(a)	R.1983 d.391	15 N.J.R. 1581(b)
10:49-1.2	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.2	Medicaid ID: Special Status Card	14 N.J.R. 418(a)	R.1982 d.261	14 N.J.R. 917(b)
10:49-1.3	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)

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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)
10:49-1.4	Initial visit for rehabilitation services	15 N.J.R. 782(a)	R.1983 d.583	15 N.J.R. 2168(b)
10:49-1.5	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	12 N.J.R. 520(b)	R.1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	12 N.J.R. 187(c)	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.8	Medicaid: prior authorization and emergency situations	15 N.J.R. 997(a)	R.1983 d.376	15 N.J.R. 1582(a)
10:49-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)
10:49-1.13, 1.14	Providers using management agencies	13 N.J.R. 272(b)	R.1981 d.246	13 N.J.R. 412(d)
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10:49-1.17	Suspended providers	13 N.J.R. 222(a)	R.1981 d.315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.24	Medical day care in hospital-affiliated facilities	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:49-1.26	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	13 N.J.R. 133(c)	R.1981 d.114	13 N.J.R. 273(a)
10:49-1.27	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:49-2	Medicaid: readopted rules on availability of program information	15 N.J.R. 998(a)	R.1983 d.344	15 N.J.R. 1475(b)
10:49-5	Readopted: Fair Hearing rules	15 N.J.R. 848(a)	R.1983 d.327	15 N.J.R. 1375(b)
10:49-5.3, 5.4	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-6	Readopted: Medicaid Administrative Provisions	15 N.J.R. 1075(a)	R.1983 d.349	15 N.J.R. 1475(c)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R.1982 d.147	14 N.J.R. 427(c)
10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R.1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:50	Readopted: Transportation Services Manual	15 N.J.R. 999(a)	R.1983 d.375	15 N.J.R. 1582(b)
10:50-2.7	Automatic Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:51-1.7	Pharmacy Manual: legend drug dispensing fee	Emergency	R.1983 d.333	15 N.J.R. 1386(a)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R.1981 d.476	13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-1.14, 1.17	Pharmaceutical Services: Fees and delivery	14 N.J.R. 1336(a)	R.1983 d.56	15 N.J.R. 339(b)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R.1981 d.411	13 N.J.R. 758(d)
10:51-1.17, 3.15	Pharmacy Manual: legend drug dispensing fee and capitation rates	15 N.J.R. 1386(a)	R.1983 d.501	15 N.J.R. 1864(c)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R.1981 d.476	13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-1(App.B,D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R.1981 d.124	13 N.J.R. 274(a)
10:51-1(App.B,D)	Non-legend drugs and legend services	13 N.J.R. 739(a)	R.1981 d.505	14 N.J.R. 46(a)
10:51-1(App. E)	Pharmacy Manual: Protein replacements	14 N.J.R. 418(b)	R.1982 d.211	14 N.J.R. 757(b)
10:51-1(App. B,C,D)	Pharmaceutical Services	14 N.J.R. 1142(a)	R.1982 d.458	14 N.J.R.1458(b)
10:51-1(App. B,D,E)	Pharmaceutical Services	15 N.J.R. 664(a)	R.1983 d.293	15 N.J.R. 1253(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R.1981 d.247	13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R.1982 d.340	14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	R.1981 d.344	13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	13 N.J.R. 577(b)	R.1981 d.465	13 N.J.R. 887(d)
10:51-3.15	Pharmacy Manual: capitation rates	Emergency	R.1983 d.333	15 N.J.R. 1386(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R.1981 d.101	13 N.J.R. 228(c)
10:51-5	Readopted: PAAD in Pharmacy Manual	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:51-5.9, 5.12	Prescription policies; telephone orders	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:51-5.16, 5.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-5.28–5.33	Pharmaceutical Assistance to the Aged	13 N.J.R. 289(a)	R.1981 d.248	13 N.J.R. 415(c)
10:51-6	Expired: Institutional Pharmacy Permits	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:52	Hospital and special hospital manuals	13 N.J.R. 416(a)	R.1981 d.327	13 N.J.R. 578(a)
10:52-1	Readopted: Manual for Hospital Services (Coverage)	15 N.J.R. 2125(a)	R.1984 d.47	16 N.J.R. 424(b)
10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:52-1.1	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R.1981 d.126	13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)
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10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R.1981 d.162	13 N.J.R. 358(b)
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10:52-2.2	Uniform billing of hospital services	13 N.J.R. 93(a)	R.1982 d.13	14 N.J.R. 158(b)
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10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R.1981 d.479	13 N.J.R. 946(a)

