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THE JOURNAL OF STATE AGENCY RULEMAKING

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MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: MAY 18, 1987.

See the Register Index for Subsequent Rulemaking Activity.

NEXT UPDATE WILL BE DATED JUNE 15, 1987.

RULEMAKING IN THIS ISSUE

RULE PROPOSALS

Interested persons comment deadline	1354
BANKING	
Advertising by financial institutions	1355(a)
Banks and savings banks: mortgage loan practices	1356(a)
Savings and loan associations: mortgage loan practices	1358(a)
Mortgage bankers and brokers: loan practices	1360(a)
PERSONNEL	
Layoffs	1363(a)
Violations and penalties	1366(a)
EDUCATION	
Local area vocational school districts and private vocational schools	1368(a)
ENVIRONMENTAL PROTECTION	
Safe Drinking Water Program fees	1381(a)
Redelineations along Green Brook, Union County	1384(a)
1988-89 Fish Code	1385(a)
UMAN SERVICES	
Outpatient hospital services for Medically Needy	1388(a)
PAM: reporting criminal offenses	1389(a)
PAM: Newark/Camden Teen PROGRESS	
Demonstration	1390(a)
GAM: reporting criminal offenses	1393(a)
Children's shelter facilities and homes	1394(a)
CORRECTIONS	
Inmate reception classification process	1395(a)
Pregnancy testing of new inmates	1396(a)
Parole Board rules	1396(b)
INSURANCE	
1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables	1399(a)
Municipal bond insurance	1409(a)

LAW AND PUBLIC SAFETY

Uniform ABC identification cards	1410(a)
Practice of audiology and speech-language pathology	1412(a)
Bureau of Securities rules	1417(a)
Thoroughbred racing: horsemen associations	1418(a)
Thoroughbred racing: open claiming	1419(a)
Harness racing: open claiming	1419(b)

TRANSPORTATION

No parking zones along Route 17 in Rutherford and Lyndhurst	1420(a)
No passing zones along U.S. 130 in Salem and Gloucester counties	1420(b)
Midblock crosswalk on Route 29 in Stockton	1421(a)
Pre-proposal: Exclusive bus lane on Routes 3 and 495	1421(b)

GARDEN STATE PARKWAY

Public records of Highway Authority: copy fees	1428(a)
State Police accident reports: copy fee	1429(a)
Fee for oversize vehicle permit	1429(b)

RULE ADOPTIONS

COMMUNITY AFFAIRS

Congregate Housing Services Program	1430(a)
Council on Affordable Housing: drastic alteration of development	1431(a)

EDUCATION

Vocational education safety standards	1432(a)
---	---------

ENVIRONMENTAL PROTECTION

Water quality criteria for Mainstem Delaware River Zones	1433(a)
1987-1988 Game Code	1434(a)
Temporary certification of solid waste transfer stations	1452(a)

(Continued on Next Page)

INTERESTED PERSONS

Interested persons may submit, in writing, information or arguments concerning any of the rule proposals in this issue until **September 2, 1987**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-4.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

RULEMAKING IN THIS ISSUE—Continued

<p>HEALTH Controlled substances: rescheduled Alfentanil from Schedule I to Schedule II 1454(a)</p> <p>HUMAN SERVICES Personal needs allowance for GA recipients in nursing homes and intermediate care facilities 1454(b)</p> <p>CORRECTIONS Involuntary placement into protective custody 1454(c)</p> <p>LAW AND PUBLIC SAFETY Licensure as ophthalmic dispenser: temporary permit: apprenticeship 1455(a)</p> <p>PUBLIC UTILITIES Cable TV: petition to set aside county refusal 1455(b)</p> <p>TREASURY-GENERAL Pension account balances 1456(a)</p> <p>ECONOMIC DEVELOPMENT AUTHORITY Application and closing fees; categorization of transactions 1456(b)</p> <p style="text-align: center;">MISCELLANEOUS NOTICES</p> <p>ENVIRONMENTAL PROTECTION Mercer County water quality management: Hamilton 1457(a) Lower Raritan/Middlesex County water quality management: Plainsboro 1457(b) Monmouth County water quality management: Aberdeen MUA 1457(c)</p>	<p>HEALTH Statewide Respite Care Program: availability of grants 1457(d)</p> <p>LAW AND PUBLIC SAFETY Common and contract carrier applicants 1458(a)</p> <p>TREASURY-GENERAL Architect-engineer selection for major projects 1458(b)</p> <p>TREASURY-TAXATION Cigarette surtax 1459(a)</p> <p>EXECUTIVE ORDER NO. 66(1978) EXPIRATION DATES 1460</p> <p>INDEX OF PROPOSED AND ADOPTED RULES 1465</p> <p style="text-align: center;">Filing Deadlines</p> <p>September 8 issue: Proposals August 10 Adoptions August 17</p> <p>September 21 issue: Proposals August 24 Adoptions August 28</p> <p>October 5 issue: Proposals September 4 Adoptions September 14</p> <p>October 19 issue: Proposals September 21 Adoptions September 25</p>
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NEW JERSEY REGISTER

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NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

RULE PROPOSALS

BANKING

The following proposals are authorized by Mary Little Parell, Commissioner, Department of Banking.

(a)

DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

Advertising By Financial Institutions

Proposed Amendments: N.J.A.C. 3:2-1.1, 1.2, 1.3 and 1.4

Authority: N.J.S.A. 17:16H-3.

Proposal Number: PRN 1987-304.

Submit comments by September 2, 1987 to:

Robert M. Jaworski
Deputy Commissioner
Department of Banking
CN-040
Trenton, NJ 08625

The agency proposal follows:

Summary

The Department of Banking proposes to amend the financial advertising rules found at N.J.A.C. 3:2-1.1 et seq. The general purpose of these amendments is to further identify and clarify areas of violation of N.J.S.A. 17:16H-1 et seq. The Department believes that it is essential for consumers to receive accurate and helpful information in a deregulated banking and financial services environment.

N.J.A.C. 3:2-1.1 is being amended for purposes of clarity and understanding and has no substantial effect. The proposed amendment to N.J.A.C. 3:2-1.2 adds the definition of "mortgage loan" to the rule. The proposed amendment to N.J.A.C. 3:2-1.3 extends the disclosure requirement to loan products. The proposed amendment to N.J.A.C. 3:2-1.4 delineates four advertising practices which are deemed deceptive or misleading and also prohibits the advertising of a loan or savings product unless available to a reasonable number of applicants.

Social Impact

These proposed amendments apply to all financial institutions subject to supervision, regulation or licensing by the Department. The proposed amendments will have the beneficial impact of prohibiting particular advertising practices in the area of mortgage lending which the Department believes are misleading or deceptive. Loan applicants and prospective borrowers will be the direct beneficiaries of these amendments.

Economic Impact

The proposed amendments are generally not expected to have any discernible economic impact on financial institutions since the amendments merely prohibit certain advertising practices. Additional disclosure requirements may produce an incidental economic impact. Consumers are expected to receive the economic benefit of additional advertising safeguards. There will be no economic impact upon the Department.

Regulatory Flexibility Statement

The financial institutions regulated by this proposal are predominantly small businesses. The only areas of compliance, that is, disclosure and advertising prohibitions, are not expected to necessitate professional services or require initial capital costs. Annual costs are expected to be minimal, if at all discernible. Minimization of any adverse impact upon small businesses is not attainable since the proposal enhances the general welfare of the public.

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

2-1.1 Authority, scope and enforcement

(a) This [regulation] **subchapter** is promulgated pursuant to the provisions of chapter 193, Public Laws of 1979. This [regulation] **subchapter** applies to financial institutions subject to supervision, regulation or licensing by the Department of Banking.

(b) Compliance with this [regulation] **subchapter** and chapter 193, Public Laws of 1979 shall be enforced by the Commissioner of Banking of the State of New Jersey.

3:2-1.2 Definitions

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

...

"Financial institution" means any bank, savings bank, state association, credit union, **mortgage banker, mortgage broker**, secondary mortgage lender, small loan company, or any other institution, corporation, partnership or individual subject to [the] supervision, regulation or licensing by the Department of Banking.

"Mortgage loan" means a loan made by a financial institution, secured by a mortgage constituting a lien upon real property on which there is erected or to be erected a structure containing one to six dwelling units, a portion of which may be used for nonresidential purposes, or upon a lease of the fee of such real property, in the making of which the financial institution relies primarily upon the value of the mortgage property.

"Points" means an amount of money equal to one percent of the principal amount of the loan and payable at closing.

3:2-1.3 Disclosure of interest rates and loan terms

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

(c) All advertisements of loan products shall comply with the requirements of the Federal Truth-in-Lending Law and Regulation Z, 15 U.S.C. 1601 et seq. and 12 CFR 226 et seq., respectively.

3:2-1.4 Violations of the Act

(a) No financial institution shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of banking, lending or being a financial institution or with respect to any person in the conduct of such business, which is inaccurate, untrue, deceptive or misleading, or which negatively affects the public's confidence in such financial institution or financial institutions in general.

(b) Without limiting (a) above, the following conduct shall be deemed deceptive or misleading:

1. The advertisement of "immediate approval" of a loan application of "immediate closing" of a loan;

2. The advertisement of a "no-point" mortgage loan when points, as defined herein, are accepted as a condition for commitment or closing, or the advertisement of an incorrect specific number of points;

3. The advertisement of unqualified access to credit without disclosing what requirements are necessary for the issuance of a commitment or to close a loan, such as the percentage of down payment required, that a higher rate of points may be required, or that restrictions as to the maximum principal amount of the loan offered may apply;

4. The advertisement of a "prevailing rate" mortgage loan where a specific rate is indicated in the advertisement unless:

i. The advertiser offers lock-in agreements to a reasonable number of qualified applicants at that rate; or

ii. The advertiser specifically states in the advertisement that the expressed rate may be changed or not be available at commitment or closing and includes in the advertisement, in type as large as the advertised rate, the rate at which such "prevailing rate" loans offered by the advertiser are currently being closed.

(c) No loan or savings products may be advertised by an entity subject to this subchapter unless the entity has the advertised product available to a reasonable number of qualified applicants responding to the advertisement on the date the advertisement appears, or at the next business day if the advertisement appears on a Sunday or holiday. Nothing in this section shall require a lender to offer any product to an unqualified applicant.

(a)

DIVISION OF BANKING**Mortgage Loans****Banks and Savings Banks; Fees, Charges, Obligations****Proposed New Rules: N.J.A.C. 3:10-8 and 9**

Authority: N.J.S.A. 17:1-8.1

Proposal Number: PRN 1987-302.

Submit comments by September 2, 1987 to:

Roger F. Wagner
Deputy Commissioner
Department of Banking
CN-040
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Banking proposes to establish new mortgage banking rules applicable to banks and savings banks. The Department has completed a major review of mortgage banking practices which resulted in a proposed revision of the mortgage bankers and brokers rules which is being proposed in this issue of the Register. The bulk of that proposal is also being concurrently proposed herein as new rules as part of N.J.A.C. 3:10. These proposed new rules will affect fees and charges, disclosure, practices and procedures. The Department believes it preferable for there to be, as far as practicable, a uniform body of rules concerning the mortgage application and commitment process with which all mortgage lenders must comply.

N.J.A.C. 3:10-8, Fees and Charges, defines the application fee, commitment fee (which also includes a lock-in fee, newly defined as a portion of a commitment fee), warehouse fee, reimbursement for third-party charges and discount points, and when each of those fees may be collected.

N.J.A.C. 3:10-9, Obligation of Banks and Savings Banks, affects the content of disclosures to prospective borrowers and practices between banks and savings banks and prospective borrowers. Pursuant to these proposed new rules, prospective borrowers will receive a good faith estimate of the time required to issue a commitment and basic information as to the identity and telephone number of the person employed by the bank or savings bank to whom questions and complaints may be directed. These proposed new rules also delineate circumstances under which the borrower may be entitled to refunds, including the absence of required written disclosures, the expiration of a commitment period through no substantial fault of the borrower and the denial of an application, or issuance of a commitment on substantially different and unacceptable terms and conditions, for reasons the bank and savings bank knew or should have known at the time of application.

Proposed new rule N.J.A.C. 3:10-9.2 defines and regulates lock-in agreements, subjecting borrowers and banks and savings banks to specific responsibilities, and provides for procedures when lock-in agreements expire.

A new rule concerning the commitment process is proposed at N.J.A.C. 3:10-9.3. That proposed new rule specifically requires disclosure of all terms which are variable in addition to the standard disclosure and requires disclosure to a borrower of an interest rate index available to and verifiable by the borrower and beyond the control of the lender when the rate of interest is subject to change before closing. Proposed new provisions fix the terms and conditions of a commitment prior to the expiration of the time within which the commitment must be accepted by the borrower and provide for disclosure of the circumstances under which fees or points may change. If the interest rate, fees or discount points are subject to change, such terms must be fixed and disclosed at least three business days prior to closing, unless waived in writing by the borrower. Instead of permitting banks and savings banks to establish in all cases the conditions under which a commitment fee is refundable, the proposed new rule sets forth certain circumstances under which a commitment fee must be refunded, for example, a new provision mandates extension of the commitment or a refund if the commitment expires or cannot be met through no substantial fault of the borrower. Unless expressly waived, banks and savings banks must deliver all closing instructions and documents to be executed at closing by the borrower to the borrower or his agent not less than three business days prior to the closing date.

Social Impact

The proposed new rules will affect the banks and savings banks of this State by requiring them to provide new and more meaningful disclosures to prospective borrowers and applicants for mortgage loans and to establish rules of conduct and procedure which were previously more loosely defined or undefined and proved to be a source of complaints by consumers. These disclosures are expected to give concrete information essential to the conduct of mortgage loan transactions, which will remedy potential areas of consumer dissatisfaction without hampering the ability of banks and savings banks to efficiently engage in the mortgage lending industry. Consumers will benefit from having additional information with which to make choices and the security of knowing that specific contingencies and relative responsibilities between the consumer and the banks and savings banks have been defined. It is expected that these proposed new rules will lessen the number of related consumer inquiries and complaints made to banks and savings banks and the Department

Economic Impact

Any negative economic impact upon banks and savings banks will be minimal since disclosures are currently being made and these rules merely affect the content of such disclosures. The establishment of other procedures is not expected to have any substantial economic effect upon banks and savings banks, since these procedures by and large conform to industry practice. Consumers are expected to receive the economic benefit of well-defined fees and charges, prompt refunds of such fees and charges when fairness dictates that they receive them and the benefit of being able to make informed choices among mortgage providers. Little economic impact upon the Department is expected.

Regulatory Flexibility Statement

Banks and savings banks are predominantly small businesses and these proposed rules impose compliance requirements in the area of disclosure and business conduct. It is not expected that banks and savings banks will need professional services to meet these requirements nor is it expected that there will be initial capital or other costs to banks and savings banks. The objective of providing borrowers with information essential to making mortgage loan decisions and of alleviating areas of consumer discontent can only be met by imposing the compliance requirements upon all banks and savings banks.

Full text of the proposed new rules follows.

SUBCHAPTER 8. FEES AND CHARGES: BANKS AND SAVINGS BANKS**3:10-8.1 Fees and charges**

(a) No bank or savings bank shall charge a borrower any fees incident to the origination, processing or closing of a mortgage loan other than the following, except as otherwise permitted by State and Federal law.

1. Application fee: Defined as any fee imposed by a bank or savings bank for accepting and processing a mortgage loan application. The application fee shall be a flat fee reasonably related to the services to be performed. The application fee shall not be based upon a percentage of the principal amount of the loan or the amount financed;

2. Credit report fee;

3. Appraisal fee;

4. Commitment fee: Defined as a fee, exclusive of third-party charges imposed by a bank or savings bank as consideration for binding a bank or savings bank to make a loan in accordance with the terms and conditions of its commitment and payable on or after acceptance of the commitment, except in a lock-in fee charged pursuant to (a)5 below. The amount of any commitment fee shall be reasonably related to its purpose and may be based upon a percentage of the principal amount of the loan or the amount financed;

5. Lock-in fee: Defined as that portion of the commitment fee charged by a bank or savings bank to guarantee for a stated period of time the availability of a specified rate of interest and/or specified number of discount points. No lock-in fee shall be received by a bank or savings bank prior to inception of the lock-in period;

6. Warehouse fee: Defined as a fee charged to a bank or savings bank for the cost associated with holding the mortgage loan pending its sale to a permanent investor and payable at closing;

7. Reimbursement for third party charges paid or actually incurred by a bank or savings bank for services rendered incident to the processing of a mortgage loan application;

8. Discount points: A discount point is defined as an amount of money equal to one percent of the principal amount of the loan and payable only at closing.

EW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

SUBCHAPTER 9. OBLIGATION OF BANKS AND SAVINGS BANKS**10-9.1 Application process**

(a) Before accepting any application fee in whole or in part, any credit report fee, appraisal fee, or any fee charged as reimbursement for third party charges, a bank or savings bank shall make written disclosure to the borrower (which disclosure may be contained in the application) setting forth:

1. An identification of the type, nature and amount of each such fee or charge;
2. Whether all or any part of such fees or charges are refundable;
3. The terms and conditions for the refund, if all or any part of the fees or charges are refundable;
4. A good faith estimate of the time required to issue a commitment; and

5. The name of the person accepting the application and the name, title and telephone number of a person in a management position at the bank's or savings bank's office to whom the borrower may address questions, comments, or complaints.

(b) The disclosures required in (a) above shall be acknowledged in writing by the borrower and maintained by the bank or savings bank and a copy of such acknowledgment shall be given to the borrower.

(c) Not later than three business days after the bank or savings bank receive the borrower's written application or before consummation of the transaction, whichever is earlier, the bank or savings bank shall provide the borrower or cause the borrower to be provided with a good faith estimate of a dollar amount or range of each charge for a settlement service which the borrower is likely to incur.

1. For the purpose of this subsection, "settlement service" shall mean a charge which the bank or savings bank anticipates the borrower will pay at or before settlement based upon the bank's or savings bank's general experience.

2. With respect to the settlement charges imposed on a borrower by the bank or savings bank (and not by third parties), the bank or savings bank shall indicate which, if any, of such fees are refundable in whole or in part and the terms and conditions for such refund.

(d) The borrower may, without penalty or responsibility to pay additional fees or charges, withdraw an application at any time prior to acceptance of a commitment. Upon such withdrawal, the bank or savings bank shall be responsible to refund to the borrower only those fees and charges to which the borrower may be entitled pursuant to the terms set forth in the written disclosure required by (a) above, except that:

1. Where the bank or savings bank has failed to provide the borrower with the written disclosure required by (a) above, the bank or savings bank shall promptly refund to the borrower all funds paid to the bank or savings bank.

2. Where the bank or savings bank has failed to issue a commitment and its good faith estimate of the time needed to do so has expired through no substantial fault of the borrower or his agents, and the borrower has withdrawn his application as a result, the bank or savings bank shall promptly refund to the borrower all funds paid to the bank or savings bank except fees paid or actually incurred by the bank or savings bank to third parties.

3. Where an application is denied, or a commitment is issued on terms and conditions substantially dissimilar to those for which the application was submitted and which was unacceptable to the borrower, for reasons other than bona fide underwriting considerations) which the bank or savings bank knew or should have known at the time of application, the bank or savings bank shall promptly refund to the borrower all funds paid to the bank or savings bank.

10-9.2 Lock-in agreements

(a) All lock-in agreements shall be in writing and shall contain at least the following provisions:

1. The expiration date of the lock-in, if any;
2. The interest rate locked in, if any;
3. The discount points locked in, if any;
4. The lock-in fee, if any; and
5. A statement advising of the provisions of (b) and (c) below.

(b) The bank or savings bank shall make a good faith effort to process the mortgage loan application and stand ready to fulfill the terms of its commitment before the expiration date of the lock-in agreement.

(c) If a good faith effort pursuant to (b) above fails without substantial fault of the borrower or his agents, the borrower may:

1. Withdraw the application or reject any commitment, whereupon the borrower shall receive from the bank or savings bank a complete and prompt refund of all funds paid to the bank or savings bank except the application fee and fees charged as reimbursement for third party charges; or

2. Have the lock-in agreement extended or modified until closing so that the loan is closed at the locked-in rate and points or a rate and points which provide a current market yield but no gross profit or "spread" to the bank or savings bank, whichever is higher, except when the closing date is extended by the borrower or his agents for an unreasonable length of time. The borrower shall be responsible for the lock-in fee only if the loan is closed at or below the locked-in rate and points. For purposes of this subsection, the term "current market yield" shall refer to the yield being sought by recognized secondary market purchasers for the particular type of mortgage loan.

(d) Prevailing rate loans where the rate is not fixed until 12 or fewer days prior to closing shall not be subject to this section where appropriate disclosure has been made under the provisions of this section.

10-9.3 Commitment process

(a) For the purpose of this section, a loan commitment means a signed statement by the bank or savings bank setting forth the terms and conditions upon which the bank or savings bank is willing to make a particular mortgage loan to a particular applicant.

(b) At or prior to the issuance of the commitment, the bank or savings bank shall disclose the following:

1. The expiration date of the commitment;
2. The amount financed, which shall mean the amount of credit provided to the borrower or in his behalf;
3. The finance charge, which shall mean the dollar amount the credit will cost the borrower;
4. The annual percentage rate, which shall mean the cost of the credit to the borrower as a yearly rate;
5. The amount of the commitment fee, if any, and whether and under what circumstances the commitment fee shall be refundable;
6. For a loan in which the interest rate, annual percentage rate or term may vary after closing:
 - i. An identification and specification of the terms which are variable;
 - ii. The circumstances under which the above terms may change;
 - iii. Any limitation on a change;
 - iv. The effect of a change; and
 - v. An example of the payment terms that would result from an increase;
7. The payment schedule, which shall mean the number, amounts and timing of payments scheduled to repay the obligation;
8. All other charges, including, but not limited to, warehousing fees and discount points;
9. The time, if any, within which the commitment must be accepted by the borrower;
10. Whether the rate of interest set forth in the commitment is subject to change before closing and, if so, the basis, index or method which will be used to determine the rate at closing. Such basis, index or method shall be established and disclosed with direct reference to the movement of an interest rate index or of a national or regional index that is available to and verifiable by the borrower and beyond control of the bank or savings bank; and
11. Whether any fees or discount points set forth in the commitment are subject to change before closing and, if so, the circumstances under which such fees or points may change.

(c) The terms and conditions of a commitment cannot be changed prior to expiration of the specified period within which the borrower must accept it.

(d) If the interest rate (or initial interest rate in the case of a variable rate loan), discount points or fees set forth in the commitment are subject to change before closing, such terms shall be fixed and redisclosure of such terms made no later than three business days before the loan closes, unless this requirement is expressly waived, in writing, by the borrower.

(e) If a commitment expires or cannot be met through no substantial fault of the borrower or his or her agent, the bank or savings bank shall extend the commitment for a reasonable period to permit closing or promptly refund to the borrower any commitment fee paid by the borrower.

(f) A commitment fee shall be refundable when the following occur:

1. The commitment is contingent upon approval by parties to whom the lender seeks to sell the loan;
2. The loan purchaser's requirements are not met; and
3. The borrower is powerless to attain compliance with those requirements.

(g) A failure to comply with this subchapter shall not be deemed to provide a party to the transaction with any legal rights or remedies he would not otherwise enjoy pursuant to the contractual relationship between the parties. Where any disclosure is required pursuant to these rules which is also required by any Federal law or regulation, compliance with such Federal law or regulation shall be deemed to be compliance with this subchapter.

3:10-9.4 Closing settlements

(a) Provided that the conditions of its commitment have been met, and upon reasonable notice, each bank or savings bank shall be ready, willing and able to meet any closing date scheduled in accordance with the terms of its commitment.

(b) All closing instructions, together with all documents which the bank or savings bank will require be executed by the borrower at closing, must be provided by the bank or savings bank to the borrower or his closing agent not later than three business days prior to the closing date, unless this requirement is expressly waived, in writing, by the borrower.