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10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.1	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.15	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:53-2.18	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:54-1	Readopted: Manual for Physicians (General Provisions)	15 N.J.R. 2129(a)	R.1984 d.34	16 N.J.R. 371(a)
10:54-1.2	Routine chest X rays	13 N.J.R. 94(a)	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R.1981 d.329	13 N.J.R. 574(b)
10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R.1981 d.374	13 N.J.R. 706(d)
10:54-1.6	Reimbursement for anesthesia time	12 N.J.R. 413(a)	R.1981 d.200	13 N.J.R. 417(b)
10:54-1.7	Rehabilitation services	15 N.J.R. 782(a)	R.1983 d.583	15 N.J.R. 2168(b)
10:54-1.20	Physicians Services: Sterilization by hysterectomy	14 N.J.R. 1337(a)	R.1983 d.55	15 N.J.R. 339(c)
10:54-1.22	Routine chest X rays	13 N.J.R. 94(a)	R.1981 d.125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R.1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R.1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for pacemakers	13 N.J.R. 297(a)	R.1981 d.251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R.1981 d.305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R.1981 d. 314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R.1981 d.475	13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:54-3	Procedure codes: Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:54-3	Procedure Code Manual updating	15 N.J.R. 1730(a)	R.1983 d.614	16 N.J.R. 144(a)
10:55	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:56-1.14, 1.15	Limitations on diagnostic dental services	13 N.J.R. 875(a)	R.1982 d.403	14 N.J.R. 1301(a)
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10:56-3.15	Orthodontics	13 N.J.R. 134(b)	R.1981 d.113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	13 N.J.R. 360(a)	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
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10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R.1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
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10:60-1, 2.1-2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R.1982 d.199	14 N.J.R. 656(a)
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10:62	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:62-1, 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)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthamologists and optometrists	13 N.J.R. 299(d)	R.1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)

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10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R.1982 d.210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R.1982 d.110	14 N.J.R. 391(a)
10:63-1.4	Rehabilitation services	15 N.J.R. 782(a)	R.1983 d.583	15 N.J.R. 2168(b)
10:63-1.5	Inspection of long-term care	14 N.J.R. 81(a)	R.1982 d.72	14 N.J.R. 279(a)
10:63-1.5	Medical Evaluation Team (LTC) and alternate care option	15 N.J.R. 485(a)	R.1983 d.304	15 N.J.R. 1254(a)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R.1982 d.261	14 N.J.R. 917(c)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R.1981 d.33	13 N.J.R. 146(c)
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10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R.1981 d.345	13 N.J.R. 579(d)
10:63-1.19	LTCSM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R.1981 d.23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:63-2	Readopted: Billing Procedures in long-term care	15 N.J.R. 421(a)	R.1983 d.182	15 N.J.R. 925(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.2	LTC: Related-party lease costs	14 N.J.R. 742(a)	R.1983 d.74	15 N.J.R. 442(b)
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10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R.1982 d.74	14 N.J.R. 279(b)
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10:65-1.2–1.8, 2.1, 2.4–2.7	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
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10:66	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
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)
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10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R.1981 d.212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R.1982 d.19	14 N.J.R. 158(c)
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10:66-3.3	Independent Clinic Services: procedures code revisions	14 N.J.R. 1339(a)	R.1983 d.386	15 N.J.R. 1583(a)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
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10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:69A	Readopted: Pharmaceutical Assistance Manual (PAAD)	15 N.J.R. 211(a)	R.1983 d.154	15 N.J.R. 806(b)
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10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R.1981 d.332	13 N.J.R. 589(c)
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10:81-3.41	PAM: exempt income	15 N.J.R. 1430(b)	R.1983 d.505	15 N.J.R. 1864(d)
10:81-4.5–4.11, 4.13, 4.14, 4.16 4.18, 4.19	PAM: Vendor payments	14 N.J.R. 1034(a)	R.1982 d.424	14 N.J.R. 1395(a)

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10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R.1982 d.286	14 N.J.R. 980(b)
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10:81-10.7	PAM: corrections to Administrative Code			15 N.J.R. 1388(c)
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10:85-3.2	GAM: Clarification of "unemployable"	13 N.J.R. 927(b)	R.1982 d.103	14 N.J.R. 344(c)
10:85-3.2	GAM: Workfare compliance	13 N.J.R. 929(a)	R.1982 d.104	14 N.J.R. 344(d)
10:85-3.2	GAM: Verification of unemployment/disability benefits	14 N.J.R. 956(a)	R.1982 d.418	14 N.J.R. 1398(a)
10:85-3.2(f)	GAM: Residency and Municipal responsibility	15 N.J.R. 313(a)	R.1983 d.374	15 N.J.R. 1476(a)
10:85-3.2	GAM: Determination of unemployability	15 N.J.R. 314(a)	R.1983 d.160	15 N.J.R. 807(a)
10:85-3.2	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: Recipients in residential health care facilities	12 N.J.R. 662(c)	R.1980 d.547	13 N.J.R. 100(a)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:85-3.3	GAM: Financial eligibility	12 N.J.R. 16(b)	R.1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
10:85-3.3	GAM: Boarding rate for residential care	13 N.J.R. 879(a)	R.1982 d.53	14 N.J.R. 235(d)
10:85-3.3	GAM: Hospital shelter time	13 N.J.R. 930(a)	R.1982 d.98	14 N.J.R. 345(a)
10:85-3.3	GAM: Cash Contributions	14 N.J.R. 270(a)	R.1982 d.185	14 N.J.R. 659(b)
10:85-3.3	GAM: Members of household	14 N.J.R. 893(b)	R.1982 d.375	14 N.J.R. 1216(a)
10:85-3.3	GAM: Residential health care rates	14 N.J.R. 894(a)	R.1983 d.105	15 N.J.R. 550(a)
10:85-3.4	GAM: Income and alien sponsorship	14 N.J.R. 122(b)	R.1982 d.134	14 N.J.R. 428(a)
10:85-4.6	GAM: Emergency grants	12 N.J.R. 585(a)	R.1980 d.538	13 N.J.R. 18(d)
10:85-4.6	GAM: Emergency grants	14 N.J.R. 124(a)	R.1982 d.135	14 N.J.R. 428(b)
10:85-4.6	GAM: Emergency house furnishings	14 N.J.R. 1342(a)	R.1983 d.58	15 N.J.R. 340(b)
10:85-4.8	GAM: Funeral and burial contributions	14 N.J.R. 463(a)	R.1982 d.287	14 N.J.R. 980(c)
10:85-5.2	GAM: Diagnostic-Related Group payments	12 N.J.R. 585(b)	R.1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM—Payments for inpatients hospital care	13 N.J.R. 433(b)	R.1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Submission of Form GA-18	12 N.J.R. 586(a)	R.1980 d.531	13 N.J.R. 18(c)
10:85-5.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R.1980 d.547	13 N.J.R. 100(a)
10:85-5.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	13 N.J.R. 499(c)	R.1981 d.417	13 N.J.R. 768(b)
10:85-5.6, 8.4	GAM: Renal services; child health services	14 N.J.R. 420(b)	R.1982 d.377	14 N.J.R. 1217(a)
10:85-6.5	GAM: Repayment by SSI recipients	12 N.J.R. 586(b)	R.1980 d.551	13 N.J.R. 100(d)
10:85-6.5	GAM: Reimbursement authorization and repayment agreement	14 N.J.R. 1342(b)	R.1983 d.57	13 N.J.R. 340(c)
10:85-6.6	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
10:85-7.2	GAM: Receipt of assistance	12 N.J.R. 535(b)	R.1981 d.53	13 N.J.R. 147(d)
10:85-7.3	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R.1982 d.61	14 N.J.R. 281(b)