3:10-9.5 Trust funds

For accepting any trust funds, each bank or savings bank shall disclose in writing to the party or parties depositing such funds the purpose for which the fund is established, the amount of the trust fund, the period for which the trust fund will be held, and the conditions upon which the funds will be disbursed or released.

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

For the following proposals, submit comments by September 2, 1987 to:

Robert M. Jaworski
Deputy Commissioner
Department of Banking
CN-040
Trenton, NJ 08625

(a)

**Mortgage Loans
Savings and Loan Association; Fees, Charges,
Obligations**

Proposed New Rules: N.J.A.C. 3:27-6 and 7

Authority: N.J.S.A. 17:1-8.1.

Proposal Number: PRN 1987-303.

The agency proposal follows:

Summary

The Department of Banking proposes to establish new mortgage banking rules applicable to savings and loan associations ("association(s)"). The Department has completed a major review of mortgage banking practices which resulted in a proposed revision of the mortgage bankers and brokers rules which is being proposed in this issue of the Register. The bulk of that proposal is also being concurrently proposed herein as new rules as part of N.J.A.C. 3:27. These proposed new rules will affect fees and charges, disclosure, practices and procedures. The Department believes it preferable for there to be, as far as practicable, a uniform body of rules concerning the mortgage application and commitment process with which all mortgage lenders must comply.

N.J.A.C. 3:27-6, Fees and Charges, defines the application fee, commitment fee (which also includes a lock-in fee, newly defined as a portion of a commitment fee), warehouse fee, reimbursement for third-party charges and discount points, and when each of those fees may be collected.

N.J.A.C. 3:27-7, Obligation of Associations, affects the content of disclosures to prospective borrowers and practices between associations and prospective borrowers. Pursuant to these proposed new rules, prospective borrowers will receive a good faith estimate of the time required to issue a commitment and basic information as to the identity and telephone number of the person employed by the association to whom questions and complaints may be directed. These proposed new rules also delineate circumstances under which the borrower may be entitled to refunds, including the absence of required written disclosures, the expiration of a commitment period through no substantial fault of the borrower and the denial of an application, or issuance of a commitment on substantially different and unacceptable terms and conditions, for reasons the association knew or should have known at the time of application.

N.J.A.C. 3:27-7.2 defines and regulates lock-in agreements, subjecting borrowers and associations to specific responsibilities, and provides for procedures when lock-in agreements expire.

The provisions concerning the commitment process are also revised at N.J.A.C. 3:27-7.3. The proposed new rule specifically requires disclosure of all terms which are variable in addition to the standard disclosure and requires disclosure to a borrower of an interest rate index available to

and verifiable by the borrower and beyond the control of the lender when the rate of interest is subject to change before closing. New provision: fix the terms and conditions of a commitment prior to the expiration of the time within which the commitment must be accepted by the borrower and provide for disclosure of the circumstances under which fees or points may change. If the interest rate, fees or discount points are subject to change, such terms must be fixed and disclosed at least three business days prior to closing, unless waived in writing by the borrower. Instead of permitting the association to establish in all cases the conditions under which a commitment fee is refundable, the proposal sets forth certain circumstances under which a commitment fee must be refunded, for example, a new provision mandates extension of the commitment or a refund if the commitment expires or cannot be met through no substantial fault of the borrower.

Under N.J.A.C. 3:27-7.4, unless expressly waived, the association must deliver all closing instructions and documents to be executed at closing by the borrower to the borrower or his agent not less than three business days prior to the closing date.

Social Impact

The proposed new rules will affect the associations of this State by requiring them to provide new and more meaningful disclosures to prospective borrowers and applicants for mortgage loans and to establish rules of conduct and procedure which were previously more loosely defined or undefined and proved to be a source of complaints by consumers. These disclosures are expected to give concrete information essential to the conduct of mortgage loan transactions, which will remedy potential areas of consumer dissatisfaction without hampering the ability of the associations to efficiently engage in the mortgage lending industry. Consumers will benefit from having additional information with which to make choices and the security of knowing that specific contingencies and relative responsibilities between the consumer and the association have been defined. It is expected that these proposed new rules will lessen the number of related consumer inquiries and complaints made to associations and the Department.

Economic Impact

Any negative economic impact upon the associations will be minimal since disclosures are currently being made and these proposed new rules merely affect the content of such disclosures. The establishment of other procedures is not expected to have any substantial economic effect upon associations, since these procedures by and large conform to industry practice. Consumers are expected to receive the economic benefit of well defined fees and charges, prompt refunds of such fees and charges when fairness dictates that they receive them and the benefit of being able to make informed choices among mortgage providers. Little economic impact upon the Department is expected.

Regulatory Flexibility Statement

Associations are predominantly small businesses and these proposed new rules impose compliance requirements in the area of disclosure and business conduct. It is not expected that associations will need professional services to meet these requirements nor is it expected that there will be initial capital or other costs to the associations. The objective of providing borrowers with information essential to making mortgage loan decisions and of alleviating areas of consumer discontent can only be met by imposing the compliance requirements upon all associations.

Full text of the proposed new rules follows.

SUBCHAPTER 6. FEES AND CHARGES**3:27-6.1 Fees and charges**

(a) No association shall charge a borrower any fees incident to the origination, processing or closing of a mortgage loan other than the following, except as otherwise permitted by State and Federal law.

1. **Application fee:** Defined as any fee imposed by an association for accepting and processing a mortgage loan application. The application fee shall be a flat fee reasonably related to the services to be performed. The application fee shall not be based upon a percentage of the principal amount of the loan or the amount financed;

2. **Credit report fee;**

3. **Appraisal fee;**

4. **Commitment fee:** Defined as a fee, exclusive of third-party charges imposed by an association as consideration for binding the association to make a loan in accordance with the terms and conditions of its commitment and payable on or after acceptance of the commitment, except in a lock

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

n fee charged pursuant to (a)5. below. The amount of any commitment fee shall be reasonably related to its purpose and may be based upon a percentage of the principal amount of the loan or the amount financed;

5. **Lock-in fee:** Defined as that portion of the commitment fee charged by an association to guarantee for a stated period of time the availability of a specified rate of interest and/or specified number of discount points. No lock-in fee shall be received by an association prior to inception of the lock-in period;

6. **Warehouse fee:** Defined as a fee charged to an association for the cost associated with holding the mortgage loan pending its sale to a permanent investor and payable at closing;

7. **Reimbursement for third party charges paid or actually incurred by an association for services rendered incident to the processing of a mortgage loan application;**

8. **Discount points:** A discount point is defined as an amount of money equal to one percent of the principal amount of the loan and payable only at closing.

SUBCHAPTER 7. OBLIGATION OF ASSOCIATIONS

:27-7.1 Application process

(a) Before accepting any application fee in whole or in part, any credit report fee, appraisal fee, or any fee charged as reimbursement for third party charges, the association shall make written disclosure to the borrower (which disclosure may be contained in the application) setting forth:

1. An identification of the type, nature and amount of each such fee or charge;
2. Whether all or any part of such fees or charges are refundable;
3. The terms and conditions for the refund, if all or any part of the fees or charges are refundable;
4. A good faith estimate of the time required to issue a commitment; and
5. The name of the person accepting the application and the name, title and telephone number of a person in a management position at the association's office to whom the borrower may address questions, comments, or complaints.

(b) The disclosures required in (a) above shall be acknowledged in writing by the borrower and maintained by the association and a copy of such acknowledgment shall be given to the borrower.

(c) Not later than three business days after the association receives the borrower's written application or before consummation of the transaction, whichever is earlier the association shall provide the borrower or cause the borrower to be provided with a good faith estimate as a dollar amount or range of each charge for a settlement service which the borrower is likely to incur.

1. For the purpose of this subsection, "settlement service" shall mean charge which the association anticipates the borrower will pay at or before settlement based upon the association's general experience.

2. With respect to the settlement charges imposed on a borrower by the association (and not by third parties), the association shall indicate which, if any, of such fees are refundable in whole or in part and the terms and conditions for such refund.

(d) The borrower may, without penalty or responsibility to pay additional fees or charges, withdraw an application at any time prior to acceptance of a commitment. Upon such withdrawal, the association shall be responsible to refund to the borrower only those fees and charges to which the borrower may be entitled pursuant to the terms set forth in the written disclosure required by (a) above, except that:

1. Where the association has failed to provide the borrower with the written disclosure required by (a) above, the association shall promptly refund to the borrower all funds paid to the association.

2. Where the association has failed to issue a commitment and its good faith estimate of the time needed to do so has expired through no substantial fault of the borrower or his agents, and the borrower has withdrawn his application as a result, the association shall promptly refund to the borrower all funds paid to the association except fees paid or actually incurred by the association to third parties.

3. Where an application is denied, or a commitment is issued on terms and conditions substantially dissimilar to those for which the application was submitted and which was unacceptable to the borrower, for reasons other than bona fide underwriting considerations) which the association knew or should have known at the time of application, the association shall promptly refund to the borrower all funds paid to the association.

:27-7.2 Lock-in agreements

(a) All lock-in agreements shall be in writing and shall contain at least the following provisions:

1. The expiration date of the lock-in, if any;
2. The interest rate locked in, if any;
3. The discount points locked in, if any;
4. The lock-in fee, if any; and
5. A statement advising of the provisions of (b) and (c) below.

(b) The association shall make a good faith effort to process the mortgage loan application and stand ready to fulfill the terms of its commitment before the expiration date of the lock-in agreement.

(c) If a good faith effort pursuant to (b) above without substantial fault of the borrower or his agents, the borrower may:

1. Withdraw the application or reject any commitment, whereupon the borrower shall receive from the association a complete and prompt refund of all funds paid to the association except the application fee and fees charged as reimbursement for third party charges; or

2. Have the lock-in agreement extended or modified until closing so that the loan is closed at the locked-in rate and points or a rate and points which provide a current market yield but no gross profit or "spread" to the association, whichever is higher, except when the closing date is extended by the borrower or his agents for an unreasonable length of time. The borrower shall be responsible for the lock-in fee only if the loan is closed at or below the locked-in rate and points. For purposes of this subsection, the term "current market yield" shall refer to the yield being sought by recognized secondary market purchasers for the particular type of mortgage loan.

(d) Prevailing rate loans where the rate is not fixed until 12 or fewer days prior to closing shall not be subject to this section where appropriate disclosure has been made under the provisions of this section.

3:27-7.3 Commitment process

(a) For the purpose of this section, a loan commitment means a signed statement by the association setting forth the terms and conditions upon which the association is willing to make a particular mortgage loan to a particular applicant.

(b) At or prior to the issuance of the commitment, the association shall disclose the following:

1. The expiration date of the commitment;
2. The amount financed, which shall mean the amount of credit provided to the borrower or in his behalf;
3. The finance charge, which shall mean the dollar amount the credit will cost the borrower;
4. The annual percentage rate, which shall mean the cost of the credit to the borrower as a yearly rate;
5. The amount of the commitment fee, if any, and whether and under what circumstances the commitment fee shall be refundable;
6. For a loan in which the interest rate, annual percentage rate or term may vary after closing:
 - i. An identification and specification of the terms which are variable;
 - ii. The circumstances under which the above terms may change;
 - iii. Any limitation on a change;
 - iv. The effect of change; and
 - v. An example of the payment terms that would result from an increase;
7. The payment schedule, which shall mean the number, amounts and timing of payments scheduled to repay the obligation;
8. All other charges, including, but not limited to, warehousing fees and discount points;
9. The time, if any, within which the commitment must be accepted by the borrower;
10. Whether the rate of interest set forth in the commitment is subject to change before closing and, if so, the basis, index or method which will be used to determine the rate of closing. Such basis, index or method shall be established and disclosed with direct reference to the movement of an interest rate index or of a national or regional index that is available to and verifiable by the borrower and beyond control of the association; and
11. Whether any fees or discount points set forth in the commitment are subject to change before closing and, if so, the circumstances under which such fees or points may change.

(c) The terms and conditions of a commitment cannot be changed prior to expiration of the specified period within which the borrower must accept it.

(d) If the interest rate (or initial interest rate in the case of a variable rate loan), discount points or fees set forth in the commitment are subject to change before closing, such terms shall be fixed and redisclosure of such terms made no later than three business days before the loan closes, unless this requirement is expressly waived, in writing, by the borrower.

(e) If a commitment expires or cannot be met through no substantial fault of the borrower or his or her agent, the association shall extend the commit-

ment for a reasonable period to permit closing or promptly refund to the borrower any commitment fee paid by the borrower.

(f) A commitment fee shall be refundable when the following occur:

1. The commitment is contingent upon approval by parties to whom the lender seeks to sell the loan;
2. The loan purchaser's requirements are not met; and
3. The borrower is powerless to attain compliance with those requirements.

(g) A failure to comply with this subchapter shall not be deemed to provide a party to the transaction with any legal rights or remedies he would not otherwise enjoy pursuant to the contractual relationship between the parties. Where any disclosure is required pursuant to these rules which is also required by any Federal law or regulation, compliance with such Federal law or regulation shall be deemed to be compliance with this subchapter.

3:27-7.4 Closing settlements

(a) Provided that the conditions of its commitment have been met, and upon reasonable notice, each association shall be ready, willing and able to meet any closing date scheduled in accordance with the terms of its commitment.

(b) All closing instructions, together with all documents which the association will require be executed by the borrower at closing, must be provided by the association to the borrower or his closing agent not later than three business days prior to the closing date, unless this requirement is expressly waived, in writing, by the borrower.

3:27-7.5 Trust funds

For accepting any trust funds, each association shall disclose in writing to the party or parties depositing such funds the purpose for which the fund is established, the amount of the trust fund, the period for which the trust fund will be held, and the conditions upon which the funds will be disbursed or released.

(a)

Mortgages Bankers and Mortgage Brokers

Proposed Amendments: N.J.A.C. 3:38-4 and 5

Proposed New Rules: N.J.A.C. 3:38-5.2 and 7

Authority: N.J.S.A. 17:1-8.1, 17:11B-5 and 11B-13.

Proposal Number: PRN 1987-305.

The agency proposal follows:

Summary

The Department of Banking has recently proposed the readoption of these rules without change to ensure their continued effectiveness beyond the expiration date on September 7, 1987. (See 19 N.J.R. 1261(a).) This subsequent proposal is the result of an extensive review of Chapter 38 of Title 3 conducted pursuant to Executive Order No. 66(1978) and in response to numerous complaints from borrowers and potential borrowers about their mortgage banking and brokering experience and the Department's investigation of these complaints during the past months with the participation of consumer and industry representatives.

N.J.A.C. 3:38-1, General Provisions, 2, Books and Records, 3, Examinations, and 6, Appeal Procedure, remained unchanged. N.J.A.C. 3:38-4, Fees and Charges, has been amended to further define the application fee, commitment fee (which also includes a lock-in fee, newly defined as a portion of a commitment fee), warehouse fee, reimbursement for third-party charges and discount points, and when each of those fees may be collected.

N.J.A.C. 3:38-5, Obligation of Licensees, received extensive revision and significantly affects the content of disclosures to prospective borrowers and practices between licensees and prospective borrowers. Pursuant to these proposed amendments, prospective borrowers will receive a good faith estimate of the time required to issue a commitment and basic information as to the identity and telephone number of the person employed by the licensee to whom questions and complaints may be directed. Prior to accepting any fee or charge, a mortgage broker must disclose additional information about the broker's limited powers and abilities and its business practices regarding the placement of loans with lenders, as well as a description of the services it will perform. These proposed amendments also delineate circumstances under which the borrower may be entitled to refunds, including the absence of required written disclosures, the expiration of a commitment period through no substantial fault of the borrower and the denial of an application, or

issuance of a commitment on substantially different and unacceptable terms and conditions, for reasons the mortgage banker or broker knew or should have known at the time of application.

A proposed new rule, N.J.A.C. 3:38-5.2, defines and regulates lock-in agreements, subjecting borrowers and licensees to specific responsibilities, and provides for procedures when lock-in agreements expire. The provisions concerning the commitment process are also revised and recodified to N.J.A.C. 3:38-5.3. The proposed amendments specifically require disclosure of all terms which are variable in addition to the standard disclosure and requires disclosure to a borrower of an interest rate index available to and verifiable by the borrower and beyond the control of the lender when the rate of interest is subject to change before closing. New provisions fix the terms and conditions of a commitment prior to the expiration of the time within which the commitment must be accepted by the borrower and provide for disclosure of the circumstances under which fees or points may change. If the interest rate, fees or discount points are subject to change, such terms must be fixed and disclosed at least three business days prior to closing, unless waived in writing by the borrower. Instead of permitting the licensee to establish in all cases the conditions under which a commitment fee is refundable, the proposal sets forth certain circumstances under which a commitment fee must be refunded, for example, a new provision mandates extension of the commitment or a refund if the commitment expires or cannot be met through no substantial fault of the borrower.

Unless expressly waived, the mortgage banker or broker must deliver all closing instructions and documents to be executed at closing by the borrower to the borrower or his agent not less than three business days prior to the closing date under the proposed amendments to N.J.A.C. 3:38-5.4, recodified from N.J.A.C. 3:38-5.3.

N.J.A.C. 3:38-7, Advertising and Solicitation, is new and makes express the applicability to mortgage bankers and brokers of the provisions of N.J.A.C. 3:2-1.1 et seq., which governs the advertising practices of financial institutions generally. A mortgage banker or broker is also required to include in its advertisements that it is licensed by the Department as either a mortgage banker or broker, whichever is appropriate. A mortgage broker is further required to state that it may not make mortgage loan commitments or fund mortgage loans.

Social Impact

The proposed amendments and new rules will affect the approximately 1,000 corporate and individually licensed mortgage bankers and brokers in this State by requiring these licensees to provide new and more meaningful disclosures to prospective borrowers and applicants for mortgage loans and to establish rules of conduct and procedure which were previously more loosely defined or undefined and proved to be a source of complaints by consumers. These disclosures are expected to give concrete information, essential to the conduct of mortgage loan transactions, which will remedy potential areas of consumer dissatisfaction without hampering the ability of mortgage bankers and brokers to efficiently operate their industry. Consumers will benefit from having additional information with which to make choices and the security of knowing that specific contingencies and relative responsibilities between the consumer and the licensees have been defined. It is expected that these proposed amendments and new rules will lessen the number of related consumer inquiries and complaints made to licensees and the Department.

Economic Impact

Any negative economic impact upon the licensees will be minimal since disclosures are currently being made and these proposed amendments and new rules merely affect the content of such disclosures. The establishment of other procedures is not expected to have any substantial economic effect upon licensees, since these procedures by and large conform to industry practice. Consumers are expected to receive the economic benefit of well-defined fees and charges prompt refunds of such fees and charges when fairness dictates that they receive them, and the benefit of being able to make informed choices among mortgage providers. Little economic impact upon the Department is expected.

Regulatory Flexibility Statement

Mortgage bankers and brokers are predominantly small businesses and these proposed amendments and new rules impose compliance requirements in the area of disclosure and business conduct. It is not expected that licensees will need professional services to meet these requirements nor is it expected that there will be initial capital or other costs to the licensees. The objective of providing borrowers with information essential to making mortgage loan decisions and of alleviating areas of consumer discontent can only be met by imposing the compliance requirements upon all licensees.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

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

SUBCHAPTER 4. FEES AND CHARGES

3:38-4.1 [Application] Fees and charges

(a) No licensee shall charge a borrower [for] any fees [or services in the application for or] **incident to the origination**, processing [of a loan commitment] or [at the] closing of a mortgage loan other than the following, except as otherwise permitted by State and Federal law.

1. Application fee: Defined as any fee imposed by the licensee for accepting and processing a mortgage loan application. **The application fee shall be a flat fee reasonably related to the services to be performed. The application fee shall not be based upon a percentage of the principal amount of the loan or the amount financed;**

2. Credit report fee;

3. Appraisal fee;

4. Commitment fee: Defined as a fee, exclusive of third party charges, imposed by the licensee as consideration for binding the licensee to make a loan in accordance with the terms and conditions of its commitment[.]; **and payable on or after acceptance of the commitment, except in a lock-in fee charged pursuant to (a)5 below. The amount of any commitment fee shall be reasonably related to its purpose and may be based upon a percentage of the principal amount of the loan or the amount financed;**

5. Lock-in fee: Defined as that portion of the commitment fee charged by the licensee to guarantee for a stated period of time the availability of a specified rate of interest and/or specified number of discount points. **No lock-in fee shall be received by a licensee prior to inception of the lock-in period;**

[5.]6. Warehouse fee: Defined as a fee charged to the licensee for the cost associated with holding the mortgage loan pending its sale to a permanent investor[.]; **and payable at closing;**

[6.]7. Reimbursement for third party charges paid [by] or [to be paid] **actually incurred by the licensee for services rendered incident to the processing of a mortgage loan application.**

[7.]8. Discount point[.]: A discount point is defined as an amount of money equal to one percent of the principal amount of the loan and payable **only at closing.**

SUBCHAPTER 5. OBLIGATION OF LICENSEES

3:38-5.1 Application process

(a) Before accepting any application fee in whole or in part, or any credit report fee, appraisal fee, or any fee [or charge imposed or to be imposed by a third party, for services rendered incident to the processing of that application, the licensee shall have made written disclosure to the applicant] **charged as reimbursement for third party charges, the licensee shall make written disclosure to the borrower (which disclosure may be contained in the application) setting forth:**

1. [The amount of the application fee and identifying the type and nature] **An identification of the type, nature and amount of each such fee or charge;**

2. Whether all or any part of [the application fee or] such fees or charges are refundable; [and]

3. The terms and conditions for the refund, if all or any part of the application fee or such] fees or charges are refundable[.];

4. A good faith estimate of the time required to issue a commitment;

5. The name of the person accepting the application and the name, title and telephone number of a person in a management position at the licensee's office to whom the borrower may address questions, comments, or complaints.

(b) Before accepting any application fee in whole or in part, or any credit report fee, appraisal fee, or any fee charged as reimbursement for third party charges, every mortgage broker shall, in addition to the disclosure required in (a) above, disclose to the borrower:

1. That such mortgage broker is not empowered to make commitments or loans;

2. That such mortgage broker cannot guarantee acceptance into any particular loan program or promise any specific loan terms or conditions;

3. Whether the mortgage broker places loans exclusively with any three or fewer lenders and, if so, the name(s) of such lender(s);

4. The specific services which will be provided or performed for the application fee; and

5. A good faith estimate of the time required to obtain issuance of a commitment from the lender. Disclosure of such estimate shall be considered to be in compliance with the requirement of (a)4 above.

(c) **The disclosures required in (a) and (b) above shall be acknowledged in writing by the borrower and maintained by the licensee and a copy of such acknowledgment shall be given to the borrower.**

[(b)](d) Not later than three business days after the licensee receives the borrower's written application or before consummation of the transaction, whichever is earlier, the licensee shall provide the [applicant] borrower or cause the borrower to be provided with a good faith estimate as a dollar amount or range of each charge for a settlement service which the borrower is likely to incur.

1. For the purpose of this section, "settlement service" shall mean a charge which the lender anticipates that the borrower will pay at or before settlement based upon the lender's general experience.

2. With respect to the settlement charges imposed on a borrower by the licensee (and not by third parties), the licensee shall indicate which, if any, of such fees are refundable in whole or in part and the terms and conditions for such refund.

[(c)] The licensee shall notify the borrower in writing, as to whether the application for a mortgage loan has been approved, conditionally or otherwise, or disapproved within 30-days after receipt by the licensee of all information and documentation, including approval of insurers, guarantors, investors or other third parties which a licensee requires to determine whether the application should be approved or disapproved.]

(e) **The borrower may, without penalty or responsibility to pay additional fees or charges, withdraw an application at any time prior to acceptance of a commitment. Upon such withdrawal, the licensee shall be responsible to refund to the borrower only those fees and charges to which the borrower may be entitled pursuant to the terms set forth in the written disclosure required by (a) above, except that:**

1. Where the licensee has failed to provide the borrower with the written disclosure required by (a) and (b) above, the licensee shall promptly refund to the borrower all funds paid to the licensee.