10:85-8.2	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
10:85-8.2	GAM: Eligibility of refugee groups	14 N.J.R. 815(b)	R.1982 d.356	14 N.J.R. 1162(b)
10:85-8.3	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R.1981 d.160	13 N.J.R. 363(b)
10:85-8.4	GAM: pharmaceutical assistance to disabled	15 N.J.R. 783(b)	R.1983 d.284	15 N.J.R. 1181(b)
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)
10:85-9.1	GAM: Legally responsible relatives	14 N.J.R. 543(a)	R.1982 d.284	14 N.J.R. 980(d)
10:85-9.3, 9.5	GAM: Corrections to Administrative Code	———	———	15 N.J.R. 1389(b)
10:85-10.3, 10.6, 10.8	GAM: Workfare compliance	13 N.J.R. 929(a)	R.1982 d.104	14 N.J.R. 344(d)
10:87	Emergency amend Food Stamp Manual	Emergency	R.1981 d.64	13 N.J.R. 226(b)
10:87	Student participation in Food Stamps	13 N.J.R. 96(c)	R.1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	13 N.J.R. 364(a)	R.1981 d.316	13 N.J.R. 581(a)
10:87	FSM: Readopted Federal requirements	13 N.J.R. 769(a)	R.1981 d.517	14 N.J.R. 103(a)
10:87	Correction: FSM—Federal requirements	13 N.J.R. 769(a)	R.1981 d.517	14 N.J.R. 208(b)
10:87	Readopted Food Stamp Program rules	15 N.J.R. 2134(b)	R.1984 d.68	16 N.J.R. 550(a)
10:87-2.2, 2.3, 2.21	Readopted Food Stamp Program revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-2.3, 2.21	Food Stamp Program: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-2.4, 2.7, 2.8	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-2.7	Food stamp participants and job search	14 N.J.R. 1041(a)	R.1982 d.437	14 N.J.R. 1462(b)
10:87-2.10, 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)
10:87-2.32, 2.34, 2.35	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-2.34	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-2.38	Readopted FSP revisions	15 N.J.R. 247(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-3.2, 3.12	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-3.10, 3.11	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-3.15-3.21	Food stamp participants and job search	14 N.J.R. 1041(a)	R.1982 d.437	14 N.J.R. 1462(b)
10:87-3.19	Readopted FSP revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-3.23, 3.24	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-4.3, 4.8	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-4.4, 4.6, 4.7, 4.14, 4.16	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-4.4, 4.19	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-4.8, 4.12, 5.5	Food Stamp Program: Resource exclusions	15 N.J.R. 212(a)	R.1983 d.141	15 N.J.R. 692(b)
10:87-5.1, 5.4, 5.9	Food Stamp Program revisions	15 N.J.R. 1821(a)	R.1984 d.17	16 N.J.R. 246(a)
10:87-5.4, 5.6	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-5.5	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-5.10	Readopted FSP revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-5.10	Food Stamp Program income deductions and maximum allotments	Emergency	R.1983 d.460	15 N.J.R. 1774(a)
10:87-5.10, 12.1, 12.2	FSP: income deductions and maximum allotments	15 N.J.R. 1774(a)	R.1983 d.579	15 N.J.R. 2170(c)