2. Where the licensee has failed to issue a commitment and its good faith estimate of the time needed to do so has expired through no substantial fault of the borrower or his agents, and the borrower has withdrawn his application as a result, the licensee shall promptly refund to the borrower all funds paid to the licensee except fees paid or actually incurred by the licensee to third parties.

3. Where an application is denied, or a commitment is issued on terms and conditions substantially dissimilar to those for which the application was submitted and which are unacceptable to the borrower, for reasons (other than bona fide underwriting considerations) which the licensee knew or should have known at the time of application, the licensee shall promptly refund to the borrower all funds paid to the licensee.

3:38-5.2 Lock-in agreements

(a) All lock-in agreements shall be in writing and shall contain at least the following provisions:

1. The expiration date of the lock-in, if any;

2. The interest rate locked in, if any;

3. The discount points locked in, if any;

4. The lock-in fee, if any; and

5. A statement advising of the provisions of (b) and (c) below.

(b) The licensee shall make a good faith effort to process the mortgage loan application and stand ready to fulfill the terms of its commitment before the expiration date of the lock-in agreement.

(c) If a good faith effort pursuant to (b) above fails without substantial fault of the borrower or his agents, the borrower may:

1. Withdraw the application or reject any commitment, whereupon the borrower shall receive from the licensee a complete and prompt refund of all funds paid to the licensee except the application fee and fees charged as reimbursement for third party charges; or

2. Have the lock-in agreement extended or modified until closing so that the loan is closed at the lock-in rate and points or a rate and points which provide a current market yield but no gross profit or "spread" to the licensee, whichever is higher, except when the closing date is extended by the borrower or his agents for an unreasonable length of time. The borrower shall be responsible for the lock-in fee only if the loan is closed at or below the locked-in rate and points. For purposes of this subsection, the term "current market yield" shall refer to the yield being sought by recognized secondary market purchasers for the particular type of mortgage loan.

(d) Prevailing rate loans where the rate is not fixed until 12 or fewer days prior to closing shall not be subject to this section where appropriate disclosure has been made under the provisions of this section.

3:38-[5.2]5.3 Commitment process

(a) (No change.)

(b) At or prior to the issuance of the commitment, the licensee shall disclose the following:

1. The expiration date of the commitment;

[1.]2. The [A]amount financed[:], [W]which shall mean the amount of credit provided to the borrower or in his behalf[:];

[2.]3. The [F]finance charge[:], [W]which shall mean the dollar amount the credit will cost the borrower[:];

[3.]4. The [A]annual percentage rate[:], [W]which shall mean the cost of the credit to the borrower as a yearly rate[:];

5. The amount of the commitment fee, if any, and whether and under what circumstances the commitment fee shall be refundable;

[4.]6. [Variable rate: If the application is [f]For a loan in which the interest rate, annual percentage rate, [payments] or terms vary after [consummation, then the following disclosures shall be made] closing;

i. An identification and specification of the terms which are variable;

[i.]iii. The circumstances under which the above terms may change;

[ii.]iii. Any limitation on a change;

[iii.]iv. The effect of a change; and

[iv.]v. An example of the payment terms would result from an increase.

[5.]7. The [P]payment schedule[:], [W]which shall mean the number, amounts and timing of payments scheduled to repay the obligation[:];

[6.]8. All other charges, including, but not limited to, warehousing fees and discount points[:];

9. The time, if any, within which the commitment must be accepted by the borrower;

10. Whether the rate of interest set forth in the commitment is subject to change before closing and, if so, the basis, index or method which will be used to determine the rate at closing. Such basis, index or method shall be established and disclosed with direct reference to the movement of an interest rate index or of a national or regional index that is available to and verifiable by the borrower and beyond the control of the licensee; and

11. Whether any fees or discount points set forth in the commitment are subject to change before closing and, if so, the circumstances under which such fees or points may change.

(c) The terms and conditions of a commitment cannot be changed prior to expiration of the specified period within which the borrower must accept it.

(d) If the interest rate (or initial interest rate in the case of a variable rate loan), discount points or fees set forth in the commitment are subject to change before closing, such terms shall be fixed and redisclosure of such terms made no later than three business days before the loan closes, unless this requirement is expressly waived, in writing, by the borrower.

(e) If a commitment expires or cannot be met through no substantial fault of the borrower or his or her agents, the licensee shall extend the commitment for a reasonable period to permit closing or promptly refund to the borrower any commitment fee paid by the borrower.

(f) A commitment fee shall be refundable when the commitment is contingent upon approval by parties to whom the lender seeks to sell the loan; the loan purchaser's requirements are not met; and the borrower is powerless to attain compliance with those requirements. A refundable commitment fee shall not be considered a trust fund pursuant to N.J.A.C. 3:38-2.1(c).

(g) A failure to comply with this subchapter shall not be deemed to provide a party to the transaction with any legal rights or remedies he would not otherwise enjoy pursuant to the contractual relationship between the parties. Where any disclosure is required pursuant to these rules which is also required by any Federal law or regulation, compliance with such Federal law or regulation shall be deemed to be in compliance with this subchapter.

[(c) If any information necessary for an accurate disclosure required by N.J.A.C. 3:38-5.1(b) or (b) above is unknown to the licensee at the time disclosure is required, the licensee shall make the disclosure based on the best information reasonably available to him and shall state that the disclosure is an estimate.

(d) Redisclosure required: If any of the following occur subsequent to any disclosure, the licensee shall redisclose the changed terms to the borrower at time of issuing its commitment, or if changes occur subsequent thereto, then prior to consummation of the transaction:

1. If the annual percentage rate varies from the annual percentage rate disclosed by more than one quarter of one percentage point;

2. An increase of the warehouse fees or discount points to be charged at closing;

3. If the licensee intends to impose any increase in any charges referred to in these regulations or any charges not previously disclosed.

(e) A loan commitment shall set forth the time within which the commitment must be accepted by the borrower and the expiration date of the commitment.

(f) Before accepting a commitment fee, as defined in N.J.A.C. 3:38-4.1(a)4, the licensee shall have disclosed in writing the amount of the commitment fee, if charged as a separate fee. The commitment shall

set forth whether all or any part of the commitment fee is refundable. If all or any part of the commitment fee is refundable, the licensee shall set forth the terms and conditions for the refund. A refundable commitment fee shall not be considered a trust fund pursuant to N.J.A.C. 3:38-2.1(c).

(g) The terms and conditions of a commitment cannot be changed prior to the timely acceptance of the commitment by the applicant.

(h) All commitments issued shall state clearly whether the terms or conditions of the commitment including rate of interest and fees set forth therein will remain constant or are subject to change prior to or at closing. If subject to change, the commitment must clearly state the basis, index or method used to determine the rate and fees at the time of closing (which can include a rate and fees set at the discretion of the lender.)

(i) A failure to comply with this subchapter shall not be deemed to provide a party to the transaction with any legal rights or remedies he or she would not otherwise enjoy pursuant to the contractual relationship between the parties.

(j) Where any disclosure is required pursuant to this subchapter which is also required by any Federal law or regulation, compliance with such Federal law or regulation shall be deemed to be in compliance with this subchapter.]

3:38-[5.3]5.4 Closing settlements

(a) Provided that the conditions of its commitment have been met, and upon reasonable notice, each licensee shall be ready, willing and able to meet any closing date scheduled in accordance with the terms of its commitment.

(b) All closing instructions, together with all documents which the licensee will require be executed by the borrower at closing, must be provided by the licensee to the borrower or his closing agent not later than three business days prior to the closing date, unless this requirement is expressly waived, in writing, by the borrower.

3:38-[5.4]5.5 (No change in text.)

SUBCHAPTER 7. ADVERTISING AND SOLICITATION**3:38-7.1 Definitions**

For purposes of this subchapter, the term "advertisement" shall be as defined in N.J.A.C. 3:2-1.2.

3:38-7.2 Requirements

(a) The provisions of N.J.A.C. 3:2-1.1 et seq. shall apply to all mortgage bankers and mortgage brokers.

(b) No mortgage broker shall cause to be published, disseminated or broadcast any advertisement of its business without including therein the words "licensed mortgage broker—N.J. Department of Banking". No mortgage banker shall cause to be published, disseminated or broadcast any advertisement of its business without including therein the words "licensed mortgage banker—N.J. Department of Banking".

(c) Every mortgage broker must specifically state in any advertisement that it may not make mortgage loan commitments or fund mortgage loans.

PERSONNEL**MERIT SYSTEM BOARD**

The following proposals are authorized by the Merit System Board, Peter J. Calderone, Assistant Commissioner, Department of Personnel.

The Merit System Board will hold **public hearings** on proposed new rules N.J.A.C. 4A:8 (Layoffs) and N.J.A.C. 4A:10 (Violations and Penalties) on:

August 12, 1987 at 9:30 A.M.
Office of Administrative Law
9 Quakerbridge Plaza, 1st Floor
Trenton, New Jersey

August 20, 1987 at 6:30 P.M.
Pennsauken Middle School
Auditorium
8201 Park Avenue
Pennsauken, New Jersey

August 27, 1987 at 6:30 P.M.
Essex Catholic Boys High School
135 Glenwood Avenue
Cafeteria
East Orange, New Jersey

Please contact Ms. Dolores Carvill at 609-292-6568 if you wish to be included on the list of speakers.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

Submit written comments concerning the proposed new rules by September 2, 1987 to:

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

(a)

Layoffs**Proposed New Rules: N.J.A.C. 4A:8****Proposed Repeals: N.J.A.C. 4:1-16.1 through 4:1-16.6, 4:1-24.2, 4:2-16.1, 4:2-16.2, 4:3-16.1, 4:3-16.2.**

Authority: N.J.S.A. 11A:2-11(h), 11A:4-7, 11A:4-9, 11A:4-12, 11A:8-1 through 11A:8-4.

Proposal Number: PRN 1987-308.

The agency proposal follows:

Summary

In response to the adoption of N.J.S.A. 11A:1-1 et seq. (the Civil Service Act), the entire Title 4 of the New Jersey Administrative Code is being revised to incorporate changes made by the reform legislation and to reflect needed changes in language, organization and policy. In this proposal, N.J.A.C. 4:1-16.1, 4:1-16.2, 4:1-16.3, 4:1-16.4, 4:1-16.5, 4:1-16.6, 4:1-24.2, 4:2-16.1, 4:2-16.2, 4:3-16.1 and 4:3-16.2 concerning rules on layoffs are proposed for repeal and N.J.A.C. 4A:8 proposed in their place.

Proposed subchapter 1 is a replacement of existing rules concerning basic layoff procedures affecting employees and employers subject to Title 11A, New Jersey Statutes. This subchapter pertains to both State agencies and political subdivisions subject to Title 11A and is intended to make these procedures as similar and comprehensible as possible.

N.J.A.C. 4A:8-1.1 is an explanation of the division of responsibility concerning layoff authority. This rule clarifies that while the decision to institute layoff procedures rests with an individual appointing authority, it is the responsibility of the Department of Personnel to determine the rights of all affected employees. N.J.A.C. 4A:8-1.2 is a new rule based upon an important innovation in the reform legislation at N.J.S.A. 11A:8-3, suggesting alternative measures that appointing authorities may take, short of a formal layoff action, to effect economy and efficiency. Such measures, it is explained, are to be undertaken on a voluntary basis and shall not otherwise affect employee rights under this chapter. This proposed rule also notes that appointing authorities should consult with affected negotiations representatives concerning anticipated alternatives to a layoff action. As required by N.J.S.A. 11A:8-3, the proposed rule on alternatives to layoff was developed in consultation with the statutory advisory boards. N.J.A.C. 4A:8-1.3 is reflective of existing rule N.J.A.C. 4:1-24.2 and describes various obligations to be fulfilled by an appointing authority before and after the initiation of a layoff action. It is stressed that the Department of Personnel be consulted and provided with information concerning the action prior to the issuance of layoff notices in an effort to lessen the impact and extent of such action as well as to avoid errors in an area of such a sensitive nature. This rule also provides that appointing authorities should consult with affected negotiations representatives prior to taking pre-layoff actions.

N.J.A.C. 4A:8-1.4 proposes the creation of designated layoff units. Such units are designed to alleviate disruption to an agency and its employees as a result of a layoff action by confining its effects to a particular and well defined unit of a State agency. In political subdivisions, this rule permits, where appropriate, the exercise of layoff rights in more than one department. This proposed rule establishes orderly procedures whereby the affected areas and job locations involved in possible layoff actions are determined and designated well in advance of an ensuing action.

N.J.A.C. 4A:8-1.5 is reflective of statutory requirements for notice to employees provided in the new Title 11A. Proposed subsection (c) effectuates the new provision at N.J.S.A. 11A:8-1 which, in an effort to avoid stale notices, establishes that a layoff shall not take place more than 120 days after initial service of the layoff notice without a showing of good cause for an extension. This proposed rule also explains procedures to be followed when the effective date of a layoff is extended and clarifies

related matters. Finally, this proposed rule provides that affected employees receive a subsequent written notice as to their specific employment status resulting from the layoff action.

Subchapter 2 defines the types of layoff rights accorded affected employees and explains the exercise of all such rights in both State and local service. N.J.A.C. 4A:8-2.1 is an addition to the merit system rules, explaining the three fundamental rights of employees affected by a layoff action: lateral title rights, demotional title rights and special re-employment rights. N.J.A.C. 4A:8-2.2 concerns the manner in which lateral and demotional rights are to be exercised within the designated layoff unit. This proposed rule lists the order in which lateral and demotional rights shall be exercised and emphasizes that the position held by a permanent employee shall not be affected until after the displacement of all employees without permanent status. N.J.A.C. 4A:8-2.3 explains the manner in which special reemployment rights are to be exercised. This proposed rule emphasizes that the exercise of special reemployment rights are not confined to a designated layoff unit. This rule also reiterates the priority of special reemployment lists over other employment lists as reflected in N.J.S.A. 11A:4-12. N.J.A.C. 4A:8-2.4 provides, in one rule, a clear definition of "seniority" as it is used in the context of and for the purpose of this chapter in the determination of layoff rights. This rule also provides a method for determining the breaking of a tie when two or more affected employees have equal seniority. N.J.A.C. 4A:8-2.5 contains certain limitations on reassignments both before and after the effective date of a layoff. N.J.A.C. 4A:8-2.6 contains, in one rule, a summary of procedures to be followed when an affected employee wishes to appeal either the "good faith" issue of a layoff action or the determination of individual layoff rights. This proposed rule explains that appeals of the good faith issue are to be accorded a Merit System Board hearing, while appeals of rights determinations are generally decided on the written record by the Commissioner of Personnel.

Social Impact

Many technical as well as substantive changes have been made in comparison with the current Title 4 rules concerning layoffs. One principal change is the simplicity, clarity and reorganization of the rules to better effectuate the purposes of the new Title 11A. This proposal demonstrates a logical organization of the regulations and therefore provides for the rules to be readily, easily and correctly applied. This proposal also reduces the number and length of rules in this area and increases the uniformity between State and local procedures, thereby lessening the burden of complexity that the existing rules have placed upon users.

In reference to substantive changes, this proposal provides, for the first time, several mechanisms for the avoidance of layoff actions when possible and for lessening the extent and impact of such actions when alternative measures cannot be undertaken. Other important new features in this proposal will help to minimize the degree of Department-wide and employee disruptions that commonly attended layoff actions in the past.

This proposal will have an overall positive social impact upon all users of the merit system rules in that these rules will alleviate disruption during the layoff process and also preserve extensive employee rights.

Economic Impact

This proposal offers alternatives to layoff actions that may be utilized in an effort to minimize complete severance of employees from their positions in the merit system. This proposal also recognizes that while public employers may be forced to make changes based upon budgetary restrictions, flexibility will be extended to these appointing authorities to take alternative measures to maintain a viable work force and avoid layoffs when possible. The clarity and simplicity of this proposal, along with the features designed to avoid disruption, will reduce the amount of inquiries and controversies requiring agency action. Therefore, the overall economic impact of this proposal will be positive.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required since this proposal will have no effect upon small businesses.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 4:1-16.1, 4:1-16.2, 4:1-16.3, 4:1-16.4, 4:1-16.5, 4:1-16.6, 4:1-24.2, 4:2-16.1, 4:2-16.2, 4:3-16.1 and 4:3-16.2.

Full text of the proposed new rules follows.

CHAPTER 8
LAYOFFS

OLD CITATION	NEW CITATION	OLD CITATION	NEW CITATION
4:1-16.1	4A:8-1.1		4A:8-2.3
4:1-16.2	4A:8-1.3		4A:8-2.4
4:1-16.3	4A:8-2.2		4A:8-2.5
	4A:8-2.4		4A:8-2.6
4:1-16.4	4A:8-1.5	4:3-16.1	REPEALED
4:1-16.5	4A:8-1.3	4:3-16.2	4A:8-2.1
4:1-16.6	REPEALED		4A:8-2.2
4:1-24.2	4A:8-1.3		4A:8-2.3
4:2-16.1	REPEALED		4A:8-2.4
4:2-16.2	4A:8-2.1		4A:8-2.5
	4A:8-2.2		4A:8-2.6

SUBCHAPTER 1. LAYOFF PROCEDURES

4A:8-1.1 General

(a) An appointing authority may institute layoff actions for economy, efficiency or other related reasons.

(b) The Commissioner or authorized representative of the Department of Personnel shall determine seniority and designate lateral, demotional and special reemployment rights prior to the effective date of the layoff.

4A:8-1.2 Alternatives to layoff

(a) Appointing authorities may provide voluntary alternatives to a layoff.

(b) Alternatives to layoff may include:

1. Granting of leaves of absence without pay for a maximum of one year to permanent employees, without loss of seniority;
2. Allowing voluntary reduction of work hours by employees, which may include job sharing arrangements;
3. Allowing employees to accept temporary demotional or lateral title changes, for a maximum of one year; and
4. Other actions to avoid a layoff.

(c) Employee participation in alternatives is voluntary. Should a layoff occur despite alternative measures, employee layoff rights shall not be diminished by their participation in any such alternative measure.

(d) Appointing authorities should consult with affected negotiations representatives concerning alternatives to layoff.

(e) Appointing authorities shall notify and obtain approval from the Department of Personnel prior to implementation of any alternatives to layoff.

4A:8-1.3 Pre-layoff actions

(a) Appointing authorities shall lessen the extent or impact of layoffs by considering the following preventive actions:

1. Initiate a temporary hiring and/or promotion freeze;
2. Separate non-permanent employees;
3. Return provisional employees to their permanent titles;
4. Reassign employees; and
5. Assist potentially affected employees in securing transfers or other employment.

(b) Appointing authorities should consult with affected negotiations representatives prior to taking measures under this section.

(c) If preventive and alternative measures have been considered and it is necessary to institute a layoff action, appointing authorities shall make every effort to limit the number of permanent employees affected by vacating or eliminating positions held by employees without permanent status or with the least seniority.

(d) At least 30 days prior to issuance of layoff notices, or such other period as permitted by the Department of Personnel, the following information shall be submitted by appointing authorities to the Department of Personnel:

1. The reason for the layoff;
2. The projected effective date of layoff;
3. Sample copies of the layoff notice and the projected date for issuance;
4. The number of positions (including position numbers in State service and departments in local service) by title to be vacated or abolished and the names, status, designated layoff units, locations and current permanent titles of employees initially affected; and
5. In State service, a summary of alternative and preventive actions that have been taken, or have been considered and determined inapplicable.

(e) In State service, and in local jurisdictions having a performance evaluation program approved by the Department of Personnel, the appointing authority shall also submit all evaluations for permanent employees who have received an unsatisfactory or equivalent rating in their permanent title within the 12-month period preceding the effective date of the layoff.

(f) At the same time the layoff notice is served, the appointing authority shall forward to the Department of Personnel and affected negotiations representatives a list of names and permanent titles of all employees receiving the notice.

4A:8-1.4 Designated layoff unit

(a) A designated layoff unit is an organizational or regional division of a governmental entity, determined by the Commissioner in advance of a layoff, within which a layoff is confined.

1. In State service, the Commissioner shall determine designated layoff units based on functional and organizational structure within each department or autonomous agency, upon the recommendation of the agency head. Notice of the recommendation shall be provided by the appointing authority to affected negotiations representatives upon submission to the Commissioner. Where designated layoff units have not been approved by the Commissioner, the entire department or autonomous agency shall be the designated layoff unit.

2. In a county or municipality, the Commissioner shall determine designated layoff units upon the recommendation of the appointing authority. Notice of the recommendation shall be provided by the appointing authority to affected negotiations representatives upon submission to the Commissioner. The unit may include one or more departments. Where designated layoff units have not been approved by the Commissioner, the department in a county or a municipality, an entire autonomous agency (such as a housing authority), or an entire school district shall be the designated layoff unit.

(b) In State service, job locations are designated by the Commissioner within each designated layoff unit. Job locations may consist of named facilities or geographical areas. In local service, the entire political subdivision is the job location.

4A:8-1.5 Layoff notice

(a) No permanent employee or employee serving in a working test period shall be separated or demoted as a result of a layoff action without having been served by the appointing authority, at least 45 days prior to the action, with a written notice either personally or by certified mail. If service is by certified mail, the 45 days shall be counted from the date of mailing. A notice shall also be posted in all job locations of the affected designated layoff unit. A copy of the notice served on employees shall be provided to the Department of Personnel.

1. In State service, the Commissioner may order a greater period of time for written notice to employees.

(b) The notice shall contain the following:

1. The effective date of the layoff action; and
2. The reason for the layoff.

(c) A layoff shall not take place more than 120 days after service of the notice unless an extension of time is granted by the Commissioner for good cause. If a layoff has not taken place within 120 days of service of the notice and no extension has been granted, new notices must be served at least 45 days prior to the effective date of the layoff.

(d) Layoff rights determinations (see N.J.A.C. 4A:8-2.1 *et seq.*) shall be based upon the scheduled effective date of a layoff. These determinations shall remain applicable even if the effective date of the layoff is extended. However, when the scheduled effective date is extended, the appointing authority shall notify the Department of Personnel of employees who successfully complete their working test periods prior to displacement. The Department of Personnel shall then redetermine only the special reemployment rights to reflect the newly attained permanent status.

(e) Following determination of layoff rights by the Department of Personnel, permanent and probationary employees affected by a layoff action shall be served with a final written notice of their status, including a statement of appeal rights.

SUBCHAPTER 2. EMPLOYEE LAYOFF RIGHTS

4A:8-2.1 Types of layoff rights

(a) A lateral title right means the right of a permanent employee or an employee serving in a working test period to displace the least senior employee within the designated layoff unit at a selected job location holding a title determined to be the same or comparable to the affected

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

title of the employee. Title comparability shall be determined by the Department of Personnel by an analysis of job specifications based on the following criteria:

1. The title(s) shall have substantially comparable duties and responsibilities and, in State service, the same class code;

2. The education and experience requirements for the title(s) are the same or similar and the mandatory requirements shall not exceed those of the affected title;

3. There shall be no special skills, licenses, or certification requirements which are not also mandatory for the affected title; and

4. Any employee in the affected title with minimal training and orientation could perform the duties of the designated title by virtue of having qualified for the affected title.

(b) A demotional title right means the right of a permanent employee to displace the least senior employee within the designated layoff unit at a selected job location holding a title determined to be lower than but related to the affected title of the employee. Demotional title rights shall be determined by the Department of Personnel by an analysis of job specifications based on the following criteria:

1. The title(s) shall have lower but substantially related duties and responsibilities and, in State service, where applicable, a lower class code;

2. The education and experience requirements for the title(s) shall be similar and the mandatory requirements shall not exceed those of the affected title;

3. Special skills, licenses or certification requirements shall be similar and not exceed those which are mandatory for the affected title; and

4. Any employee in the affected title with minimal training and orientation could perform the duties of the designated title by virtue of having qualified for the affected title.