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10:87-6.2, 6.3, 6.16, 6.17, 6.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-6.14, 6.15	FSP: Readopted emergency revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-6.22, 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)
10:87-7.14, 7.15	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-7.16, 7.17	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-7.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-9.7	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-9.7	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-9.16	Replacement of food stamp benefits	14 N.J.R. 1081(b)	R.1982 d.474	15 N.J.R. 35(a)
10:87-11.1-11.12, 11.15, 11.16 11.20-11.29	Food Stamp Program: readopted revisions	15 N.J.R. 633(a)	R.1983 d.224	15 N.J.R. 1034(a)
10:87-12.1	Readopted FSP revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-12.1, 12.2	Food Stamp Manual	Emergency	R.1980 d.558	13 N.J.R. 100(e)
10:87-12.1, 12.2	FSP: income deductions and maximum allotments	Emergency	R.1983 d.460	15 N.J.R. 1774(a)
10:87-12.1, 12.3, 12.4, 12.6	Readopted: Food Stamp Program adjustments	14 N.J.R. 757(d)	R.1982 d.318	14 N.J.R. 1057(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Readopted revisions	14 N.J.R. 1170(a)	R.1982 d.442	14 N.J.R. 1463(a)
10:87-12.3	Food Stamp Program maximum net income levels	13 N.J.R. 500(a)	R.1981 d.400	13 N.J.R. 772(a)
10:87-12.3, 12.4	Food Stamp income levels	Emergency	R.1981 d.278	13 N.J.R. 500(a)
10:87-12.3, 12.4, 12.7	FSP: Maximum income eligibility limits	15 N.J.R. 1185(a)	R.1983 d.382	15 N.J.R. 1583(b)
10:87-12.4	Food Stamp Manual	Emergency	R.1980 d.558	13 N.J.R. 100(e)
10:87-12.5	Food Stamp allotment proration	15 N.J.R. 1918(a)	R.1984 d.20	16 N.J.R. 246(b)
10:87-12.5, 12.6	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-12.7	Readopted FSP revisions	15 N.J.R. 247(a)	R.1983 d.72	15 N.J.R. 444(a)
10:88	Repealed: Food Stamp Plan of Operation Manual	15 N.J.R. 611(a)	R.1983 d.246	15 N.J.R. 1034(b)
10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R.1982 d.62	14 N.J.R. 281(c)
10:89-Fwd, 2.3, 3.2, 3.4, 3.6, 4.1	Home Energy Assistance	15 N.J.R. 1338(a)	R.1983 d.465	15 N.J.R. 1768(c)
10:89-2.3, 3.1, 3.2, 3.4, 3.5, 3.6, 4.1, 5.2, 5.3	Readopted: Home Energy Assistance Handbook	14 N.J.R. 1311(a)	R.1982 d.497	15 N.J.R. 92(c)
10:89-3.6	Emergency rule on Home Energy Assistance	Emergency	R.1980 d.548	13 N.J.R. 100(b)
10:90	Monthly Reporting Policy Handbook	14 N.J.R. 958(a)	R.1982 d.399	14 N.J.R. 1302(a)
10:90-2., 2.4 4.1-4.4, 4.6, 5.3, 5.6, 6.1	Monthly Reporting Policy Handbook	15 N.J.R. 1162(a)	R.1983 d.398	15 N.J.R. 1584(a)
10:90-2.3	Monthly Reporting Policy Handbook	15 N.J.R. 849(a)	R.1983 d.326	15 N.J.R. 1381(a)
10:91	Repealed: Services to families and children	14 N.J.R. 744(a)	R.1982 d.317	14 N.J.R. 1057(b)
10:93	Repealed: obsolete rules on refugee assistance programs	15 N.J.R. 611(b)	R.1983 d.245	15 N.J.R. 1035(a)
10:94-3	Medicaid Only: readopted nonfinancial eligibility criteria	15 N.J.R. 948(a)	R.1983 d.317	15 N.J.R. 1382(a)
10:94-4,-5	Medicaid Only: Income and resource eligibility	12 N.J.R. 663(a)	R.1981 d.177	13 N.J.R. 364(b)
10:94-4,-5	Medicaid Only: readopted financial eligibility standards	15 N.J.R. 999(b)	R.1983 d.373	15 N.J.R. 1477(a)
10:94-4.4, 5.3	Medicaid Only: exclusion of burial spaces and funds	15 N.J.R. 422(a)	R.1983 d.167	15 N.J.R. 925(b)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	13 N.J.R. 501(a)	R.1981 d.385	13 N.J.R. 773(a)
10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R.1981 d.385	13 N.J.R. 846(a)
10:94-5.4, 5.5, 5.6	Readopted: Medicaid Only computation amounts	14 N.J.R. 758(a)	R.1982 d.314	14 N.J.R. 1058(a)
10:94-5.4, 5.5, 5.6	Medicaid Only: eligibility computation amounts	Emergency	R.1983 d.289	15 N.J.R. 1187(a)
10:94-5.4, 5.5, 5.6	Medicaid Only: Eligibility compuation amounts	15 N.J.R. 1733(a)	R.1983 d.593	15 N.J.R. 2171(a)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R.1982 d.354	14 N.J.R. 1162(c)
10:94-8	Medicaid Only	12 N.J.R. 663(a)	R.1981 d.177	13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R.1982 d.461	14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R.1982 d.311	14 N.J.R. 1058(b)
10:98	State Plan for Vocational Rehabilitation Services	14 N.J.R. 1193(a)	R.1983 d.149	15 N.J.R. 807(b)
10:100-1	Service Programs: Organization and Administration rules	———	———	15 N.J.R. 1966(a)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R.1981 d.386	13 N.J.R. 773(b)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R.1983 d.315	14 N.J.R. 1059(a)
10:100-1.23	SSI payment levels (recodified as 10:100-App. A)	Emergency	R.1983 d.290	15 N.J.R. 1188(a)
10:100-3	Readopted: Special Payments Handbook rules	15 N.J.R. 2025(a)	R.1984 d.37	16 N.J.R. 375(a)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R.1982 d.285	14 N.J.R. 981(a)
10:100-App. A	SSI payment levels	15 N.J.R. 1188(a)	R.1983 d.383	15 N.J.R. 1586(a)
10:100-App. A	Supplemental Security Income payment levels	15 N.J.R. 1734(a)	R.1983 d.594	15 N.J.R. 2171(b)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R.1981 d.445	13 N.J.R. 846(b)