(c) A special reemployment right is the right of a permanent employee, based on his or her permanent title at the time of the layoff action, to be certified for reappointment after the layoff action to the same, lateral and lower related titles. Special reemployment rights shall be determined by the Department of Personnel in the same manner as lateral and demotional rights.

(d) When layoff rights are determined through interviews, each affected negotiations representative shall be permitted to have an agent present.

(e) See N.J.A.C. 4A:8-2.2 for the exercise of lateral and demotional title rights, and see N.J.A.C. 4A:8-2.3 for the exercise of special reemployment rights.

4A:8-2.2 Exercise of lateral and demotional title rights

(a) In State service, a permanent employee in a position affected by a layoff action shall exercise lateral and demotional title rights to a selected job location within the designated layoff unit. The employee shall select the job location from the list of job locations determined by the Commissioner. See N.J.A.C. 4A:8-1.4(b).

(b) In local service, a permanent employee in a position affected by a layoff action shall exercise lateral and demotional title rights within the designated layoff unit.

(c) Lateral and demotional title rights shall be exercised in the following order:

1. A vacant position that the appointing authority is willing to fill;

2. A position held by a provisional employee, with the specific position determined by the appointing authority;

3. The position held by the employee serving in a working test period with the least time in the probationary title;

4. In State service, and in local jurisdictions having a performance evaluation program approved by the Department of Personnel, the position held by the permanent employee most recent (within the last 12 months) performance rating in his or her permanent title was an unsatisfactory or equivalent rating.

5. The position held by the permanent employee with the least seniority. See N.J.A.C. 4A:8-2.4(a).

(d) Employees serving in their working test period shall exercise displacement rights in the same order as (c) 1 through 3 above.

(e) In State service, and in local jurisdictions having a performance evaluation program approved by the Department of Personnel, employees whose most recent (within the last 12 months) performance rating in their permanent title was an unsatisfactory or equivalent rating shall have lateral title rights only against vacant positions to be filled or against employees without permanent status.

(f) An employee may be provided lateral or demotional rights to a previously held permanent title, providing the employee held the title within current continuous service and has no other lateral or demotional

title rights available. Such rights shall be exercised only against vacant positions or positions filled by employees without permanent status.

4A:8-2.3 Exercise of special reemployment rights

(a) A permanent employee shall be granted special reemployment rights based on the permanent title from which he or she has been laid off, demoted or displaced by job location, with the following limitations:

1. An employee who is displaced by job location in a layoff action, but remains in his or her permanent title, or is reappointed to his or her permanent title from a special reemployment list, shall have special reemployment rights only to his or her original job location at the time of layoff.

2. An employee reappointed to a lateral title from a special reemployment list shall retain special reemployment rights only to his or her original permanent title and job location at the time of the layoff.

(b) In State service and in the affected local jurisdiction, special reemployment lists shall take priority over regular reemployment, police reemployment, fire reemployment and open competitive lists. In the State or local department where the layoff occurred, special reemployment lists shall take priority over all other eligible lists. In the designated layoff unit, special reemployment lists shall take priority over lateral title changes (other than those resulting from position reclassifications) and transfers.

(c) A special reemployment list shall not have an expiration date, ranking shall be based on the employee's permanent title and seniority at the time of layoff, and appointments from the list shall be made in the order certified. Removal of names from a special reemployment list may be made in accordance with applicable rules. See N.J.A.C. 4:1-12.11.

(d) Employees who elect to resign or retire in lieu of demotion or layoff will not have their names placed on a special reemployment list.

4A:8-2.4 Seniority

(a) Seniority for purposes of this chapter is the amount of continuous permanent service in an employee's current permanent title and other titles that have (or would have had) lateral or demotional rights to the current permanent title. Seniority shall be based on total calendar years, months and days in title regardless of workweek, work year or part-time status; however, seniority for State employees in intermittent titles shall be calculated on the basis of hours in regular pay status.

(b) Preferred seniority, which means greater seniority than anyone currently serving in a demotional title, shall be provided as follows:

1. Employees with permanent status who exercise their demotional rights in a layoff action will have preferred seniority.

2. Employees reappointed from a special reemployment list to a lower title in the same designated layoff unit from which they were laid off or demoted will have preferred seniority.

3. If more than one employee has preferred seniority, priority will be determined on the basis of the class code in State service, or the class level in local service, of the permanent title from which each employee was laid off or demoted and the seniority held on the higher class code/class level.

(c) Military, education, gubernatorial appointment, sick or disability leave, or in local service, leave to fill an elected public office, shall not be deducted in calculating seniority. Suspensions, leaves of absence without pay and any period an employee is laid off shall be deducted in calculating seniority.

(d) Employees reappointed from a special reemployment list shall be considered as having continuous service for seniority purposes; however, the elapsed time between the layoff or demotion in lieu of layoff and reappointment shall be deducted from the employee's seniority.

(e) Upon moving to a previously held title pursuant to N.J.A.C. 4A:8-2.2(f), employees shall have continuous service in that previously held title aggregated with current service in that title.

(f) Employees without permanent status serving in their working test period shall be granted seniority based on the length of service following regular appointment. Permanent employees serving in a promotional working test period or in a provisional, temporary or interim appointment, shall continue to accrue seniority in their permanent titles.

(g) If two or more employees have equal seniority, the tie shall be broken in the following order of priority:

1. A disabled veteran shall have priority over a veteran. A veteran shall have priority over a non-veteran. See N.J.A.C. 4A:5-1.1 *et seq.*

2. The employee with the higher performance rating shall have priority over an employee with a lower rating, provided that all tied employees were rated by the same supervisor. In local service, the performance rating system must have been approved by the Department of Personnel;

3. The employee with the greater seniority in the title before a break in service shall have priority;

4. The employee with greater continuous permanent service, regardless of title, shall have priority;

5. The employee with greater non-continuous permanent service, regardless of title, shall have priority;

6. The employee who ranked higher on the same eligible list for the title shall have priority;

7. The employee with greater continuous service as a provisional in the subject title shall have priority;

8. The employee with greater total service, regardless of title or status, shall have priority;

9. Other factors as may be determined by the Commissioner.

4A:8-2.5 Reassignments

For a period of 12 months after the service of the layoff notice required by N.J.A.C. 4A:8-1.5(a), no employee in the designated layoff unit shall be reassigned, except as permitted by the Commissioner for good cause.

4A:8-2.6 Appeals

(a) Permanent employees and employees in their working test period may file:

1. Good faith appeals, based on a claim that the appointing authority laid off or demoted the employee in lieu of layoff for reasons other than economy, efficiency or other related reasons. Such appeals shall be subject to hearing and final administrative determination by the Merit System Board. See N.J.A.C. 4A:2-2.9 through 4A:2-2.11; and/or

2. Determination of rights appeals, based on a claim that an employee's layoff rights or seniority were determined and/or applied incorrectly. Such appeals shall be subject to a review of the written record by the Department of Personnel, with a right to further appeal to the Commissioner. See N.J.A.C. 4A:2-1.1(d).

(b) Good faith and determination of rights appeals shall be filed within 20 days of receipt of the final notice of status required by N.J.A.C. 4A:8-1.5(e). Appeals must specify what determination is being appealed, the reason(s) for the appeal, and the relief requested.

(c) The burden of proof in all layoff appeals is on the employee.

(a)

Violations and Penalties

Proposed New Rules: N.J.A.C. 4A:10

Proposed Repeals: N.J.A.C. 4:1-19.1 through 4:1-19.6; 4:1-21.1, 4:1-21.3 through 4:1-21.5, 4:3-19.1, 4:3-19.2

Authority: N.J.S.A. 11A:2-6b, 11A:2-6d, 11A:2-6f, 11A:2-11e, 11A:2-23, 11A:4-5, 11A:10-1, 11A:10-2, 11A:10-3, 11A:10-4, 11A:10-5, 11A:11-2.

Proposal Number: PRN 1987-309.

The agency proposal follows:

Summary

In response to the adoption of N.J.S.A. 11A:1-1 et seq. (The Civil Service Act), the entire Title 4 of the New Jersey Administrative Code is being revised to incorporate changes made by the reform legislation and to reflect needed changes in language, organization and policy. In this proposal, N.J.A.C. 4:1-19.1, 4:1-19.2, 4:1-19.3, 4:1-19.4, 4:1-19.5, 4:1-19.6, 4:1-21.1, 4:1-21.3, 4:1-21.4, 4:1-21.5, 4:3-19.1 and 4:3-19.2 concerning violations and penalties are proposed for repeal, with new rules at N.J.A.C. 4A:10 proposed in their place.

Subchapter 1 concerns the types of activities considered to be violations of Title 11A, New Jersey Statutes. N.J.A.C. 4A:10-1.1 is similar to the existing rule at N.J.A.C. 4:1-21.4 but is more comprehensive in describing types of conduct prohibited under the merit system. N.J.A.C. 4A:10-1.2 is based upon the statutory provision at N.J.S.A. 11A:2-23 and concerns prohibitions against certain political activity. Subsection (b) is, in essence, a compressed and clear language version of federal legislation known as the Hatch Act.

Subchapter 2 lists the remedies and methods of enforcement provided under Title 11A, New Jersey Statutes. N.J.A.C. 4A:10-2.1 reflects a broad range of remedies and enforcement mechanisms made available to the Commissioner of Personnel or the Merit System Board, which can be tailored for use under particular sets of circumstances. N.J.A.C. 4A:10-2.2 is a completely new rule which is derived from the statutory provision at N.J.S.A. 11A:4-5. This new proposal holds appointing authorities accountable for failure to use an employment list when the appointing authority was responsible for initiating the examination process. N.J.A.C.

4A:10-2.3 provides that interested parties may bring an action in the Superior Court of New Jersey for the enforcement of Title 11A, the merit system rules, or an administrative order of the Commissioner or the Board. N.J.A.C. 4A:10-2.4 provides that a deliberate violation of merit system law constitutes a crime of the fourth degree.

Subchapter 3 concerns the enforcement mechanism formerly known as the "payroll disapproval." N.J.A.C. 4A:10-3.1 describes procedures for "salary disapprovals" that are common to both State and local service. A feature of this rule is that the appointing authority, the affected employee and other persons who may be the subjects of salary disapproval are given prior notice of the disapproval and time to respond to such action and request a review conference. This proposal also contains procedures for a formal appeal of salary disapproval actions. N.J.A.C. 4A:10-3.2 describes the range of remedies available to the Commissioner of Personnel or the Merit System Board in salary disapproval actions. This proposed rule is based in part upon the statutory language found at N.J.S.A. 11A:10-1 and states that the Commissioner or the Board not only have the authority to disapprove the salary of an affected employee but also the salary of persons who have continued payment of a disapproved salary or persons who maintain employment authority over such an affected employee. This proposed rule also provides, as a possible remedy, the constructive appointment of an eligible from an outstanding certification.

Social Impact

Many technical as well as substantive changes have been made in comparison with Title 4 rules concerning violations and penalties. One principal change is the simplicity, clarity and reorganization of the rules to better effectuate the purposes of the new Title 11A. This proposal demonstrates a logical organization of the regulations and therefore provides for the rules to be readily, easily and correctly applied. This proposal also reduces the number and length of rules in this area and increases the uniformity between State and local procedures, thereby lessening the burden of complexity that the existing rules have placed upon users.

Overall, this proposal presents a clear statement pertaining to the type of personnel actions considered violations and subject to penalties under Title 11A, New Jersey Statutes. While this proposal provides the Department of Personnel with a variety of enforcement mechanisms and remedial actions, at the same time it offers those subject to an enforcement action an opportunity to formally or informally respond prior to a final action of the Merit System Board. In essence, this proposal is designed to insure greater compliance with the new Title 11A through a broadening of various enforcement and remedial actions which will result in an overall positive social impact upon users of these rules.

Economic Impact

This proposal contains several rules that will have at least a partial economic effect upon appointing authorities and certain public employees. One feature is the rule that provides the Department of Personnel with the ability to assess charges and penalties up to \$10,000.00 for violations. However, such an impact should not reach major proportion since other means remain available to the Department of Personnel to secure compliance with merit system law and rules. The proposed rule also provides for the Department of Personnel to recoup needless expenditures on producing eligible lists that will never be used by the initiating appointing authorities. Finally, other remedial actions, such as the salary disapproval mechanism and resident actions, may have a significant economic impact upon those persons or entities that are not in compliance with administrative orders issued by the Commissioner of Personnel or the Merit System Board.

Regulatory Flexibility Statement

A regulatory flexibility statement is not required since this proposal will have no effect upon small business.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 4:1-19.1, 4:1-19.2, 4:1-19.3, 4:1-19.4, 4:1-19.5, 4:1-19.6, 4:1-21.1, 4:1-21.3, 4:1-21.4, 4:1-21.5, 4:3-19.1 and 4:3-19.2.

Full text of the proposed new rules follows.

CHAPTER 10
VIOLATIONS AND PENALTIES

OLD CITATION	NEW CITATION	OLD CITATION	NEW CITATION
E:1-19.1	REPEALED	4:1-21.1	4A:10-2.1
E:1-19.2	REPEALED		4A:10-2.3
E:1-19.3	4A:10-3.1	4:1-21.3	4A:10-1.2
	4A:10-3.2	4:1-21.4	4A:10-1.1
E:1-19.4	REPEALED	4:1-21.5	4A:10-2.4
E:1-19.5	REPEALED	4:3-19.1	REPEALED
E:1-19.6	REPEALED	4:3-19.2	REPEALED

SUBCHAPTER 1. VIOLATIONS

4A:10-1.1 General

(a) No person or appointing authority shall violate the provisions of Title 11A, New Jersey Statutes, or Title 4A, N.J.A.C.

(b) No person or appointing authority shall fail to comply with an order of the Commissioner or Board.

(c) No person or appointing authority shall obstruct a person's lawful opportunity to participate in the selection and appointment process or a person's lawful pursuit of any remedy or appeal under Title 11A, New Jersey Statutes, and Title 4A, N.J.A.C.

(d) No person shall make any false statement or perform any fraudulent act in connection with any examination, certification, appointment or other personnel transaction under the provisions of Title 11A, New Jersey Statutes, and Title 4A, N.J.A.C.

(e) No person shall pay, offer, solicit or accept any compensation, service or other consideration to affect any appointment or other personnel transaction under the provisions of Title 11A, New Jersey Statutes, and Title 4A, N.J.A.C.

4A:10-1.2 Political activity

(a) No employee in the career or senior executive service shall directly or indirectly use or seek to use his or her position to control or affect the political action of another person or engage in political activity during working hours. See N.J.S.A. 11A:2-23.

(b) No employee in the career, senior executive or unclassified services whose principal employment is in connection with a program financed in whole or in part by federal funds or loans, shall engage in any of the following prohibited activities under the Hatch Act (5 U.S.C. 1501 *et seq.*):

1. Be a candidate for public office in a partisan election. This provision does not apply to the Governor, the mayor of a city, the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs;

2. Use official authority or influence that interferes with or affects the results of an election or a nomination for office; or

3. Directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

(c) The office of the Special Counsel of the United States Merit System Protection Board has responsibility for the investigation of Hatch Act matters.

SUBCHAPTER 2. ENFORCEMENT

4A:10-2.1 General

(a) Where there is evidence of a violation of or noncompliance with Title 11A, New Jersey Statutes, or Title 4A, N.J.A.C., the Commissioner or Board may:

1. Conduct an investigatory hearing or other review;
2. Issue an order of compliance;
3. Assess costs, charges and fines not to exceed \$10,000;
4. Disapprove salaries (See N.J.A.C. 4A:10-3.1 and 3.2);
5. Order the appointment of an eligible from an outstanding list;
6. In State service, consolidate personnel functions;
7. Initiate a civil action in the Superior Court;
8. Recommend criminal prosecution; or
9. Take other appropriate action pursuant to law or rule.

4A:10-2.2 Failure to appoint from complete certification

(a) Where the examination process has been initiated due to the appointment of a provisional or at an appointing authority's request, the appointing authority shall notify the Department of Personnel no later than 30 days after the examination announcement or the date of the examination, whichever is earlier, that it has terminated the provisional

who has been appointed. If no such timely notice is given, upon receipt of a complete certification, the appointing authority may not vacate the position and must make a permanent appointment from the eligible list.

1. An appointment authority may, for valid reasons such as fiscal constraints, petition the Commissioner for permission not to make a permanent appointment.

2. The Commissioner may grant such petition, but may order the appointing authority to reimburse the Department for the costs of the selection process. The Commissioner shall notify the appointing authority of the amount of the reimbursement and an opportunity to respond to the assessment within 20 days of such notice.

(b) In addition to the actions which the Commissioner may take in (a) above, the Commissioner or Board may take any action set forth in N.J.A.C. 4A:10-2.1. Prior to any such action being taken, the appointing authority shall be given notice and an opportunity to respond.

4A:10-2.3 Enforcement action

The Commissioner, the Board, or any resident or other party in interest may bring an action in the Superior Court for the enforcement of Title 11A, New Jersey Statutes, Title 4A, N.J.A.C., or an order of the Commissioner or the Board. The Commissioner may join in any pending action.

4A:10-2.4 Criminal violation

It is a crime of the fourth degree for any person to purposefully or knowingly violate or conspire to violate any provision of Title 11A, New Jersey Statutes, Title 4A, N.J.A.C., or an Order of the Commissioner or Board.

SUBCHAPTER 3. SALARY DISAPPROVAL

4A:10-3.1 General

(a) The Commissioner, the Board or an authorized representative of the Department of Personnel may disapprove and order the payment stopped of the salaries of any person employed in violation of Title 11A, New Jersey Statutes, Title 4A, N.J.A.C., or an order of the Commissioner or Board, the individual with employment authority over such person and the person who authorizes payment of a disapproved salary.

(b) A notice of salary disapproval shall be given to the appointing authority, the affected employee and other persons whose salaries are to be disapproved.

1. The notice shall state the nature of the violation and provide the appointing authority, the affected employee and other affected persons 10 days to respond to the notice of salary disapproval.

2. A review conference may also be held at a time and location specified by the Department of Personnel.

(c) If the issue which required the notice of salary disapproval has not been resolved, a salary disapproval order shall be issued.

1. The order shall state the nature of the violation and require payment stopped to the affected employee.

2. The order may also require payment stopped to the individual with employment authority over such employee and the person who authorized payment of the disapproved salary.

3. The order shall be mailed to the appointing authority, the affected employee, the persons whose salaries have been disapproved and in State service, the Department of the Treasury.

4. The appointing authority, the affected employee and other persons whose salaries have been disapproved may appeal the order to the Merit System Board within 20 days of receipt of the order. See N.J.A.C. 4A:2-1.1 *et seq.*, for appeal procedures.

5. If the violation has not been corrected and no appeal has been timely filed, the matter shall be referred to the Board for review and any appropriate action pursuant to law or rule.

4A:10-3.2 Penalties and remedies

(a) In salary disapproval matters, the Commissioner or the Board may:

1. Disapprove the payment of salary to an employee hired in violation of Title 11A, New Jersey Statutes, and Title 4A, N.J.A.C.;

2. Disapprove the payment of salary to persons who have approved or continued the payment of a disapproved salary or persons who have employment authority over an employee whose salary has been disapproved;

3. Order the appointment of an eligible from an outstanding certification;

4. Revive an employment list;

5. Assess costs, charges or fines pursuant to N.J.S.A. 11A:10-3; and

6. Take other appropriate actions pursuant to law or rule.

EDUCATION

(a)

STATE BOARD OF EDUCATION

Local Area Vocational School Districts and Private Vocational Schools

Proposed Readoption with Amendments: N.J.A.C. 6:46

Authorized By: Saul Cooperman, Commissioner, Department of Education.

Authority: N.J.S.A. 18A:4-10, 18A:4-15, 18A:7A-1 et seq., 18A:54-6, 18A:54-10, 18A:69-1 et seq., 34:1A-38, Public Law 98-524.

Proposal Number: PRN 1987-306.

Submit comments by September 2, 1987 to:

Patricia Joseph, Rules Analyst
Department of Education
225 West State Street
CN 500
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The State Board of Education, pursuant to N.J.S.A. 18A:1-1, 18A:4-10, 18A:4-15, 18A:7A-1 et seq., 18A:54-6 and 18A:54-10, 18A:69-1 et seq., N.J.S.A. 34:1A-38 and Public Law 98-524, proposes a readoption with amendments of rules pertaining to Local Area Vocational School Districts and Private Vocational Schools, N.J.A.C. 6:46-1.1 through 6:46-6.7. The proposed regulations generally specify standards for approval of local area vocational school districts, private vocational schools, correspondence schools, contracting by boards of education with private vocational schools and the completion of apprentice training.

The proposal deletes the existing N.J.A.C. 6:46-3, N.J.A.C. 6:46-7 and N.J.A.C. 6:46-8. This proposal also supersedes the proposed readoption of N.J.A.C. 6:46-1 which appeared in the August 4, 1986 Register at 18 N.J.R. 1511(a).

The proposed amended rules govern the designation of comprehensive high school districts as local area vocational school districts (LAVSDs). The designation enables districts to become eligible for categorical aid for vocational education programs. Categorical aid is provided for full-time equivalent pupils who are enrolled in approved vocational programs in comprehensive high school districts that are designated as LAVSDs. To be eligible for such categorical aid, a comprehensive high school district must complete an application process for designation as a LAVSD and comply with criteria set forth in the proposed amendments provided in N.J.A.C. 6:46-2.

In addition, the amended rules clarify the Department's responsibilities for apprentice training programs. The language in N.J.A.C. 6:46-3 clarifies the Department's responsibility for the related training and instruction portion of apprentice training programs.

Revisions and clarifications of language are proposed throughout N.J.A.C. 6:46-4, which applies to private vocational schools. The rules more thoroughly define qualifications required of instructors, modify bonding and financial reporting requirements, clarify record keeping requirements and specify administrative procedures for withholding or revoking certificates of approval of private vocational schools.

The proposed amendments to N.J.A.C. 6:46-5 clarify requirements which pertain to the naming of a correspondence school, ownership, financial responsibility and qualifications of instructional staff. The new language will conform with language proposed in N.J.A.C. 6:46-4 where similar issues are addressed so that consistent application of the rules can be made.

Conditions under which boards of education may contract with private vocational schools and the licensing and approval criteria to be met by private vocational schools in order to meet eligibility requirements for contracting with local boards are specified in N.J.A.C. 6:46-6.

The proposed repeal of N.J.A.C. 6:46-3, Art Schools and N.J.A.C. 6:46-7, Music Schools will preclude the duplication of rules proposed in N.J.A.C. 6:46-4, Private Vocational Schools, which include all schools that prepare pupils for art or music occupations.

The proposed repeal of existing N.J.A.C. 6:46-8, Nonprofit Private Schools will eliminate the duplication of nearly identical language in N.J.A.C. 6:43-5.1, Private nonprofit school program participation requirements.

In addition, the proposed substantive amendments to N.J.A.C. 6:46-1.1 through 6.7 are summarized as follows:

N.J.A.C. 6:46-1.1 provides definitions and introduces words and terms which pertain to proposed amendments of the rules concerning local area vocational school districts, apprentice training, private vocational schools, correspondence schools and contracting with private vocational schools and brings the language into conformity with existing federal and state statutes.

N.J.A.C. 6:46-2.2 establishes the process through which a local board of education originally requests designation as a local area vocational school district, a means of appeal for local boards of education that are dissatisfied with final action on their applications for designation as local area vocational school districts and a date for submission of the application to the Department.

N.J.A.C. 6:46-2.3 requires that districts applying for designation as local area vocational school districts demonstrate the need for vocational courses and programs by citing current data sources. This section also establishes a formal procedure for local boards of education to use when requesting a waiver of the requirements set forth in N.J.A.C. 6:46-2.3 in the event circumstances change during the five-year designation period.

N.J.A.C. 6:46-2.4 provides that violations of these regulations at any time during the designation period may be considered just cause for the revocation of the local area vocational school district designation.

N.J.A.C. 6:46-3.1 clarifies and defines the Department's responsibilities for apprentice training programs in accordance with existing State statutes.

N.J.A.C. 6:46-4.1(c) requires each private vocational school to submit an annual pupil enrollment and tuition source report.

N.J.A.C. 6:46-4.4 defines qualifications required of private vocational school instructors to ensure competency in the subjects to be taught.

N.J.A.C. 6:46-4.5(a) requires proposed and current owner(s) of private vocational schools to annually submit, at their expense, a criminal history review prepared by the New Jersey State Police.

N.J.A.C. 6:46-4.5(e) prescribes that the annual financial statement be prepared and certified by licensed accountants to ensure that the private vocational school is financially sound and that acceptable accounting practices are used to develop the financial statement.

N.J.A.C. 6:46-4.5(f) modifies the performance bond requirement so that the dollar amount of the performance bond or irrevocable letter of credit is determined by the projected amount of tuition collected by the school 30 or more days in advance.

N.J.A.C. 6:46-4.7(h) provides that the school may grant credit for previous training, education or experience and reduce tuition and other costs in proportion to credit granted toward course or program completion.

N.J.A.C. 6:46-4.7(i) ensures that pupils receive refunds due on a timely basis.

N.J.A.C. 6:46-4.8(b) requires that the enrollment agreement not be signed until the pupil receives written confirmation of acceptance for enrollment from the school.

N.J.A.C. 6:46-4.8(d) reinforces to schools that their enrollment agreement must conform with the Plain Language Law.

N.J.A.C. 6:46-4.11 defines general, pupil and personnel records to be maintained by the private vocational school. The records retention schedule has been modified to coincide with the records retention schedule adopted by the Department of State.

N.J.A.C. 6:46-4.12(a) provides that schools may collect fees for pupil services or products subject to certain limitations.

N.J.A.C. 6:46-4.12(b) establishes new minimum entrance requirement for pupils who seek to enroll in private vocational schools.

N.J.A.C. 6:46-4.12(c) defines "ability to benefit" criteria for entrance into the private vocational school.

N.J.A.C. 6:46-4.12(e) establishes a requirement that pupils be terminated by the school when unexcused absences exceed 20 percent of the total clock hours of instruction for the course or program.

N.J.A.C. 6:46-4.16 establishes procedures to be followed by the commissioner to suspend or revoke the certification of approval. Further, this section gives the commissioner the authority to impose reasonable conditions for the continued operation of the school.

N.J.A.C. 6:46-4.18 establishes procedures for monitoring private vocational schools.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

N.J.A.C. 6:46-5.2(a) clarifies the requirements pertaining to the naming of a correspondence school and brings the language into conformity with other sections of the proposed code which concern similar issues.

N.J.A.C. 6:46-5.2(d) clarifies and expands the qualifications required of instructional staff to conform with those required of all private vocational schools.

N.J.A.C. 6:46-5.2(e) clarifies and expands ownership and financial responsibility requirements of correspondence schools to conform with those required of all private vocational schools.

N.J.A.C. 6:46-5.2(m) provides that the pupil record card be permanently retained in conformity with existing regulations.

N.J.A.C. 6:46-6.1 specifies conditions under which boards of education may contract with private vocational schools in accordance with existing State statute.

N.J.A.C. 6:46-6.2 specifies licensure and approval criteria to be met by private vocational schools in order to meet eligibility requirements for contracting with boards of education and clarifies the requirements in accordance with existing State statute.

N.J.A.C. 6:46-3, Art Schools and N.J.A.C. 6:46-7, Music Schools are deleted because the regulations are no longer applicable. These sections pertain to non-occupationally oriented programs and to cultural experiences that do not have an occupational objective for pupils. All schools that prepare pupils for art and music occupations are included in current code and the proposed amendments to N.J.A.C. 6:46-4.1 et seq. Currently, no schools are approved under the provisions of N.J.A.C. 6:46-3 and N.J.A.C. 6:46-7.

Social Impact

The proposed amendments to N.J.A.C. 6:46-2 et seq. will have a beneficial social impact. There were 6,881 pupils enrolled in vocational courses/programs in 18 local area vocational school districts during the 1986-87 school year. These LAVSD schools provide vocational pupils with additional support services, expanded career options and skill training not ordinarily available at a comprehensive high school. Readoption of N.J.A.C. 6:46 with the proposed amendments will assure that the benefits of comprehensive vocational training for these pupils continue without interruption.

The proposed amendments to N.J.A.C. 6:46-4 et seq. and N.J.A.C. 6:46-5 et seq. will have a favorable impact upon the public. The proposed amendments to these subchapters revise the standards applied to private vocational schools and correspondence schools to assure that the over 50,000 pupils enrolled annually receive a quality education and receive an equitable refund of tuition and other charges if a school closes or the pupil does not complete a course or program.

Economic Impact

Vocational categorical aid for the 1986-87 school year for the 18 districts designated as local area vocational school districts was \$7,810,057. The proposed readoption and amendments to N.J.A.C. 6:46-2 et seq. will neither affect the current funding obligation of the State to local area vocational school districts nor the cost of such programs to local districts.

The rules will have an economic impact on the private vocational schools and the correspondence schools. The increased performance bonding requirements proposed in N.J.A.C. 6:46-4 and N.J.A.C. 6:46-5 will assure that funds are available to refund advance tuition paid by pupils if a school should close. At this time, it is difficult to estimate the specific impact because the amounts of advance tuition payments are not known and because schools may modify the practice of collecting advance tuition. Each proposed or current owner will have to pay an annual twelve dollar fee to obtain a criminal history review from the New Jersey State Police to submit to the Commissioner.

Regulatory Flexibility Statement

This proposal primarily affects private vocational schools and correspondence schools; local area vocational school districts are affected only in the requirement to cite current data sources when demonstrating the need for specific courses or programs. The private vocational schools may incur additional costs in order to comply with the requirement to test pupils who do not have a locally issued, state endorsed high school diploma or a state issued high school diploma. Both private vocational schools and correspondence schools may be affected by fees charged by licensed accountants for preparation of the required initial and annual financial statements if, in the past, such statements have not been prepared by licensed accountants. Also, any school that collects tuition 30 or more days in advance must post a performance bond or irrevocable letter of credit in the amount collected. However, such compliance costs

are necessary to ensure that pupils enrolled in vocational and correspondence schools receive a quality education and an equitable refund of tuition if a school should close.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 6:46.

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

CHAPTER 46 LOCAL AREA VOCATIONAL SCHOOL DISTRICTS [TECHNICAL] AND PRIVATE VOCATIONAL SCHOOLS

SUBCHAPTER 1. [AREA VOCATIONAL TECHNICAL SCHOOLS] DEFINITIONS

6:46-1.1 [Definitions] 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.

"Advisory committee" means a group of individuals, representing a specific occupational area, that advises on (1) current labor market needs, (2) the relevance of the course/program being offered, (3) the development of the course/program and (4) the validation of the competencies offered in the course/program.

"Agriculture/agribusiness/natural resources education" means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment in the following seven major fields: production agriculture, agricultural supplies and services, agricultural mechanics, agricultural products and processing, ornamental horticulture, agricultural resources and forestry.]

"Agriculture/agribusiness education" means a program of instruction that provides pupils with the skills and knowledge for entry-level employment in horticulture, production agriculture, agribusiness, agricultural processing, agricultural mechanics, natural resources and small animal care occupations.

"Apprentice" means an employee of legal working age who meets the qualifications established by the apprentice sponsor and who is employed under a written agreement which provides that related training and on-the-job experience received be in accordance with approved standards of apprenticeship.

"Apprentice sponsor" means an employer who is a party to a written training agreement with an apprentice that includes the components of the training in accordance with approved standards of apprenticeship.

"Apprentice training" means a program of adult vocational education requiring a written training agreement between full-time paid apprentices and their apprentice sponsors. The program must include a component of related instruction which is coordinated by an individual who holds a current vocational-technical coordinator; apprentice programs endorsement.

"Apprenticeship agreement joint approval" means a written training agreement between an apprentice and an apprentice sponsor in accordance with approved standards of apprenticeship. This agreement includes the components of the training and is signed by the apprentice, apprentice sponsor, apprentice coordinator, State Department of Education representative and Federal Bureau of Apprenticeship and Training representative.

"Approved local vocational education" means vocational education for categorical aid purposes pursuant to N.J.S.A. 18A:7A-1 et seq. which is provided at schools which comply with the requirements set forth in N.J.A.C. 6:46-[1.4]2.3.

"Approved categorical vocational programs" means those vocational programs offered at schools which comply with the requirements set forth in N.J.A.C. 6:46-[1.4]2.3.

"Approved secondary school vocational education program" means a program of instruction that [which] is conducted for a minimum of 600 minutes per week consisting of [actual hands-on vocational skill development.] skills and related competencies necessary for the preparation of pupils for paid employment.

"Business education" means a program[s] of instruction that [designed to] provides pupils with the [vocational] skills and knowledge[s] needed for entry-level employment [and advancement] in a business career[,] and the basic business skills and knowledge[s] needed by all individuals in order to function effectively in our society.

"Clock hour of instruction" in a private vocational school means 60 consecutive minutes of which a minimum of 50 minutes is dedicated to instruction.

“Combined pre-qualification assessment application” means an application provided by the Department for those school districts which have been previously designated as local area vocational school districts and are re-applying for such designation.

“Commissioner” means the Commissioner of Education.

“Cooperative vocational education” means a method of instruction in which pupils work toward occupational goals and graduation credit through a combination of regularly scheduled part-time paid employment and job-related classroom instruction, both supervised by the same certificated teacher-coordinator.]

“Cooperative vocational education program” means a method of instruction by which pupils who, through a written training agreement between the school and employers, receive on-the-job training and related vocational instruction, by the alternation of study in school with regularly scheduled part-time paid employment in an approved occupational field, and in which: the two educational experiences are planned and supervised by a teacher-coordinator who holds the appropriate teaching endorsement; the teacher-coordinator meets each pupil for related instruction a minimum of 200 minutes per week; and an average of 15 hours per week are worked during the approved period of the program with approved cooperative education program credits not exceeding 15 credits per year. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative vocational education program.

“County plan for vocational education” means the document developed under the direction of the county superintendent of schools which provides local and regional deliverers of vocational education programs and services with an assessment of the training needs for that county.

“County career education coordinating council” means the council in each county which has been appointed by the commissioner to facilitate and encourage the coordinated growth and development of quality and responsive career development and vocational-technical programs and services on a county-wide basis.]

“County planning council” means a county-based council under the direction of the county superintendent of schools whose primary purpose is the development of a county plan for the delivery of vocational education based on identified local and regional needs.

“Course” means an organization of subject matter and related learning experiences designed to meet a vocational objective provided for the instruction of pupils on a systematic basis, usually for a predetermined period of time.

“Department” means the New Jersey Department of Education.

“Director of vocational education” means that individual who is appointed by a district board of education [who is] and responsible for the administration and supervision of approved local vocational education.

“Health occupations education” means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment in those career areas which provide services to individuals in need of health care.]

“Health occupations education” means a program of instruction that provides pupils with the skills and knowledge needed for entry-level employment in the health care industry, including skill development in direct patient care, health maintenance and supportive service occupations.

“Home economics and consumer education” means a program[s] of instruction that [designed to] provides pupils with the skills and knowledge[s] needed for the occupation of homemaking and the [vocational] skills and knowledge[s] needed for entry-level paid employment in home economic-related occupations. [utilizing home economics concepts and skills.]

“Job placement coordinator” means a certificated individual who assists pupils in relating their personal qualities, educational experiences and career goals to employment requirements, and assists employers in hiring suitable employees.]

“Job placement coordinator” means an individual who holds a New Jersey instructional certificate and assists pupils in relating their personal qualities, educational experiences and career goals to employment requirements and also assists pupils in obtaining full- or part-time employment.

“Local advisory council” means the council composed of representatives of the general public, business, industry and labor who are knowledgeable in a proposed broad occupational area and who will advise the local board of education on current job needs and the relevance of programs to be offered by the local board of education.]

“Local area vocational school district” means a school district which complies with the requirements set forth in N.J.A.C. 6:46-2. [has been so designated by the State Board of Education and which has at least one school which offers approved local vocational education.]

“Marketing and distributive education” means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment in the fields of marketing, sales, distribution, merchandising and management.]

“Marketing education” means a program of instruction that provides pupils with the skills and knowledge needed for entry-level employment in management, merchandising and marketing of goods and services.

“On-the-job training” means one of two major components of apprentice training. This part of training is experiential in nature and is usually directly supervised by the apprentice sponsor.

“Pre-qualification assessment” means the initial step in the process which a new applicant district must undertake [in] when seeking designation by the State Board of Education as a local area vocational school district in order to be eligible for categorical aid under the provisions of N.J.S.A. 18A:7A-1 et seq.

“Private vocational school” means a business enterprise operated for either profit or nonprofit which maintains a place of business within the State of New Jersey and which:

1. Solicits pupils from the general public;
2. Charges tuition and/or other fees;
3. Offers instruction to a group or groups of four or more pupils at one time; and

4. Offers preparatory instruction to pupils for entry level employment or for upgrading in a specific occupational field. The occupational fields include those listed in the Classification of Instructional Programs (C.I.P.) requiring less than a baccalaureate degree. This document is available from the United States Department of Education, Office of Educational Research and Improvement, Center for Educational Statistics, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

“Program” means the planned sequence of courses, services or activities designed to meet a vocational objective.

“Related training” means one of two major components of apprentice training. This part of training includes the theoretical and technical subjects related to the apprentice trade and is provided in a classroom or individualized setting at a vocational education institution or at the work site.

“Supervisor of correspondence instruction” means the individual responsible for grading papers sent to the correspondence school by the pupils and guiding the pupils in their study.

“Technical education” means a program[s] of instruction that provides pupils with the skills and knowledge needed [which prepare persons] for entry-level employment and/or entry into post-high school education programs which require relatively complex and detailed information, considerable proficiency in mathematics and the extensive application of science. An approved secondary technical education program includes three years of [“college preparatory”] mathematics, two one-year laboratory science courses and a technical laboratory course which is conducted a minimum of 400 minutes per week for a period of not less than two years.

“Vocational industrial education”, also referred to as “trade and industrial education”, means programs of instruction designed to provide pupils with the vocational skills and knowledges needed for entry-level employment in a trade, technical or industrial occupation.]

“Trade and industrial education” means a program of instruction that provides pupils with the skills and knowledge needed for entry-level employment in a specific trade or service occupation.

“Termination” means the removal of a pupil from enrollment in a course or program in a private vocational or correspondence school by the director of the school prior to completion of the course or program in which the pupil is enrolled.

“Vocational student organizations” means those organizations, recognized by the State or Federal agency for education, for persons enrolled in or associated with vocational education instructional areas, the activities of which are an integral part of the curriculum offerings of a vocational education instructional area.]

“Vocational student organizations” mean those organizations for pupils enrolled in vocational education programs which engage in activities as integral parts of the appropriate instructional programs. Such organizations have state and national units which complement the development of leadership and career-related competencies in vocational education at the local level.

“Withdraw” means the voluntary discontinuation of enrollment by a pupil accepted into a private vocational or correspondence school prior to completion of the course or program in which the pupil is enrolled.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

SUBCHAPTER 2. LOCAL AREA VOCATIONAL SCHOOL DISTRICTS**6:46-[1.2]2.1** Significance of local area vocational school district designation

(a) To qualify for State categorical aid for approved local vocational education under N.J.S.A. 18A:7A-1 et seq., a school district must have State Board of Education designation as a local area vocational school district.

(b) **Only districts that have met the conditions outlined in this chapter and are designated as local area vocational school districts may report full-time equivalent pupil enrollments on the Application for State School Aid for vocational categorical aid purposes. Business education pupils may be enrolled in a sequence of courses that total a minimum of 600 minutes per week in one academic year to be counted for vocational categorical aid.**

(c) **Except as otherwise provided by law, participation in approved local area vocational school district programs shall be limited to pupils residing within the boundaries of the designated district.**

6:46-[1.3]2.2 Application procedure for designation [of] as a local area vocational school district

(a) The process for seeking initial designation by the State Board of Education as a local area vocational school district shall be as follows:

1. A [local] district board of education shall submit to the county superintendent of schools a completed pre-qualification assessment for each school seeking to provide approved local vocational education. The county superintendent of schools will review the pre-qualification assessment in consultation with advisory [bodies] groups such as the county [career education coordinating] planning council[s] to assess needs, [and] program cost and effectiveness. The county superintendent will return the pre-qualification assessment together with his[or] her recommendations to the submitting local board of education.

2. A [local] district board of education shall submit the recommendations of the county superintendent of schools to the [C]ommissioner [of Education] who will issue the [an] official Department application. [of form from the State Department of Education.]

3. A [local] district board of education shall submit [a] the completed official application [form] to the [State] Department [of Education] **no later than January of the calendar year in which the district seeks initial designation. Vocational categorical aid is distributed the year after the designated district submits enrollments on the Application for State School Aid.**

(b) **The process for reapplying for designation by the State Board of Education as a local area vocational school district shall be as follows:**

1. A district board of education shall submit to the county superintendent of schools a combined pre-qualification assessment application for each school seeking to provide approved local vocational education. The county superintendent of schools will review the combined pre-qualification assessment application in consultation with advisory groups such as the county planning council to assess needs, program cost and effectiveness. The county superintendent will return the combined pre-qualification assessment application together with his or her recommendations to the submitting board of education.

2. A district board of education shall submit the recommendations of the county superintendent of schools and the combined pre-qualification assessment application to the commissioner no later than six months before the expiration of the current designation period.

(c) **A district board of education that is dissatisfied with the final action taken on their application may request an opportunity to be heard pursuant to N.J.A.C. 6:51-3.2.**

6:46-[1.4]2.3 Criteria for eligibility for designation as a local area vocational school district

(a) To qualify for designation as a local area vocational school district, at least one school within the district or more than one school facility, if recommended by the commissioner [of Education] and approved by the State Board of Education, on the basis of demonstrated need, program cost and effectiveness, shall comply with all of the following requirements:

1. **Demonstrate the need for the courses/programs by citing current data sources (within the last two years) such as: employment, labor market or pupil placement statistics, the county plan, community or local program assessment or other applicable research.**

[1.]2. [Offer] Operate a minimum of two approved secondary vocational education programs in at least three of the following five broad occupational areas: agriculture/agribusiness[/natural resources] education, health occupations education, home economics and consumer education, marketing [and distributive] education[,] and technical education.

[2.]3. [Offer] Operate a minimum of five approved secondary vocational education programs in [vocational] trade and industrial education.

[3.]4. [Offer] Operate business education.

[4.]5. Provide, as part of the programs required in (a) [1, 2] 2, 3 and [3] 4 above, cooperate [vocational] education in every broad occupational area offered in (a) [1, 2] 2, 3 and [3] 4 above, except technical education.

[5.]6. (No change in text.)

[6.]7. (No change in text.)

[7.]8. [Provide for the establishment of a] Operate the appropriate vocational student organization for every broad occupational area offered in (a) [1, 2] 2, 3 and [3] 4 above.

[8.]9. (No change in text.)

[9.]10. [Establish] Operate [a local] an advisory [council] committee for every [each of the proposed] broad occupational area[s.] offered in (a) 2, 3 and 4 above.

[(b) The entire process for designation must be completed for each school referred to in (a) above, notwithstanding the fact that the district may have been designated previously.]

(b) **The commissioner may grant a one-year waiver for reasonable efforts in meeting requirements as set forth in this section upon written request, but only after the district has received designation as a local area vocational school district.**

6:46-[1.5]2.4 Duration of designation as a local area vocational school district

(a) [The d] Designation by the State Board of Education of a local area vocational school district shall expire five years from the date of the State Board resolution granting designation.

(b) **Violations of these rules at any time during the designation period may be considered just cause for the revocation of the local area vocational school district designation.**

(c) A [local] district board of education may reapply for such designation[,] as set forth in N.J.A.C. 6:46-2.2(b).

SUBCHAPTER [2.]3. APPRENTICESHIP TRAINING**6:46-[2.1]3.1** Apprentice program responsibility

[The Division of Vocational Education is the supervisory agent in the initiating and operating of State approved vocational educational apprenticeship programs. Participating agents must comply with guidelines provided by the Division regarding apprentice programs. The Vocational Division, New Jersey State Department of Education, has the primary responsibility for providing related instruction programs. This instruction normally constitutes a minimum of 144 hours each year of apprenticeship.] **The Department is the recognized State agency responsible for the administration of the related training and instruction portion of apprentice programs. This training and instruction must comply with federal standards of apprenticeship as published in Labor Standards for the Registration of Apprenticeship Programs, 29 C.F.R. Sec. 29.1-.13 (1977).**

6:46-3.2 Approval of related training and instruction

Upon receipt of the Apprenticeship Agreement Joint Approval form from the Federal Bureau of Apprenticeship and Training, the Department will evaluate the related training and instruction component of the apprenticeship. Within 30 days of receipt of the form, the Department shall notify the Federal Bureau of Apprenticeship and Training of its approval or disapproval of the related training and instruction.

6:46-2.2 [Awarding of certificate] (Reserved)

[Upon completion of apprenticeship, the sponsor will recommend to the Vocational Division, New Jersey Department of Education, that a Certificate of Completion of Apprenticeship be awarded to the apprentice.]

SUBCHAPTER 3. [ART SCHOOLS] (RESERVED)

OFFICE OF ADMINISTRATIVE LAW NOTE: Subchapter 3 containing rules on Art Schools is proposed for repeal. Full text of the rules may be found in the New Jersey Administrative Code at N.J.A.C. 6:46-3.

SUBCHAPTER 4. PRIVATE VOCATIONAL SCHOOLS**6:46-4.1** General provisions

[(a) For purposes of these rules a private vocational school is defined as follows:

1. A business enterprise operated for either profit or non-profit which maintains a place of business within the State of New Jersey and which:
 - i. Solicits students from the general public;
 - ii. Charges tuition and/or other fees;
 - iii. Offers instruction to a group or groups of four or more students at one time;

iv. Offers preparatory instruction to students for entry level employment or for up-grading in a specific field of endeavor; and

v. Offers course(s) or program(s) of instruction which shall have a minimum of 40 percent of instructional hours devoted to shop, laboratory, skill development, or problem solving directly related to the occupational goal.]

[(b)] (a) Institutions, courses[,] and programs [of instruction] excluded from these rules are the following:

1. (No change.)
2. Institutions whose [course(s)] offerings are avocational, cultural[,] or recreational in nature;
3. Commercial driv[er]ing schools which are licensed by the New [Jersey] Jersey Division of Motor Vehicles under the provisions of N.J.S.A. 39:12-4;
4. (No change.)
5. Courses or programs [of instruction] for the purpose of preparing [the students] pupils for the State Insurance Certificate which are approved by the State of New Jersey Department of Insurance;
6. Courses or programs [of instruction] conducted by an employer for training and upgrading of [his own] employees without cost to the employee; [and]
7. Courses or programs [of instruction] conducted under contract with an employer, whether at the place of employment or elsewhere, at no cost to the employee other than the cost of books, supplies, tools[,] or equipment which become the property of the employee[.]; and
8. Courses or programs licensed by the State of New Jersey Casino Control Commission.

(b) Each private vocational school shall be operated under the supervision of a resident director approved by the Department who shall be responsible for the total operation of the school.

(c) Each private vocational school director shall submit an annual pupil enrollment and tuition source report for the period July 1 through June 30 of the preceding school year on forms provided by the commissioner. The report shall include, but not be limited to, pupil retention rates, sources of tuition paid and pupil entry and exit dates for each pupil enrolled during the reporting period. The report shall be submitted to the commissioner no later than 30 calendar days after the close of the reporting period.

6:46-4.2 Name of school

(a) The name of the private vocational school [shall exercise great care in the selection of the name of the school. It] shall not infringe on the name of another school.

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

(d) The name of the school, once approved, shall not be changed without the prior approval of the [State of New Jersey,] Department. [of Education.]