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10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R.1982 d.227	14 N.J.R. 837(b)
10:109-2, 3, App I, II	Readopted: Ruling 11 classification and leave rules	15 N.J.R. 1546(a)	R.1983 d.552	15 N.J.R. 2042(c)
10:109-2, 3	Ruling 11 rules: expiration date correction	15 N.J.R. 1546(a)	R.1983 d.552	16 N.J.R. 49(b)
10:109-3.2, 3.4	Ruling 11—Sick leave and leave without pay	13 N.J.R. 515(a)	R.1981 d.395	13 N.J.R. 774(a)
10:109-App. I, II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R.1981 d.498	14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R.1982 d.319	14 N.J.R. 1060(a)
10:112-1	Division of Veterans Programs and Special Services	Organizational	R.1984 d.57	16 N.J.R. 427(b)
10:120-3	Youth and Family Services: readopted fair hearing rules	15 N.J.R. 1340(a)	R.1983 d.442	15 N.J.R. 1769(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R.1982 d.321	14 N.J.R. 1060(b)
10:121-3	Adoption complaint investigation fees	15 N.J.R. 1341(a)	R.1983 d.509	15 N.J.R. 1865(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R.1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	13 N.J.R. 99(a)	R.1981 d.298	13 N.J.R. 516(a)
10:122-1.1-1.3, 2.1, 2.2, 3.2, 3.3	Combined standards for child care centers	15 N.J.R. 850(a)	R.1983 d.372	15 N.J.R. 1586(b)
10:122-1.1-1.3, 2.1, 2.2, 2.4, 2.5, 2.6, 3.1-3.6	Child care centers for ages 2 1/2-5	15 N.J.R. 214(a)	R.1983 d.179	15 N.J.R. 926(a)
10:122-4.1, 4.3-4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R.1982 d.384	14 N.J.R. 1218(a)
10:122-4.1, 4.3-4.7	Correction: Child care centers	14 N.J.R. 816(b)	R.1982 d.384	14 N.J.R. 1307(a)
10:122-4.2	Standards for child care centers	14 N.J.R. 82(a)	R.1982 d.136	14 N.J.R. 428(c)
10:122-4.2-4.7, 5.1-5.4, 6.1-6.6, 6.9, 7.3	Combined standards for child care centers	15 N.J.R. 850(a)	R.1983 d.372	15 N.J.R. 1586(b)
10:122-4.4, 4.6, 5.1-5.4, 6.1-6.9, 7.1, 7.2, 7.6, 7.7	Child care centers for ages 2 1/2-5	15 N.J.R. 214(a)	R.1982 d.179	15 N.J.R. 926(a)
10:122-7.1-7.7	Child care centers	14 N.J.R. 82(a)	R.1982 d.136	14 N.J.R. 428(c)
10:123-1	Repealed (see 10:5)	15 N.J.R. 208(a)	R.1983 d.587	15 N.J.R. 2172(a)
10:123-2.4	Rooming houses: visits by county welfare staff	15 N.J.R. 1168(a)	R.1983 d.420	15 N.J.R. 1665(a)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R.1981 d.423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R.1981 d.423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R.1982 d.301	14 N.J.R. 981(b)
10:123-3.2	Residential health care and boarding homes: personal needs allowance	15 N.J.R. 1735(a)	R.1983 d.588	15 N.J.R. 2172(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R.1982 d.222	14 N.J.R. 761(a)
10:125	Repealed (see 10:5)	15 N.J.R. 208(a)	R.1983 d.587	15 N.J.R. 2172(a)
10:126	Repealed (see 10:5)	15 N.J.R. 208(a)	R.1983 d.587	15 N.J.R. 2172(a)
10:127	Residential child care facilities	15 N.J.R. 486(a)	R.1983 d.393	15 N.J.R. 1597(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R.1982 d.138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R.1982 d.222	14 N.J.R. 761(a)
10:130-3	Funding of shelters for victims of domestic violence	15 N.J.R. 1169(a)	R.1983 d.399	15 N.J.R. 1603(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R.1982 d.317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R.1981 d.434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled	14 N.J.R. 699(b)	R.1982 d.320	14 N.J.R. 1060(c)
10:141	Charity racing days for developmentally disabled	15 N.J.R. 1826(a)	R.1984 d.28	16 N.J.R. 375(b)