6:46-4.3 Private vocational school facilities and equipment

[(a)] The school shall have sufficient space, equipment, and supplies on hand to provide a shop, laboratory, or classroom space for each of the students in attendance at any one session.]

(a) All facilities shall be inspected and approved by the commissioner or his or her designee prior to the enrollment of pupils in approved courses or programs to verify that the facilities and equipment requirements have been met.

(b) [The] [d] Documentation shall be submitted by the school indicating that the [facilities shall meet the requirements of the] local municipality and/or [the] appropriate State agency [with regard to] final fire, health[, safety, zoning,] and [environmental protection.] occupancy certificates or permits have been obtained. Thereafter, when the annual request for the certificate of approval is submitted, documentation that the school continues to comply with appropriate fire and health requirements shall be included.

(c) The equipment, supplies, mock-ups, simulators, [and] training aids and instructional space shall be appropriate to achieve the stated occupational objective(s) of the approved course or program. [of instruction and as far as practicable similar to the equipment currently in use in the occupational field for which the student is preparing.]

(d) The school [shall] may be established [as a separate entity with its own facilities and personnel, except in cases where prior permission has been granted by the Department of Education. Any other business conducted in connection with the school shall take place primarily for the educational benefit of that school.] in conjunction with another business enterprise. The school, however, shall have its own separate identity, staff, designated instructional space and hours of operation as approved by the Department. [Visitations to,] [u]Use of facilities [of,] or periods of internship or externship at on- or off-premise[s] facilities shall bear a direct

relationship to the pupil's occupational objective(s) [goal] and shall be clearly indicated in the approved course [of study] or program and the school bulletin.

6:46-4.4 Private vocational school personnel qualifications

[(a)] Each school shall operate under a resident director who shall be responsible for the total operation of the school and meet the following qualifications:

1. Be a person of good character and have a reputation for ethical business practices;
2. Have completed a total of six years of academic, military, and/or job experience beyond high school. (Included shall be a minimum of two years of practical experience in a supervisory, administrative, or teaching capacity.)

(b) Qualifications of instructors are as follows:

1. Instructors of trade and technical courses must meet the following requirements:
 - i. Be a person of good character;
 - ii. Be of legal age;
 - iii. Hold a high school diploma or certificate of equivalency;
 - iv. Have successfully completed the learning period for one or more of the subjects to be taught (this may be through a course of instruction, apprenticeship, or on-the-job training);
 - v. Have completed a minimum of one year of practical experience beyond the learning period;
 - vi. Hold an appropriate certificate, license, or rating if the subject is a trade requiring certificate, license, or rating; and
 - vii. Have completed not less than fifty clock hours of professional preparation. (These fifty clock hours may be completed as in-service training.)

2. Instructors of business courses must meet the following minimum requirements:

- i. Be a person of good character and meet the requirements in either (b) or (c) below;
- ii. Have completed a four-year curriculum in an accredited college with specialized training in the subjects to be taught and shall have completed not less than fifty clock hours of professional preparation. (These fifty clock hours may be completed as in-service training); or

(1) Have completed a minimum of one year of post-high school training in either an accredited college or an approved school of business with specialized training in the subjects to be taught;

(2) Have completed a minimum of three years of experience in business closely related to the subject to be taught; and

(3) Have completed a minimum of fifty clock hours of professional preparation. (These fifty clock hours may be completed as in-service training.)

3. Instructors of data processing courses must meet the following minimum requirements:

- i. Be a person of good character;
- ii. Have completed a total of four years of academic and/or job experience beyond high school. (Programming instructors must have a minimum of one year of job experience.); and
- iii. Have completed a minimum of fifty clock hours of professional preparation. (These fifty clock hours may be completed as in-service training.)

(c) A supervising instructor shall meet the requirements of the instructors he will supervise and, in addition, shall have completed at least one year of full-time or two years of part-time teaching in one or more of the subjects to be taught.

(d) The school administrative staff (not including clerical personnel) will consist of those persons who are employed in a non-teaching capacity such as Business Manager, Director of Admissions, Director of Placement, and similar positions. A person employed in this capacity shall:

1. Be a person of good character;
2. Be of legal age; and
3. Have acquired through education and/or experience a knowledge of administrative and personnel procedures and practices.

(e) All persons who are employed by the school for the primary purpose of including students to enroll in such school shall be called admission, field, or sales representatives. Titles such as "advisor", "counselor" shall not be used to describe these persons. A representative shall:

1. Be a person of good character;
2. Be of legal age; and
3. Have completed a course of training conducted by the school to insure that a representative will be fully knowledgeable of the school's programs, courses, requirements for admission, policies, regulations, and requirements for graduation.]

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

(a) An application for approval of the qualifications of private vocational school personnel described in (b) below shall be completed by the potential employee, certified and submitted to the Department by the director of the private vocational school on the form provided by the Department. The Department shall notify the school director of the approval or disapproval of the stated qualifications of the potential employee.

1. The Department may rescind the approval if the qualifications of staff are not verified by the school as required by N.J.A.C. 6:46-4.11(a)3.i.

(b) Qualifications of school personnel are as follows:

1. A school director shall have completed six years of academic, military and/or job-related experience beyond high school graduation that includes a minimum of two years of practical experience in a supervisory, administrative or teaching position.

2. Qualifications of instructors shall indicate:

i. Competency in the subject(s) to be taught as demonstrated by one of the following:

(1) Possessing an appropriate instructional certificate issued by the State Board of Examiners or a comparable teaching certificate issued by a recognized certifying authority in another state with which the State Board of Examiners has reciprocity;

(2) Possessing a minimum of a baccalaureate degree from a recognized institution with a major or specialization in the subject area to be taught;

(3) Attaining journeyman's status by possessing a certificate of completion of apprentice training in the subject to be taught;

(4) Obtaining a passing score on the appropriate National Occupational Competency Examination;

(5) Obtaining a passing score on the National Teacher Examination in the appropriate subject area. A passing score shall be the minimum passing score required by the Department for the issuance of instructional certification in the appropriate subject teaching field;

(6) Possessing a certificate of completion from an approved school, a license or rating in the occupational area to be taught; or

(7) Earning the minimum of an associate's degree from an approved institution with a major or specialization in the subject area to be taught.

ii. Instructors demonstrating competency in the subject area in accordance with (b)2i(4) or (5) above must have completed a minimum of two years full-time employment in the occupation prior to taking the examinations.

iii. Instructors demonstrating competency in the subject area in accordance with (b)2i(6) or (7) above must have completed a minimum of two years full-time employment in the occupation following the training time.

iv. A supervising instructor offering direction and guidance to other instructors shall meet the qualifications for instructor and have completed at least one year of full-time teaching in the subject taught by the instructors being supervised.

3. Qualifications of administrative staff, except clerical personnel, employed in a non-teaching capacity, in such title as, but not limited to, Business Manager, Director of Admissions and Director of Placement shall have acquired through education or experience a knowledge of administrative and personnel procedures and practices.

4. Persons employed by the school for the purpose of recruiting students or enrolling in the school shall hold the title of admissions, field or sales representative and shall have participated in training by the director or owner or thoroughly familiarize the representative with the school's courses, programs, admission requirements, policies, regulations and completion requirements.

6:46-4.5 School ownership and financial responsibility

(a) The proposed owner(s) of a private vocational school shall be required to satisfy the [Commission of Education] commissioner that [he they] the owner(s) have a reputation for integrity and good business practices and shall be required to demonstrate that [he (they)] the owner(s) are capable of establishing a legitimate school with reasonable prospects or successful operation. Character and financial references and a criminal history review prepared by the New Jersey State Police shall be [required.] submitted to the Department with the application for approval. Present owner(s) of the schools shall submit a criminal history review annually with the application for renewal of the certificate of approval. The cost of obtaining the review shall be paid by the proposed or current owner(s).

(b) [The owner(s) of the school shall be held responsible and accountable for all activities of the school and its employees.] All acts, statements, advertising[,] and representations of the school and its employees shall be considered as acts, statements, advertising[,] and representations of the owner(s).

(c) When the school is owned by an out-of-state corporation, the owner shall be required to [procure] obtain a certificate of authority to conduct business in the State of New Jersey from the Secretary of State prior to

approval to operate in accordance with [(N.J.S.A. 14A:13-3)]. The certificate of authority shall be submitted to the commissioner with the application for approval.

(d) A franchised school shall be required to submit a copy of the franchise agreement to the commissioner. [of Education.]

(e) The private vocational school shall be required to submit to the Department [demonstrate], prior to initial approval and on an annual basis thereafter, an audit report containing financial statements and an unqualified opinion expressed by a certified public accountant, licensed public accountant, registered municipal accountant or licensed public school accountant that the school has financial resources sufficient to maintain [that it has financial resources sufficient to maintain] its program [of instruction] for the period of time represented by the longest course or program [of instruction] to be offered.

(f) [When deemed necessary, based on the financial position of the school, the Commissioner of Education shall require the school to post a performance bond in sufficient amount to equal either the maximum amount of advance tuition required of the students or \$25,000, whichever is smaller.] Any school approved under this section that collects tuition 30 or more calendar days in advance of instruction shall post a performance bond or irrevocable letter of credit payable to the commissioner in the amount of the projected advance tuition accepted by the school.

(g) The performance bond shall not be required [in the case] of schools [which] that do not [require advance] collect tuition, other than a non-refundable registration fee, [for more than one-month period.] 30 or more calendar days in advance of instruction.

(h) The school shall carry public liability insurance and workmen's compensation insurance.]

6:46-4.6 Courses or programs [of instruction] offered

(a) The private vocational school shall offer to the public only those courses and programs which have been reviewed, evaluated[,] and approved by the [State of New Jersey Department of Education.] Department.

[(b) A course is considered to be a unit of instruction, the successful completion of which will qualify the student for employment in a specific occupation. In many courses certain related instruction—such as mathematics, blueprint reading, material or cost estimating—shall be included as part of the course. This related instruction need not be shown as a separate course.]

(c) A program of instruction is considered to be a grouping of courses, the successful completion of which will qualify the student for employment in one or more specific occupations within a broad occupational field.]

[(d) (b) [For] [e]Each request for course or program [submitted for] approval[,] submitted by the private vocational school shall [submit a course outline in sufficient detail] contain sufficient information for proper evaluation. The [data] information submitted shall include:

1. Course or program title;

2. Specific [V]vocational objective(s) of the course[;] or program;

3. The course or program content in outline form showing the major elements [or items] of instruction, the number of clock hours of instruction for each element [of the course], and the total number of clock hours [for the course] required[;] for completion. If desired, the school may also include credit hours;

4. A description of the [plan] methods of instruction to be used; [in terms of shop or laboratory instruction and classroom instruction;]

5. A description of the educational space, equipment, tools[,] and text materials to be used;

6. [The entrance requirements, if any, such as age, education, and physical fitness;] Competencies needed by pupils prior to enrollment;

7. The tuition [and], other charges[;] or fees;

8. (No change.)

9. [The capacity of the school for any one session of the] A statement of the impact of the course or program [of instruction showing the number of work stations in the shop or laboratory and the number of classroom spaces.] on the overall capacity of the facility.

[(e) The student-teacher ratio shall be such as to afford each student the opportunity to master the subject matter and the school to determine the student's progress by testing, observation, or performance. The following specific limitations or conditions shall apply:]

[1.](c) [For] In all shops or laborator[y]ies [work] where there are physical hazards such as moving machinery, possibility of fire, explosion[,] or exposure to high voltage electricity, there shall be compliance with all local, state and federal safety and health codes. [there shall be a maximum of twenty-five students for each instructor.]

2. For electronically equipped shorthand, typewriting, or keypunching or laboratories, there must be a fully operational work station for each student assigned and there must be at least one qualified instructor present.]

6:46-4.7 Tuition, fees and other charges

(a) The private vocational school shall establish tuition [rates], fees[,] and/or other charges [as deemed necessary. These items] **which shall be filed with the [Commissioner of Education.] Commissioner. Cost changes shall be filed with the commissioner not less than 60 calendar days prior to the effective date of the change.**

(b) The tuition [charges] shall be expressed on the basis of individual courses where applicable. In the case of a program [of instruction], the tuition may be expressed either on the basis of the individual courses making up the program[;], [or on the basis of] the full program of instruction[;] or [on the basis of] a time period such as a semester, quarter, term[,] or school year.

(c) [Where applicable,] [t]The school may establish an application fee to defray the expense of processing the application, [procuring] **obtaining** records or transcripts[,] and testing the applicant. The amount of this fee, which may be non-refundable, shall be limited to a maximum of \$25.00.

(d) Upon [acceptance of the applicant,] **written notification of admission of the pupil to the school**, the school may require the payment of a registration fee [(tuition deposit)] subject to the following:

1. **The fee [S]shall be credited to the pupil's tuition account[;] upon completion of the course of program;**

2. **The fee [S]shall not exceed 15 per cent of the pupil's total tuition for the course or program [of instruction,] or \$100.00, whichever is less; [will be the lesser amount];**

3. **The fee [N]need not be refunded if the [student] pupil does not proceed with the course or program [of instruction] or if the [student] pupil discontinues [his] training before completion[;] of the course or program. The registration fee shall be returned if the pupil cancels the enrollment agreement within three business days after acceptance by the school, even if instruction has begun during the three day period.**

[4. In the event of involuntary inductance into the armed services of the United States, the foregoing item "3" shall not apply. In such case, the registration fee shall be subject to a pro-rata refund; and;]

[5. If paid in advance of the processing of the application is rejected by the school.]

(e) The application and registration fees are not subject to the provisions of N.J.A.C. 6:46-4.5(f).

[(e)](f) The school may establish [such] other charges if [as are deemed] necessary. These charges shall be expressed separately from the tuition and shall be clearly stated in the school bulletin, enrollment agreement[, or] and application for enrollment. These charges may include, but not be limited to, such items as laboratory fees, deposits against breakage, graduation fees[,] and [student] **pupil** activities fees.

[(f)](g) [Concerning] **Required pupil** books, equipment and supplies, [where such items are] not included in the tuition [charges], [the school] shall **be itemized** [list the items required and indicate] **with** the approximate cost to the [student] **pupil**. The school shall not require [the students] **pupils** to purchase the books, equipment[,] and supplies from the school if such items are available on the general market.

[(g) Changes in tuition and/or fees will not be made prior to the filing of such changes with the Commissioner of Education.]

(h) Increases in tuition and/or fees shall not apply to [students] **pupils** already accepted for enrollment or in attendance in a single course. Increases in tuition and/or fees applicable to programs [of instruction] which are divided into time periods such as quarters, terms, semesters[,] or phases shall not apply to:

1. The first such time period for [students] **pupils** that have been accepted for enrollment and who have not yet started their training; and

2. The current time period for [students] **pupils** already in attendance.

(i) **The school may grant appropriate credit for previous training, education or experience; however, tuition and other costs shall be reduced in proportion to credit granted toward course or program completion.**

(j) **All refunds due pupils shall be processed and sent to the pupil no later than 40 calendar days after the date of termination of enrollment of the pupil by the school or receipt by the school of notification from the pupil of withdrawal from the school.**

6:46-4.8 Enrollment agreement

(a) The private vocational school shall use an enrollment agreement [(student contract)] which shall be the contract between the school and the [student] **pupil**. This agreement shall:

1. Be prepared in duplicate, dated[,] and signed by the [student (and in the case of minors by both the student and a parent or guardian)] **pupil** and a [designated representative of the school.] **school owner or a director. In the case of a minor, both the pupil and a parent or legal guardian must sign.** The [student] **pupil** shall be furnished a copy of the agreement;

2. Contain [pertinent] **specific** information on the name and length of the course or program [of instruction], the tuition and other costs[,] and the [methods] **schedule** of payment;

3. Contain information regarding the scheduled hours of instruction, the date of the start of the **course or program**[,] and the approximate completion date;

4. Contain a statement of the registration fee **paid** and the refund policy in the event a [student] **pupil** does not start the course, **notifies the school of withdrawal or is terminated by the school** [or discontinued] prior to completion; [and]

5. Contain a statement of the school policy regarding termination of enrollment of [students] **pupils** or a specific reference to the location in the school bulletin where such policy is [enumerated] **explained**[,] **and**

6. Contain a statement that the pupil shall notify the director, in writing, of the date on which the pupil intends to withdraw from the school if it is prior to completion of the course or program.

(b) **The enrollment agreement shall not be signed until the pupil receives written confirmation of acceptance for enrollment by the school.**

[(b)](c) The enrollment agreement may be executed at the school, the **pupil's** home[,] or by mail. The agreement shall not become binding until three business days after [receipt of confirmation of provisional acceptance by the student from an appropriate official of the school] **signing by both parties.** [The sales representative shall not be considered to be the appropriate official for the purpose.] **The enrollment agreement shall be signed by the school owner or a director.**

(d) **The enrollment agreement shall conform to the regulations in N.J.S.A. 56:12-1 et seq., The Plain Language Law.**

6:46-4.9 Refund policy

(a) In the event of [student withdrawal] **notification by the pupil of withdrawal from the school** or [dismissal] **termination by the school** prior to the completion of the course or program [of instruction], the following considerations shall determine the maximum obligation of the [student] **pupil**: [(The school may determine its refund policy on a more liberal basis.)]

1. (No change.)

2. The school may require that all books, equipment[,] and tools purchased **from the school** by the [student] **pupil** be retained by the [student] **pupil**. However, the school may refund a portion of the monies paid if the books, equipment[,] and tools are in proper condition for resale. [at a suitable reduction in price.]

3. In calculating refunds of tuition paid in advance or sums due the school where tuition is paid on a weekly, monthly[,] or semester basis, the following shall apply:

i. (No change.)

ii. For full-time attendance in courses exceeding 300 hours in length but not exceeding 1,200 hours, the school may retain the registration fee plus:

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

(4) Seventy percent of the total tuition if withdrawal occurs after 25 percent but not more than 50 per cent of the course has been completed; **or**

(5) (No change.)

iii-iv. (No change.)

6:46-4.10 School bulletin

(a) Prior to obtaining its **initial** approval, the private vocational school shall prepare a draft copy of an official school bulletin which, after approval by the [State Department of Education] **Department, [will] shall** be published and a copy [shall be] given to each [student] **pupil** [prior to or upon enrollment] **upon payment of the application fee.** The bulletin shall be revised and updated, subject to approval of the [Department of Education] **Department**, as conditions warrant.

[(b) Certain information that is subject to change, such as the schedule of tuition and fees, and the list of instructional staff, may be prepared as attachments to the bulletin. In such cases, the attachment shall be physically affixed to the bulletin, and the bulletin shall include a specific reference to the attached information.]

(c) Subsequent to the publication of the bulletin, if the school requests approval of new courses, or programs of instruction, a condition of the approval shall be either:

1. Publication of a revised bulletin; or

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

2. Publication of a supplementary pamphlet containing the pertinent information regarding the new offerings.]

[(d)](b) The school bulletin shall be the official statement of the school's policies, regulations, charges[,] and fees[,] and shall include, but not be limited to, the following items:

1. Identifying data, [such as] **which includes** volume, number, [and] date of publication[;] **and effective dates;**

2. Name of the school, name[s] of the [members of the] **chief executive officer** of the governing body[,] and names of [officials and faculty;] **administrators and instructors;**

3. A calendar of the school showing legal holidays, beginning and ending date of each quarter, term[,] or semester[,] and other important dates;

4. School policy and regulations on enrollment with respect to dates of enrollment and specific **prerequisites** or entrance requirements for each course or program;

5. School policy and regulations [relative to] **on leaves[,] of absence[s], absences,** class cuts, make-up work, [tradiness] **tardiness[,] and unavoidable** interruptions [for unsatisfactory] of attendance;

6. School policy and regulations [relative to] **on** standards of progress required of the [student] **pupil**. This policy shall define the grading system of the school, the minimum grades [considered satisfactory,] **required to remain in school,** [conditions for interruption] **consequences** for unsatisfactory grades or progress, a description of the probationary period, if any, allowed by the school[,] and conditions [of re-entrance for those students dismissed] for **readmission following a dismissal** for unsatisfactory progress[,], **attendance or behavior**. A statement shall be made regarding **what constitutes the record of academic progress** [kept] **maintained** by the school and the **record of academic progress shall be** [furnished the] **available to the** [student;] **pupil upon the pupil's request;**

7. School policy and regulations [relating to] **on** [student] **pupil** conduct and [conditions of] **identification of specific behavior that will result in dismissal;** [for unsatisfactory conduct;]

8. Detailed [schedules] **cost** of fees, [charges for] tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits[,] and all other charges;

9. Policy and regulations [relative to] **on** the refund of the unused portion of tuition, fees[,] and other charges in the event the [student] **pupil** does not enter the course, [or] withdraws[,] or [is discontinued therefrom] **is terminated by the school;**

10. A [course outline] **description** of each approved course and program [showing] **describing** [subjects or units in the] course **content,** type of work or skill to be learned[,] and [approximate time and] clock hours of **instruction;** to be spent on each subject or unit;] **If desired, the school may also include credit hours;**

11. A description of the available [space,] **educational** facilities[,] and equipment;

12. Policy and regulations [relative to] **on** granting credit for previous education and training; and

13. Policy and regulations [relative to] **on** the awarding of a diploma, certificate[,] or other evidence of successful completion of a course or program; [of instruction.]

14. A **description of pupil loans or grants available and an explanation of the difference between a loan and a grant;**

15. A **description of scholarships available from the school which includes information on qualifying criteria, dollar value, number available and source of scholarship funds; and**

16. A statement that pupils requiring remedial education programs shall receive information from the director on the availability of remedial programs from adult learning centers listed in the "Adult Education Program Directory" published by the Division of Adult Education, New Jersey Department of Education.

(c) Certain information that is subject to change, such as the schedule of tuition and fees, approved courses or programs, list of instructional staff and the school calendar may be omitted from the body of the bulletin and prepared as attachments to the bulletin. In such cases, the attachments shall be physically attached to the bulletin and the bulletin shall include a specific reference to the attachments.

(d) Pupil handbooks may be published containing any of items listed in (b)1 through 16 above if the pupil handbook is identified as an official supplement to the school bulletin and given to the pupil upon enrollment.

6:46-4.11 School records

(a) Private vocational schools shall maintain adequate records which shall be made available to the Commissioner of Education or his designated representative upon request. These records shall include:

1. Courses or programs of instruction approved by the Department of Education;

2. Correspondence with the State Department of Education and other governmental agencies;

3. Copies of all promotional material, bulletins, and advertising;

4. Records for each student showing attendance, absence, progress, grades, completion date of course or program of instruction, and such placement information as is known at the time of completion;

5. A personnel file on each employee of the school, including sales representatives;

6. Enrollment agreements and, where applicable, applications for enrollment; and

7. A financial record of each student showing the amount of money paid by the student and due from him for his tuition and other charges.

(b) Complete student records shall be held for at least five years. A permanent record card shall be maintained for each student indefinitely. This card shall show the course attended and the date of completion or withdrawal. In the event of the closing of a school, the student's permanent record card shall be forwarded to the office of the appropriate county superintendent of schools.]

(a) **Private vocational schools shall maintain records, which include but are not limited to, the following:**

1. **General records containing:**

i. **Official notification from the Department indicating approval of courses and programs;**

ii. **A copy of each currently approved course or program; and**

iii. **A copy of all current promotional materials, bulletins, bulletin supplements, advertising materials, enrollment agreements, applications for enrollment and, if applicable, pupil handbooks.**

2. **Pupil records for every pupil admitted shall be maintained for a period of five years. The records shall include, but not be limited to:**

i. **Attendance, academic progress, grades, enrollment and completion dates for each course or program, evidence of meeting entrance requirements or qualification under "ability to benefit" described in N.J.A.C. 6:46-4.12(c).**

ii. **An evaluation of the pupil's previous training, education and experience if the pupil is granted advanced standing or credit by virtue of previous training, education and experience;**

iii. **Placement data on pupils who complete the program indicating the employer, date of hire, job title and starting salary attested to by the pupil or verified by the school and accumulated by course or program title or an indication of unemployment;**

iv. **Completed enrollment agreement and, when applicable, the application for enrollment;**

v. **Records of academic or other counseling, if appropriate;**

vi. **Financial records of all tuition and other fees paid by and due from the pupil and, when applicable, a worksheet showing the method used to calculate any refund of monies due and paid to a pupil who withdrew or whose enrollment was terminated by the school prior to completion of the course or program. The source and amount of any pupil grants, loans and scholarships shall be identified;**

3. **Personnel records for administrative, instructional and sales staff showing:**

i. **Evidence of qualification for the position held;**

ii. **Performance evaluations, if appropriate; and**

iii. **A copy of the approvals issued by the Department.**

4. **A permanent record, containing necessary pupil identification information, courses and programs completed, grades, period of attendance and dates of course and program completion or withdrawal shall be maintained. If a school closes, all permanent pupil record cards shall be forwarded to the county superintendent of schools in the county in which the school is located.**

6:46-4.12 Conduct of the school

[(a)] The school shall not collect fees for student services or products.

(b) No student's product, finished or unfinished, shall be placed in the competitive market or sold to students, teachers, or any other person. This provision shall not apply to creative or artistic work.

(c) Where, as a necessary part of the instruction process, work is performed on property or equipment other than school-owned, the school may charge the property owner only the actual cost of materials and supplies used.

(d) Students must be accepted on the basis of their ability to comprehend the subject matter and to benefit from the course or program of instruction.

(e) A student shall not be retained on the school roster when it becomes evident to the instructor or director that said student cannot master the subject matter and materially benefit therefrom.

(f) A school shall not permit its representatives to encourage any student to leave another educational institution where he is in attendance, nor shall any school seek to induce a student to change his plans after the student has signed an enrollment form and paid a registration fee to another school.

(g) All representatives of a school shall refrain from derogatory statements relating to the character, nature, quality, value, or scope of education programs offered by other schools, or the resources or ability of such schools to fulfill their obligations.]

(a) The school may collect fees for pupil services or products subject to the following limitations:

1. The products or services must be a required element of the approved course or program from which the student gains practical experience in order to achieve the identified vocational objectives.

2. Charges for pupil products shall represent only the amount required to recover the actual cost of materials needed to produce the product.

3. Charges for pupil services shall be at a lesser rate than similar services performed by a professional or practitioner.

4. Products made and services offered shall be done under the supervision of the certified instructor and clearly identified as pupil work.

5. Charges for pupil products and services shall not generate a profit for the school and may be used to offset additional costs to the pupil that would be necessary if the fee were not charged for the product or service.

(b) The minimum educational requirement for a pupil to be accepted for enrollment in a course or program in a private vocational school shall be the possession of either a locally issued, state endorsed high school diploma or a state issued high school diploma recognized by the Department.

(c) A pupil not meeting the minimum educational requirement prescribed in (b) above may be admitted by the school on the ability to benefit from the education or training offered by the private vocational school as determined by the school director. Prior to admission, pupils shall be administered a nationally recognized standardized or industry-developed test measuring the applicant's ability to successfully complete the program for which applied. Based on the test results, the director shall determine whether the pupil can benefit from the course or program and be admitted to the school.

(d) Applicants unable to satisfy the admissions testing requirements specified in (c) above may be admitted and enrolled in a program or course of remedial or developmental education which does not exceed one academic year or its equivalent. The director of the school shall provide the pupil with information regarding the availability or remedial education programs at adult learning centers. Locations of the centers are contained in the "Adult Education Program Directory" available from the Division of Adult Education, New Jersey Department of Education. Following the program, the pupil may be re-evaluated by the director for compliance with admission requirements or ability to benefit criteria.

(e) A pupil shall not be retained by the school when the pupil fails to meet the school's minimum standards of academic progress or exceeds the maximum number of absences as stated in the school bulletin. The maximum number of unexcused absences shall not exceed 20 percent of the total clock hours of the course or program.

(f) A school shall not permit its representatives to encourage any pupil to leave another educational institution where the pupil is in attendance, nor shall any school seek to induce a pupil to change plans after the pupil has signed an enrollment form and paid a registration fee to another school.

6:46-4.13 Publicity, advertising and solicitation of students

(a) All advertising shall be based upon fact. Any statement, illustration, representation[,] or omission, which may [misleads or tends to] mislead the public, shall [be deemed objectionable.] not be permitted.

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

(d) Schools using classified columns of newspapers or other publications to [procure] recruit [students] pupils must use only such columns as are headed by "Education", "School"[,] or "Instruction[.]". Classifications such as "Business Opportunities", "employment"[,] or "Help Wanted" may only be used [only] to [procure] recruit employees or agents for the school.

(e) Statements, direct or implied, assuring or guaranteeing jobs or memberships in [U]nions or other organizations as a result of completing a course or program [of instruction] shall not be used.

(f) Any advertising of the price of tuition must state the exact name of the course or program immediately followed by the number of instruc-

tional hours of the course[,] or program. When the cost of tuition is advertised, the cost of tools, supplies[,] and all other charges shall be included in the advertising.

(g) Illustrations in bulletins, circulars[,] or advertisements shall relate solely to the school being advertised. [In the case of a] If the school [that] operates two or more separate facilities, all illustrations shall clearly indicate which facility is shown. **Illustrations depicting typical work settings are permissible in the aforementioned documents.**

(h) A school that is a member of any organization or association of schools shall limit any published statement [in this regard] to "A member of _____ association".

(i) A school that is accredited by an accrediting agency recognized by the United States [Commissioner] Secretary of Education and/or the National Commission on Accrediting shall limit any published statement [in this regard] to "Accredited by _____". **No school may advertise accreditation by an agency not recognized by the United States Secretary of Education or the National Commission on Accrediting.**

(j) A guarantee of placement for graduates [must] shall not be promised or implied by any school, [or] owner, partner, officer, employee, agent[,] or sales[man] person thereof. No school, in its advertising or through the activities of its owners, officers[,] or representatives shall guarantee or imply the guarantee of employment or of any certain wage or salary. [either before enrollment, during the pursuance of the course(s), or after the completion thereof.]

(k) The school may refer to the fact that [is] it has been approved by the commissioner only in the following terminology: "Approved by the [State of] New Jersey Department of Education".

6:46-4.14 Scholarships and financial assistance

(a) Schools may offer financial assistance and/or scholarships [upon the following basis] as follows:

1. Loan or deferred payments may be made to worthy students[.]. **Interest on loans shall not exceed the prime interest rate in effect 30 days in advance of the loan.**

2. Work or service scholarships may be granted for actual performance of duties or services. [Remuneration] **Payment** for [said] the duties or services shall not be in excess of the current local rates for comparable duties or services;

3. [Funded s]Scholarships may be granted on the basis of the value, number[,] and source of scholarships as printed in the school bulletin; and

4. (No change.)

6:46-4.15 Period of approval of school and school personnel

(a) Approval of a private vocational school is granted for a period of one year. The period of approval may be adjusted to a calendar year, fiscal year[,] or the anniversary date of the original approval. **The owner of a private vocational school wishing to operate in the State of New Jersey shall register with the commissioner and complete an application for approval prescribed by the commissioner no later than 120 calendar days prior to commencement of instruction. Upon approval by the commissioner the school will be issued a certificate of approval to operate which shall be valid for one year from the date of approval.**

(b) [The] Such school shall file an application for renewal of approval no later than [one month] **60 calendar days** prior to the expiration of the certificate of approval. **If the school submits the application for renewal by the submission deadline, the school may continue to operate with the existing certificate of approval until such time as the commissioner determines that the school is not eligible for reapproval or the new certificate of approval is issued.**

(b)(c) The [certificates] **approvals** issued to the school for instructors, directors, sales representatives and administrative personnel shall be valid as long as the persons [is] are employed by the school. [Upon termination of employment, the school shall return the certificate to the Department of Education.]

(c)(d) The school shall display the **certificate of approval** in a [prominent] **public** place [in its reception area, director's office, or other suitable place the school's certificate of approval.] **in the approved school.** The certificates of the director, administrators, instructors[,] and sales representatives may be displayed at the discretion of the school director.

(d)(e) A change **shall not occur prior to approval** in any item that was an element or condition of the original or subsequent approval. [or of a subsequent change must] **Any change shall be [approved] submitted for approval** by the [Department of Education] **Department.** [prior to any announcement of the change by the school.]

(e)(f) A change in ownership [may] **shall** invalidate an approval by the [C]ommissioner. [of Education.] The [proposed] new owner(s) shall be required to submit an application for approval and evidence [that he

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

(they) are qualified] of qualification to operate a school. Upon request, the commissioner may grant a temporary approval, not to exceed 90 calendar days to the new owner provided the conditions of the current approval are not changed.

[(f)](g) A change in location without prior approval of the [State Department of Education] Department shall invalidate an approval. Before a change in location, the school director shall obtain approval [by] from the [State Department of Education] Department. [and the proper local authorities. The rules pertaining to suitability of facilities and equipment shall apply to a proposed new location.]

6:46-4.16 Violations of [foregoing] rules

[(a)] Violations of the foregoing rules may be considered just cause for the revocation of or refusal to renew the certificate of approval by the Commissioner of Education.

(b) Prior to the withholding or revocation of a certificate of approval by the Commissioner of Education, a hearing shall be scheduled by the Department of Education.]

(a) Violations of these rules may be just cause for the commissioner to revoke or withhold a certificate of approval or place reasonable conditions upon the continued operation of the school.

(b) Prior to the revocation or withholding of a certificate of approval or the imposition of conditions upon the continued operation of the school, the commissioner shall direct the owner of the school to show cause why such sanctions shall not be imposed in accordance with the procedure established under N.J.A.C. 6:24-3.1.

(c) Any person, firm, corporation or association that operates a private vocational school without obtaining or maintaining the approval required by this chapter shall be referred by the commissioner to the Office of the Attorney General with a request that the Attorney General obtain a court order to enjoin the offending school from continuing to operate through an action in the Superior Court, Law Division. The commissioner shall request that the court sign an order to show cause why the school should not be enjoined from continuing to operate in violation of the law.

(d) The commissioner shall notify all relevant accrediting agencies, the Department of Higher Education, New Jersey Higher Education Assistance Authority and other student loan guarantors when the approval of an approved private vocational school is revoked by the commissioner.

6:46-4.17 Conformity with existing [legislation] rules

[Approval shall not be granted to operate a private vocational school unless and until it shall conform to existing Federal, State, and municipal laws and/or regulations.] The granting of approval [of] to operate a private vocational school by the commissioner shall not waive any requirements established by legally constituted commissions or other [regulating agencies.] local, state or federal rules.

6:46-4.18 [Recognition of accrediting agencies] Procedures for monitoring private vocational schools

[(a)] The Commissioner of Education may recognize the institutional and programmatic accreditation granted to a school by an accrediting agency recognized by the United States Commissioner of Education.

(b) Such recognition by the commissioner shall be subject to the following conditions and limitations:

1. The accredited school must comply with all applicable laws and the rules of the New Jersey State Board of Education. The recognition of accredited status shall apply only to those courses which were subject to evaluation and subsequent recognition by the accrediting agency;

2. The recognition of accredited status shall permit a school to apply for approval under the provisions of Section 1775, Title 38, United States Code, for purposes of training veterans and eligibles;

3. At least one member of the staff of the State Department of Education shall be a member of each accrediting and re-accrediting evaluation team. A copy of all completed evaluation materials pertinent to each course and school will be forwarded to the commissioner prior to the evaluation visit. The accrediting agency recognized by the commissioner shall be a party to the investigation of complaints, items of non-compliance, or any irregularity reported or charged against the accredited school.]

(a) The commissioner shall monitor each approved private vocational school annually.

(b) Based upon the monitoring, the commissioner shall determine whether to recommend the continuation or suspension of the certificate of approval of the private vocational school.

(c) The monitoring procedure shall be as follows:

1. The assistant commissioner, Division of Vocational Education shall establish a monitoring schedule.

2. Each private vocational school director shall be notified in advance by the assistant commissioner, Division of Vocational Education of the date established for the monitoring visit.

3. Prior to the monitoring visit, each private vocational school director shall receive a copy of the monitoring instrument prescribed by the commissioner containing the requirements of this subchapter and specific indicators needed to demonstrate compliance with the requirements.

(d) The monitor(s) shall record findings required by this subchapter using worksheets prescribed by the commissioner and review the findings with the school director at an exit conference.

(e) The assistant commissioner, Division of Vocational Education, shall send a formal notification of findings to the school director within 20 work days of the completion of the monitoring visit. The notification shall contain:

1. Copies of the completed worksheets;

2. A recommendation that the approval of the school be continued or suspended by the commissioner.

(f) A school director notified that the assistant commissioner, Division of Vocational Education will recommend to the commissioner that the approval of the school be suspended shall be granted 30 calendar days from receipt of the notification to document to the commissioner that the indicator(s) found unacceptable have been corrected.

(g) Any school that does not correct the deficiencies within the 30 calendar day period shall have its certificate of approval suspended by the commissioner, in accordance with the procedure established under N.J.A.C. 6:24-3.1.

SUBCHAPTER [6]5. CORRESPONDENCE SCHOOLS

6:46-[6.1]5.1 Basic information concerning certificates of approval for correspondence schools located in New Jersey

(a) [After July 1, 1950,] [n]No correspondence school located in New Jersey shall solicit students or collect fees until a [C]certificate of [A]approval has been granted by the [C]commissioner [of Education].

[(b)] The receipt of a Certificate of Approval shall be assurance to the officials of a correspondence school and to the students that the school meets the standards of the New Jersey State Board of Education and that it has the legal right to operate.]

[(c)](b) The issuing of a [C]certificate of [A]approval to a correspondence school shall not be deemed to accredit the courses offered as valid for transfer to any other school or college in New Jersey.

[(d)](c) An approved correspondence school located in New Jersey [when approved] may [in its advertising] use the following statement in its advertising: "Approved by the [Commissioner of Education of the State of New Jersey]." New Jersey Department of Education".

[(e)](d) The fee for the initial issue of a [C]certificate of [A]approval shall be \$100.00.

[(f)](e) A [C]certificate of [A]approval [may] shall be renewed annually upon payment of a fee of \$50.00. Fees shall be made payable to the New Jersey Commissioner of Education.

[(g)](f) Any [C]certificate of [A]approval may be revoked or denied for [a] good cause after a hearing[.] pursuant to N.J.A.C. 6:24-3.1.

[(h)](g) An application for a [C]certificate[s] of [A]approval shall be filed with the [C]commissioner [of Education]. It shall be in the form of a letter with data to show how the [following standards] requirements of N.J.A.C. 6:46-5.2 have been attained.

6:46-[6.2]5.2 Standards for correspondence schools

[(a)] The name of the school shall be descriptive of its function or functions. Any word or words which suggest an official relation with a municipality or with the State shall not be used. Any change in the name of an approved school shall be registered with the Commissioner of Education prior to the use of the new name.

(b) Any school shall be approved only for a specific location. Any change in the location of a school shall have the prior approval of the Commissioner of Education as to adequacy of facilities.]

(a) Name of school requirements:

1. The name of the correspondence school shall not infringe on the name of another school.

2. The words "New Jersey" or "State of New Jersey" shall not be used in the name of the school.

3. No school shall adopt or use any title or name commonly accepted as descriptive or collegiate or university institutions.

4. The name of the school, once approved, shall not be changed without the prior approval of the Department.

[(c)](b) Administration of the school [rules are] requirements:

1. Each correspondence school shall have an [executive head] administrator. The [executive head] administrator of the school shall present evidence that he or she has the qualifications and the experience essential

for competent and ethical administration of a correspondence school and [that he] will devote to the school the time necessary for efficient administration.

2. The [executive head] **administrator** of a correspondence school shall have the administrative assistance necessary for adequately [manning] **operating** the school and effectively coordinating the work of the [teachers] **supervisors of correspondence instruction**.

3. Each private correspondence school located in New Jersey shall furnish such information and reports [from time to time as] to the [C]ommissioner [of Education shall deem necessary and proper and in the manner prescribed by him.] **as required by these rules**. Failure to furnish any such information or report or to conform [in every particular] to standards prescribed for [such] private correspondence schools shall be good and sufficient reason for the refusal of a [C]ertificate of [A]pproval for such private correspondence school or for the revocation of a [C]ertificate of [A]pproval previously granted.

[(d)](e) Organization and nature of correspondence course[.] **requirements:**

1. Each course of instruction offered shall consist of:

[1.] i. A preliminary lesson or set of instructions on ["How to Study"] **how to study** by the home-study method[,] or adequate instruction on how to study each lesson assignment.

[2.] ii. Textual or lesson materials which are:

[i.] (1) Adequate in that they cover the subject as fully and as thoroughly as [announced] **advertised**;

[ii.] (2) Accurate in that they are all authenticated;

[iii.] (3) Current in that they represent reliable [modern] **and up-to-date** information on the subject;

[iv.] (4) Presented in a [simple,] clear[, interesting,] and logical manner [so that the students can grasp the important points readily];

v. Illustrated with photographs, cuts, and drawings which clarify the explanations and not simply adorn the text;

vi. Printed in such a manner as to contribute to ease of study.

[3.] iii. Instructional [service] **evaluation** on each lesson or unit assignment consisting of:

[i.] (1) A series of examination questions or problem assignments which thoroughly stress the important phases of the subject presented and [which] require a demonstration of the [student's] **pupil's** ability or skill in applying the information attained;

[ii.] (2) An individualized [correctional service] **written performance evaluation** pointing out [the] errors, directing the [student] **pupil** to sources of correct information[, as well as] **and** supplying additional explanations and supplementary instructional material when necessary.

4. A definite system of encouragement and stimulation of students to provide:

i. Regularly scheduled and thorough study of the lesson assignments;

ii. Reasonable regularity in sending written summaries and examinations to the school for correction, comment, and evaluation.]

[(e)](d) Qualifications of instructional staff[.] **requirements:** [The following term, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

A "Supervisor" of correspondence instruction is a person responsible for grading the papers sent to the school by the students and for guiding the students in their study.]

1. (No change.)

2. The individualized [correctional services] **written performance evaluation** shall be [in charge of] **the responsibility of** a supervisor [or supervisors] of correspondence instruction, [who shall have as a minimum the following educational preparation and experience:

i. A high school education and a combination of at least six years of higher education, teaching, and experience closely related to the subjects to be taught. This standard shall not operate to prevent the employment of competent assistants without these qualifications to grade papers under the direction of an approved supervisor of correspondence instruction;

ii. A knowledge of educational psychology and methods as those subjects apply to the courses to be taught.

3. Each supervisor of correspondence instruction shall be endorsed by the Commissioner of Education. An approved correspondence school located in New Jersey may employ for a period of not to exceed 60 days a supervisor of correspondence instruction who has not yet attained endorsement by the Commissioner of Education for the particular assignments concerned within 60 days. In applying for endorsement of supervisors, correspondence schools shall submit data concerning each applicant for endorsement as follows:

i. Educational background and attainments;

ii. Work experience related to the courses concerned;

iii. Three references who are qualified to judge the abilities not in code of the supervisor concerned.]

3. **Supervisors of correspondence instruction shall indicate competency in the subject(s) which he or she will evaluate as demonstrated by one of the following:**

i. An appropriate instructional certificate issued by the State Board of Examiners or a comparable instructional certificate issued by a recognized certifying authority in another state with which the State Board of Examiners has reciprocity;

ii. A minimum of a baccalaureate degree with a major or specialization in the subject area to be evaluated;

iii. Journeyperson's status, by possession of a certificate of completion of apprentice training in the subject to be evaluated;

iv. A passing score on the appropriate National Occupational Competency Examination;

v. A passing score on the National Teacher Examination in the appropriate subject area. A passing score shall be the minimum passing score required by the Department for the issuance of instructional certification in the appropriate subject teaching field;

vi. A certificate of completion from an approved school, license or rating in the occupational area to be evaluated;

vii. The minimum of an associate's degree from an approved institution with a major or specialization in the subject area to be evaluated.

4. **Supervisors of correspondence instruction demonstrating competency in the subject area in accordance with (d)3iv or v above must have completed a minimum of two years full-time employment in the occupation prior to taking the examinations.**

5. **Supervisors of correspondence instruction demonstrating competency in the subject area in accordance with (d)3vi or vii above must have completed a minimum of two years full-time employment in the occupation following the training time.**

[(f) Financial stability.

Each correspondence school located in New Jersey shall annually demonstrate to the satisfaction of the Commissioner of Education that it has financial resources sufficient to carry out its program of instruction as announced in the school's official publication.]

(e) **School ownership and financial responsibility requirements:**

1. **The proposed owner(s) of a correspondence school shall be required to satisfy the commissioner that the owner(s) have a reputation for integrity and good business practices and shall be required to demonstrate that the owner(s) are capable of establishing a legitimate school with reasonable prospects for successful operation. Character and financial references and a criminal history review prepared by the New Jersey State Police shall be submitted to the Department with the application for approval. Present owner(s) of schools shall submit a criminal history review annually with the application for renewal of the certificate of approval. The cost of obtaining the review shall be paid by the proposed or current owner(s).**

2. **The owner(s) of a school shall be held responsible and accountable for all activities of the school and its employees. All acts, statements, advertising and representations of the school and its employees shall be considered as acts, statements, advertising and representations of the owner(s).**

3. **When the school is owned by an out-of-state corporation, the owner(s) shall be required to obtain a certificate of authority to conduct business in the State of New Jersey from the Secretary of State prior to approval to operate in accordance with N.J.S.A. 14A:13-3. The certificate of authority shall be submitted to the commissioner with the application for approval.**

4. **A franchised school shall be required to submit a copy of the franchise agreement to the commissioner.**

5. **The correspondence school shall be required to submit to the Department, prior to initial approval and on an annual basis thereafter, an audit report containing financial statements and an unqualified opinion expressed by a certified public accountant, licensed public accountant, registered municipal accountant or licensed public school accountant that the school has financial resources sufficient to maintain its operation for the period of time represented by the longest course or program of instruction to be offered.**

6. **Any school approved under this section that collects tuition 30 or more calendar days in advance of instruction shall post a performance bond or irrevocable letter of credit payable to the commissioner in the amount of the projected advance tuition accepted by the school.**

7. **The performance bond shall not be required of schools that do not collect tuition other than a non-refundable registration fee, 30 or more calendar days in advance of instruction.**

[(g)](f) The official bulletin or catalog[.] **requirements:**

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

1. Each correspondence school located in New Jersey shall [from time to time] issue a printed bulletin which shall clearly indicate that it is an institution offering courses by correspondence. Its statements shall set forth the obligations of both the school and the [students] pupils.

2. The bulletin shall show the following:

[1.] i. The name and location of the school;

[2.] ii. The name of the [executive head] administrator of the school;

[3.] iii. A description of the lessons and the courses offered; [Upon approval of the Commissioner of Education, this standard may be met by publishing a description of the courses offered as a bulletin separate from the catalog;]

[4.] iv. The fees and tuition charged;

(1) A correspondence school may meet this standard by publishing separately its list of fees and charges, provided an up-to-date list of such fees and charges is kept filed with the Commissioner [of Education in Trenton, New Jersey];

[5.] v. Requirements for graduation;

[6.] vi. The maximum time allowed for completing each course.

[(h)] (g) Financial records[.]: Each school shall maintain detailed financial records. These records shall be subject to inspection by the commissioner [of Education] or his or her [representative] designee.

[(i)] (h) Responsibility for agents and field representatives[.]: Each school shall be accountable for the acts of its licensed agents and field representatives as these acts affect the rights of [students] pupils or prospective [students] pupils.

[(j)] Bonding agents.

For the faithful performance of their financial responsibilities, each correspondence school in New Jersey shall require its field representatives and agents to be bonded in an amount approved by the Commissioner of Education.]

[(k)](i) Preliminary sales training[.]: Each private correspondence school located in New Jersey shall give its [sales] field representatives and agents adequate preliminary training and exercise careful supervision to guard against any misrepresentation to prospective [students] pupils and to prevent the enrollment of pupils who lack qualifications for probable success in completing the course concerned.