(Title 10, Transmittal 15 dated November 10, 1980)

CORRECTIONS—TITLE 10A

(Title 10A, Transmittal 7 dated June 21, 1982)

INSURANCE—TITLE 11

11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance	———	———	15 N.J.R. 810(a)
11:1-9	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	Licensees: Address change; process serving	14 N.J.R. 748(a)	R.1982 d.336	14 N.J.R. 1099(b)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R.1982 d.400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R.1982 d.410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R.1982 d.410	14 N.J.R. 1398(b)
11:3-6	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	Emergency	R.1983 d.537	15 N.J.R. 1961(a)
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)
11:5	Readopted: Real Estate Commission rules	15 N.J.R. 1343(a)	R.1983 d.471	15 N.J.R. 1865(c)
11:13	Commercial insurance	14 N.J.R. 1045(a)	R.1982 d.423	14 N.J.R. 1398(c)

(Title 11, Transmittal 17 dated June 21, 1982)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
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)
13:2-7.10, 24.4	ABC: wholesaler to retailer credit controls	15 N.J.R. 1557(a)	R.1983 d.545	15 N.J.R. 1945(b)
13:2-8.1	Correction to ABC rules: Definition of club member	_____	_____	15 N.J.R. 1876(b)
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)
13:2-24.11	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)
13:2-27.2	ABC: sale of out-of-state deposit containers	16 N.J.R. 31(a)	R.1984 d.50	16 N.J.R. 428(b)
13:3-1.2, 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, 1.14, 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)
13:18-10	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)
13:19-2	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)
13:19-11	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: 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)

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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)
13:20-33.1, 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)
13:21-7	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)
13:33-1.1-1.7, 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)
13:35-1A.4	Standards for out-of-state medical school	15 N.J.R. 1444(a)	R.1983 d.549	15 N.J.R. 2044(a)
13:35-3.3, 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: Responsibililty 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 laetrile	15 N.J.R. 2029(b)	R.1984 d.67	16 N.J.R. 552(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)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R.1983 d.97	15 N.J.R. 550(b)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R.1982 d.409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R.1982 d.333	14 N.J.R. 1110(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R.1982 d.404	14 N.J.R. 1309(d)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R.1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R.1982 d.408	14 N.J.R. 1310(a)
13:38-2.1	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)
13:39-6.4, 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)

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13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R.1983 d.16	15 N.J.R. 158(a)
13:40-6	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)
13:46-1.1	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)
13:70-4.1	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)
13:70-19.43	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)
13:71-6.24, 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)
13:76	Arson investigators: training requirements	15 N.J.R. 1078(a)	R.1983 d.365	15 N.J.R. 1482(b)

(Title 13, Transmittal 18 dated June 21, 1982)

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)
14:3-7.11A	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)
14:17-18	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: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)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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: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)
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)
16:28-1.2, 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-1.8	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)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
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	15 N.J.R. 521(b)	R.1983 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)

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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, Bordentown	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 Bordentown	15 N.J.R. 426(b)	R.1983 d.173	15 N.J.R. 930(a)
16:31-1.1	Turns on US 206 in Somerset County	15 N.J.R. 522(b)	R.1983 d.230	15 N.J.R. 1037(c)
16:31-1.3	Turns on Route 46 in Dover, Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31-1.17	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)
16:53-1.1–1.3, 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 recodifies 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)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
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)
17:2-3.9	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)
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.1982 d.349	14 N.J.R. 1164(d)
17:7	Readopted: Prison Officers' Pension Fund rules	15 N.J.R. 527(a)	R.1983 d.176	15 N.J.R. 930(d)
17:8-2.6, 3.3	Supplemental Trust: Suspended deductions; withdrawal or retirement	15 N.J.R. 81(a)	R.1983 d.128	15 N.J.R. 697(a)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R.1982 d.348	14 N.J.R. 1164(e)
17:9	Readopted: Health Benefits Program rules	15 N.J.R. 529(a)	R.1983 d.177	15 N.J.R. 930(e)
17:9	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)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:9-4.6	State Health Benefits Program: "Local, full time"	14 N.J.R. 1296(a)	R.1983 d.43	15 N.J.R. 343(c)
17:9-5.3, 5.5 5.6, 5.8, 5.10	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R.1982 d.341	14 N.J.R. 1165(a)
17:9-6.1-6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:10	Readopted: Judicial Retirement System rules	15 N.J.R. 530(a)	R.1983 d.178	15 N.J.R. 931(a)
17:10-1.3, 1.4	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-1.8	Judicial Retirement System: proof of age	14 N.J.R. 1298(a)	R.1983 d.214	15 N.J.R. 1038(b)
17:10-1.11	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)
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)

(Title 17, Transmittal 17 dated June 21, 1982)

TREASURY-TAXATION-TITLE 18

18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R.1982 d.256	14 N.J.R. 920(e)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-3.1, 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)
18:9	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)
18:15-3.3	Farmland assessment application: timely filing	15 N.J.R. 1459(b)	R.1983 d.574	15 N.J.R. 2175(b)
18:19-2.2	Retail gasoline prices display	14 N.J.R. 331(b)	R.1982 d.257	14 N.J.R. 921(a)
18:19-2.7	Cash discounts: Motor fuel sales	14 N.J.R. 705(a)	R.1982 d.369	14 N.J.R. 1166(c)
18:19-2.7	Motor fuels sales: electronic pumps	15 N.J.R. 614(a)	R.1983 d.257	15 N.J.R. 1105(b)
18:19-2.7	Motor fuels sales: diesel fuel self-service	15 N.J.R. 1742(a)	R.1983 d.636	16 N.J.R. 148(b)
18:24	Readopted: Sales and Use Tax rules	15 N.J.R. 1086(a)	R.1983 d.357	15 N.J.R. 1487(d)
18:24-7.19	Sales tax moratorium on mobile homes	15 N.J.R. 1088(a)	R.1983 d.367	15 N.J.R. 1488(a)
18:24-11.3	Sales Tax increase: transitional provisions	15 N.J.R. 324(a)	R.1983 d.220	15 N.J.R. 1039(b)
18:24-25.2	Sales tax exemption: mailing lists	15 N.J.R. 1565(a)	R.1983 d.619	16 N.J.R. 148(c)

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18:24-29	Sales tax exemption: household soaps and paper products	15 N.J.R. 797(a)	R.1983 d.324	15 N.J.R. 1384(a)
18:26	Readopted: Transfer Inheritance and Estate Tax rules	15 N.J.R. 1088(b)	R.1983 d.356	15 N.J.R. 1488(b)
18:26-2.11	Transfer Inheritance Tax: distribution by agreement	15 N.J.R. 798(a)	R.1983 d.323	15 N.J.R. 1384(b)
18:26-8.7	Pre-audit payment of inheritance tax	14 N.J.R. 1153(a)	R.1982 d.445	14 N.J.R. 1464(b)
18:35-1, 2	Readopted: Gross Income Tax and Debt Setoff rules	15 N.J.R. 1091(a)	R.1983 d.353	15 N.J.R. 1488(c)
18:35-1.12	Gross Income Tax: resident tax credit	15 N.J.R. 1566(a)	R.1983 d.618	16 N.J.R. 149(a)
18:35-1.16	All-savers interest exclusion	14 N.J.R. 332(a)	R.1982 d.258	14 N.J.R. 921(b)
18:35-1.17	Gross Income Tax: credit for excess contributions	15 N.J.R. 1570(a)	R.1983 d.586	15 N.J.R. 2175(c)
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