[(1)](j) Nature of the school's contract with [student] pupils[.] requirements:

1. The contract to be approved shall enumerate the following:

[1.] i. The total cost to the [student] pupil;

[2.] ii The initial payment at the time of registration;

[3.] iii. The amounts of subsequent payments and a statement specifying when the payments are due;

[4.] iv. A list of books, supplies[,] and equipment[,] to be furnished by the correspondence school;

[5.] v. A list of the books, supplies[,] and equipment[,] which the [student] pupil must purchase in addition to those provided by the correspondence school;

[6.] vi. All other charges which the school may make, such as fees for a diploma or for graduation;

[7.] vii. The terms of settlement for the [student] pupil who decides to discontinue his or her enrollment and withdraw from the school;

[8.] viii. The terms of settlement for the [student] pupil who is [dropped] terminated by the school;

[9.] ix. The particulars concerning instruction during completion periods in shops, shops[,] or laboratories, provided such instruction is offered.

[(m)] (k) Completion periods in shops, schools[,] or laboratories[.] requirements:

1. Completion periods in shops, school[,] or laboratories may be offered by correspondence schools located in New Jersey provided the shop, school[,] or laboratory concerned is approved by the Commissioner [of Education] as adequate for the courses offered. If a correspondence school located in New Jersey [shall] advertises [as part of a course] a completion period in a school as part of a course, shop[,] or laboratory, [then] the contract shall specify:

[1.] i. The basis for qualifying as a [student] pupil for admission to the shop, laboratory[,] or school for the completion period concerned;

[2.] ii. The location of such shop, [or] laboratory or school;

[3.] iii. The schedule of periods of instruction in such shop, laboratory[,] or school;

[4.] iv. The number of days of instruction to which the qualified [student] pupil is entitled;

[5.] v. A description of the facilities in the shop, laboratory[,] or school concerned;

[6.] vi. The amount of additional tuition required for attendance at the shop, laboratory[,] or school used for the completion period;

[7.] vii. The [student's] pupil's responsibility for paying the cost of transportation to and from the shop, laboratory[,] or school where the completion period is scheduled;

[8.] viii. The [student's] pupil's responsibility for paying the cost of room and board while in attendance during the completion period;

[9.] ix. A list of the books, supplies[,] and tools which will be furnished by the school for use by the [student] pupil while in attendance during the completion period and the rental cost for the use of such books, tools[,] and supplies;

[10.] x. A list of additional tools, equipment, work clothing, books[,] or other items which must be purchased by the [student] pupil for use during the completion period.

[(n)](l) Standards for enrollment[.]:

1. Each correspondence school located in New Jersey shall [either:

1. E]establish and print standards of educational achievement which [students] pupils shall attain before enrolling for each course offered[; or

2. Begin each course with simple basic readings and illustrations which lead gradually to the more advanced lessons.]

[(o)](m) Pupil [R]ecords[.]:

[A summary of the student's educational achievement shall be recorded on a form planned for that purpose. These records shall be retained by the school for a period of at least 20 years.] A permanent record, containing necessary pupil identification information, courses and programs completed, grades, dates of course and program completion or withdrawal shall be maintained. If a school closes, all permanent record cards shall be forwarded to the county superintendent of schools in the county in which the school is located.

[(p)](n) Avoiding unfair practices[.]: Each correspondence school to which a New Jersey [C]ertificate of [A]pproval is awarded shall avoid [the] unfair trade practices enumerated in [Trade Practice Rules for Private Home Study Schools approved by the Federal Trade Commission, November 2, 1936, and as amended subsequent to that time.] the Federal Trade Commission Guides for Private Vocational and Home Study Schools, 16 C.F.R. Sec. 254.1-10 (1986).

[(q)] (o) Revoking a [C]ertificate of [A]pproval[.]: The [C]ertificate of [A]pproval of a correspondence school located in New Jersey may be revoked if the [C]ommissioner [of Education], after a hearing pursuant to N.J.A.C. 6:24-3.1, finds and determines[:

1. That the school concerned has violated the Trade Practice Rules for Private Home Study Schools approved by the Federal Trade Commission, November 2, 1936, or has violated any official amendments to these rules;

2. T]hat the school [concerned] has not maintained the standards [which are officially] for New Jersey correspondence schools approved by the State Board of Education, [for New Jersey correspondence schools.]

[(r) Amending these regulations.

The New Jersey State Board of Education reserves the right to amend these regulations from time to time and make the amendments effective after notices have been published for a reasonable time.

(s) Renewing Certificates of Approval.

Certificates of Approval of a correspondence school located in New Jersey shall be renewed annually upon the payment of a fee of \$50.00 provided the correspondence school concerned is complying with the current regulations of the State Board of Education.]

6:46-[6.3]5.3 [Basic requirements for licenses] Licensure of field representatives or agents

(a) No field representative or agent of any private correspondence school located [outside or] within the State shall solicit [students] pupils or transact business in New Jersey [after July 1, 1950.] unless he or she [shall have] has secured a license from the Commissioner. [of Education a license to be issued by him under such rules and in such form as he shall prescribe, with the approval of the State Board of Education.]

(b) A license to act in New Jersey as a field representative or agent of an approved correspondence school [may be either provisional or standard. A standard license] shall be valid for a period of one year. It shall be renewable annually unless revoked for a good cause after a hearing. [A provisional license shall be valid for one year unless revoked for a good cause after a hearing. It is not renewable.]

(c) The annual fee for the issue or renewal of a license shall be \$10.00. [Fees shall be paid by certified check or money order and must be made payable to the New Jersey Commissioner of Education.]

(d) A license issued to a particular person shall be valid only for a field representative or agent for the specific school mentioned in the

license. The license shall not be transferable to another person. If employment ceases, the license shall be returned to the New Jersey Commissioner of Education.

(e) The license of the field representative or agent may be endorsed for an additional school or schools upon the request of school officials concerned.]

6:46-[6.4]5.4 Qualifications [basic to licensing] of field representatives or agents

(a) A [provisional nonrenewable] license valid for one year to serve as a field representative or agent of a correspondence school shall be issued to an applicant who presents evidence satisfactory to the Commissioner [of Education] that:

1. He or she has attained the age of 21 years;
2. He or she is of good moral character and has a [good] reputation for honesty, truthfulness[,] and fair dealings[.]; and

[(b) He is enrolled for an approved training program for field representatives conducted by the correspondence school concerned.

(c) He has been employed, subject to receiving a New Jersey license, to represent a correspondence school which:

1. Is approved by the proper officials in the State where located;
2. Has secured approval by the New Jersey Commissioner of Education of the contract it proposes to use with New Jersey students. The contract to be approved shall enumerate the following:

- i. The total cost to the student;
- ii. The initial payment at the time of registration;
- iii. The amounts of subsequent payments and a statement specifying when the payments are due;
- iv. A list of the books, supplies, and equipment to be furnished by the correspondence school;
- v. A list of the books, supplies, and equipment which the student must purchase in addition to those provided by the correspondence school;
- vi. All other charges which the school makes, such as fees for a diploma or for graduation;
- vii. The terms of settlement for the student who decides to discontinue his enrollment and withdraw from the school;
- viii. The terms of settlement for the student who is dropped by the correspondence school;
- ix. The particulars concerning instruction during completion periods in schools, shops, or laboratories, provided such instruction is offered.

3. If a correspondence school advertises a completion period in a school, shop, laboratory, the contract to be approved shall specify:

- i. The basis for qualifying as a student for admission to the shop, laboratory, or school for the completion period concerned;
- ii. The location of such shop or laboratory or school;
- iii. The schedule of periods of instruction in such shop, laboratory, or school;
- iv. The number of days of instruction to which the qualified student is entitled;
- v. A description of the facilities in the shop, laboratory, or school concerned;

vi. The amount of additional tuition required for attendance at the shop, laboratory, or school used for the completion period;

vii. The student's responsibility for paying the cost of transportation to and from the shop, laboratory, or school where the completion period is scheduled;

viii. The student's responsibility for paying the cost of room and board while in attendance during the completion period;

ix. A list of the books, supplies, and tools which will be furnished by the school for use by the student while in attendance during the completion period and the rental cost for the use of such books, tools, and supplies;

x. A list of any additional tools, equipment, work clothing, books, or other items which must be purchased by the student for use during the completion period.

(d) A standard license renewable annually unless revoked for good cause after a hearing shall be issued to an applicant who presents evidence satisfactory to the New Jersey Commissioner of Education that he has met the requirements of paragraphs 1 and 2 of this subsection, namely:

1. That he has satisfactorily served in New Jersey as a provisionally licensed representative of an approved correspondence school for a period of at least six consecutive months; and]

[2.]3. [That h]He or she has satisfactorily completed a[n] [approved] training program for field representatives or agents conducted by the correspondence school which he or she represents. [Training programs to be approved for New Jersey representatives shall provide instruction concerning:

i. The Trade Practice Rules for Private Home Study Schools as approved by the Federal Trade Commission, November 2, 1936, and official amendments to these rules;

ii. Chapter 230, New Jersey Laws of 1949, and the rules and regulations of the New Jersey State Board of Education concerning correspondence schools and agents of correspondence schools;

iii. Basic laws concerning contracts and sales;

iv. Ethics for salesmen;

v. Principles of guidance as they apply to judging the fitness of students to enroll for the correspondence courses concerned.]

6:46-[6.5]5.5 [Revoking a] Revocation of the field representative or agent license

(a) The license of a field representative or agent may be revoked if, after a hearing, the [C]ommissioner [of Education] finds and determines[:

1. T]that the field representative or agent concerned has violated the [Trade Practice Rules for Private Home Study Schools approved by the Federal Trade Commission, November 2, 1936, or has violated any official amendments to these rules;] **Federal Trade Commission Guides for Private Vocational and Home Study Schools, 16 C.F.R. Sec. 254.1-10 (1986)** or

[2. T]that the field representative or agent has [conducted himself in a manner unbecoming a professional worker in education.] **not maintained the standards approved for New Jersey correspondence schools by the State Board of Education.**

6:46-[6.6]5.6 [Cancellation of the license of a field representative or agent] (Reserved)

[(a) The license of a field representative or agent may be cancelled if the Commissioner of Education finds and determines:

1. That the school which the agent represents has not fulfilled its contract with one or more New Jersey students; or
2. That the school which the agent represents is no longer approved in the state where located.]

6:46-[6.7]5.7 [Amendments](Reserved)

[The New Jersey State Board of Education reserves the right to amend these regulations from time to time.]

6:46-[6.8]5.8 [Renewing licenses] (Reserved)

[Standard licenses shall be renewed annually upon the payment of a fee of \$10.00 provided the applicant qualifies under the regulations current at the time the fee for renewal is paid. Provisional licenses shall not be renewable.]

6:46-[6.9]5.9 (Reserved)

6:46-[6.10]5.10 (Reserved)

6:46-[6.11]5.11 (Reserved)

6:46-[6.12]5.12 (Reserved)

6:46-[6.13]5.13 (Reserved)

6:46-[6.14]5.14 (Reserved)

SUBCHAPTER 7. [MUSIC SCHOOLS] (RESERVED)

OFFICE OF ADMINISTRATIVE LAW NOTE: Subchapter 7 containing rules on Music Schools is proposed for repeal. **Full text** of the rules may be found in the New Jersey Administrative Code at N.J.A.C. 6:46-7.

SUBCHAPTER 8. [NONPROFIT PRIVATE SCHOOLS] (RESERVED)

OFFICE OF ADMINISTRATIVE LAW NOTE: Subchapter 8 containing rules on Nonprofit Private Schools is proposed for repeal. **Full text** of the rules may be found in the New Jersey Administrative Code at N.J.A.C. 6:46-8.

SUBCHAPTER [9.]6. CONTRACTING FOR EDUCATIONAL SERVICES WITH ELIGIBLE PRIVATE VOCATIONAL SCHOOLS

[6:46-9.1 Definition of private vocational school]

[(a) For purposes of this subchapter, a private vocational school is defined as follows:

1. A business enterprise operated for either profit or nonprofit which maintains a place of business within the State of New Jersey and which:
 - i. Solicits pupils from the general public;
 - ii. Charges tuition and/or other fees;
 - iii. Offers instruction to a group or groups of four or more pupils at one time;

iv. Offers preparatory instruction to pupils for entry level employment or for upgrading in a specific field of endeavor; and

v. Offers course(s) or program(s) of instruction which shall have a minimum of 40 per cent of the instructional hours devoted to shop, laboratory, skill development, or problem solving directly related to the occupational goal.]

6:46-[9.2] 6.1 [Conditions] **Contracts to provide vocational education courses; qualifications**

(a) **For the purpose of providing vocational education courses on an individual or group basis, district [B]boards of education may, provided the provisions of N.J.A.C. 6:8-7.1 et seq. are met, enter into [agreements] contracts with private vocational schools under the following conditions:**

1. [Enrollment in such courses is not available in county vocational schools, or at area vocational schools, or at other comprehensive public high schools] **When such courses cannot be provided by the county or regional vocational schools or other school districts [within a 20-mile distance. For the purpose of determining a 20-mile distance, measurement shall be made by the shortest route along public roadways or walkways from the main entrance of the public school offering the vocational program or course]; or**

2. [The] **A private vocational school can provide [a] substantially equivalent [course] training at a lesser cost as substantiated and certified by the local education[al] agency subject to the review and approval of the commissioner. Said course shall meet the requirements of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.).**

6:46-[9.3] 6.2 Eligibility of private vocational schools

[(a) To be eligible to enter into contracts with a board of education, a private vocational school must:

1. Hold a current license issued by a New Jersey State board or agency empowered to issue such license and must have been licensed for at least two years immediately preceding execution of a contract; or

2. Hold a current certificate of approval and course approval notice from the New Jersey Department of Education and must have held such certificate for at least two years immediately preceding execution of the contract. The two-year period of operation requirement will apply to courses offered by a subsidiary branch or extension of a school. Additional facilities acquired by a school in the same general locality because of space limitations will not be considered to be a subsidiary branch or extension and will not be subject to the two-year limitation if all of the following conditions are met:

i. The school has been in operation for a period of two years or more;

(a) **A private vocational school shall be deemed eligible to enter contracts with a district board of education if it is approved by the commissioner pursuant to N.J.A.C. 6:46-4.1 et seq.**

(b) **A license or certificate of approval must have been held by the private vocational school for at least two consecutive years preceding execution of the contract. The two-year period of operation requirement will apply to courses offered by a subsidiary branch or extension of a school.**

i. **Additional facilities acquired by a school because of space limitations will not be considered to be a subsidiary branch or extension and will not be subject to the two-year limitations if all of the following conditions are met:**

[ii.] (1) The school has reached the limit of its enrollment capacity in its present facilities;

[iii.] (2) The courses to be offered at the additional facilities are the same as those given in the present facilities; and

[iv.] (3) The additional facilities are within normal commuting distance of the present facilities [; and].

[3.](c) **A private vocational school shall [M]meet all provisions of N.J.A.C. 6:46-4.1 et seq., except that in addition all facilities and instructional equipment to be used in meeting the terms and conditions of the proposed contract shall be approved by the county superintendent of schools of the county in which the school is located. Facility approval criteria, as a minimum, shall be those used for emergency approval for public schools.**

(d) **Such contracting schools shall be subject to all of the provisions of N.J.A.C. 6:46-4.1 et seq.**

6:46-[9.4] 6.3 Records

[(a) Each private vocational school entering into a contract with a board of education shall make its financial records available for inspection by the Commissioner of Education or his/her designated representative. Pupil records are subject to N.J.A.C. 6:3-2.1 et seq.]

[(b)] Pupil progress and attendance records shall be furnished to the contracting board of education in a timely fashion to coincide with existing public school reporting procedures. Final payment to a private

vocational school may be withheld until course completion results, on an individual basis, are received by the contracting board of education.

[(c) Reports involving pupil skill performance and competencies may be required by the contracting board of education as determined by local employment needs and/or school philosophy.]

6:46-[9.5] 6.4 Contracts; terms; approval

(a) Each contract entered into shall:

1. Assure that all parties and all contractual criteria referenced therein be in accordance with **all applicable Federal and State laws and [federal] regulations[, where applicable, (P.L. 94-482, Title 20, U.S. Code)];**

2. **Be approved in writing** by the Commissioner [or his/her designated representative] prior to its execution. [and such] [r]Requests for approval shall be presented at least 60 days prior to the proposed execution date; and

3. Be executed in a format developed and approved by the commissioner.

(b) Appended to each contract shall be a copy of the proposed curriculum, applicable pupil schedules, rules of the private vocational school concerning participating pupils, current comparative programmatic and cost analyses demonstrating that training offered is equivalent in nature and is being provided at a lesser per capita cost than could be provided by the contracting board of education, statement of qualifications of teaching personnel[,] and any other appendages deemed appropriate by the contracting parties[.], **county superintendent of schools or the commissioner.**

6:46-[9.6] 6.5 Pupil attendance

Pupils failing to attend, without sufficient cause, that portion of the school program provided in the public or nonpublic sending school, shall be prohibited from participation in the contracted portion of the program.

6:46-[9.7] 6.6 Course credit

Course credit shall be assigned in keeping with the provisions of N.J.A.C. 6:[27-1.4] **8-7.1(d)**, except that no course at a private vocational school shall receive more than 10 credits.

6:46-[9.8] 6.7 Other requirements

[(a)] The provisions of this subchapter are subject to the monitoring, supervision and other requirements of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.).

[(b) Teachers who provide instruction to public school students through a contractual relationship with a local educational agency and are employed by a private vocational school must be qualified in a substantially equivalent manner to those teachers who conduct similar classes in a public school. The local board of education, through the county superintendent of schools, shall provide evidence to the commissioner that the private vocational school teacher is appropriately qualified.]

SUBCHAPTER 9. (RESERVED)

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Safe Drinking Water Program Fee Schedule

Proposed Amendments: N.J.A.C. 7:10-10.2 and 11.2 Proposed New Rules: N.J.A.C. 7:10-15

Authorized By: Richard T. Dewling, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 58:12A-1 et seq., specifically 58:12A-9.

DEP Docket Number: 030-87-07.

Proposal Number: PRN 1987-294.

A **public hearing** concerning this proposal will be held on:

August 26, 1987 at 10:00 A.M.

Labor Education Center Auditorium

Cook College

Ryderson Lane

Rutgers University

New Brunswick, New Jersey

(CITE 19 N.J.R. 1382)

ENVIRONMENTAL PROTECTION

Interested Persons see Inside Front Cover

PROPOSALS

Submit written comments by September 2, 1987 to:

David Weinsoff, Esq.
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The New Jersey Department of Environmental Protection (the "Department") is responsible for administering a regulatory program that ensures that the water supply systems of the State are managed in a way that will protect delivered water quality, volume, and pressure and provide high-quality potable water to the people of the State. The Department's authority is derived from the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq. (the "State Act"), pursuant to which New Jersey qualified for and has primary enforcement responsibility under the Federal Safety Drinking Water Act (P.L. 93-523, 42 U.S.C. §300). Pursuant to section 9 of the State Act, the Department is provided with the statutory authority to "establish and collect fees in accordance with a fee schedule adopted as a rule or regulation for the estimated costs of administering and enforcing the programs pursuant to this amendatory and supplementary act, to the extent that the costs are not available from the fund, including but not limited to conducting inspections, laboratory analysis and certifications as may be necessary". Fees are assessed for the review of applications for permits to construct water treatment, collection and distribution facilities, for the annual inspections and audits of operation of those facilities, for the permits for physical connections, and for other costs necessary to administer the Safe Drinking Water Program. These program activities are set forth at N.J.A.C. 7:10-1, 7:10-10, 7:10-11 and 7:19-6.

Funding for the existing Safe Drinking Water Program comes from three sources: General State Funds, Federal Safe Drinking Water Act Grant Funds, and the State Safe Drinking Water Fund. Annual total funding from these three sources is expected to be about \$3.2 million for fiscal years 1988-1991, and has been at this level for the previous three fiscal years (except for a slight increase in the Federal Grant of approximately \$83,000 in fiscal year 1987). These funds are fully committed to existing staff and administrative costs. The Department anticipates that with increased responsibilities and staff expansion in the areas of the interconnection program, safe yield analysis, unaccounted-for water, water conservation, systems rehabilitation, system pressure and storage and ensuring the general reliability of public community water systems, there will be a deficit of approximately \$700,000 per year beginning in fiscal year 1989.

The proposed fee schedule establishes two initial and two annual fees. The initial fees are assessed for permits issued for the construction of treatment, storage and distribution systems and for permits for physical connections. The annual fees are assessed for operation of public community water supply treatment and distribution systems and renewal of physical connection permits. N.J.S.A. 58:12A-10 allows the Department to seek civil and administrative penalties for failure to pay the fees.

In addition, this proposal includes amendments to N.J.A.C. 7:10-10.2 and 11.2. These changes are provided to alert the regulated community of the fee provisions set forth in N.J.A.C. 7:10-15.

Social Impact

A positive social impact will result from the proposed fee schedule. The proposed new rules provide funds which are essential for the support of the Safe Drinking Water Program management functions of the Department. New Jersey is a densely populated state and requires substantial water supply systems to maintain and expand its economic development. Effective control of the quality, distribution and use of these water systems is therefore critical to future development in the State. The Department has developed a sophisticated and rational drinking water management program. The proposed fee schedule provides funds necessary to effectively implement the Safe Drinking Water Program.

Economic Impact

The fees imposed by these proposed new rules are expected to cost the regulated community between \$650,000 and \$800,000 annually. The fees assessed to administer the activities and requirements of the Safe Drinking Water Program will provide the estimated \$700,000 required to fund eight positions within the Department and associated program costs as follows: Safe Drinking Water Program Staff:

Section Chief
Project Specialist
Administrative Analyst II
Supervisor Environmental Engineer
Supervisor Environmental Specialist
Principal Environmental Engineer
Principal Environmental Specialist
Principal Clerk Typist

Estimated Salaries	\$292,000.00
Employee Benefits	\$ 67,160.00
Indirect Costs	\$ 86,198.40
Program Costs:	
Printing and Office	\$ 20,000.00
Vehicular (gas, oil)	\$ 6,000.00
Protective clothing and Related Items	\$ 3,000.00
Scientific/Engineering Supplies	\$ 6,000.00
Travel	\$ 3,000.00
Telephone	\$ 3,360.00
Postage	\$ 7,000.00
Data Processing	\$ 10,000.00
Professional Services	\$ 20,000.00
Training, Advertising, Memberships, Other Services	\$ 10,000.00
Maintenance of Equipment	\$ 2,000.00
Maintenance of Vehicles	\$ 5,000.00
Building Rent	\$ 1,000.00
Rent: Central Motor Pool	\$ 20,000.00
Vehicular Equipment	\$ 40,000.00
Other Equipment	\$ 75,000.00
Data Processing—Hardware	\$ 32,000.00
	<u>\$263,360.00</u>
Estimated Totals:	
Salaries (with employee benefit and indirect costs)	\$445,358.00
Program Costs	<u>\$263,360.00</u>
	<u>\$708,718.40</u>

All public community water systems and bulk distribution systems will be impacted by these fees. The proposed fees distribute the costs of the Safe Drinking Water Program on the basis of population served by each system and on construction costs. The Department anticipates that municipally operated systems and those systems in which rates are determined by the Board of Public Utilities will transfer the cost of the proposed fees to water system consumers in the form of rate increases. The fees for the physical connection permits are flat rates.

Annual operation fees are expected to raise approximately \$475,000. The fees that will be assessed to the approximately 250 operators of the smallest public community water systems, class 1, serving between twenty-five and 999 people, will be either \$60.00 or \$120.00, raising anticipated revenue of \$26,000. The fees that will be assessed to the approximately 200 operators in class 2, serving between 1,000 and 9,999 people, will be either \$360.00 or \$720.00, raising anticipated revenue of \$140,000. The fees that will be assessed to the 135 operators in class 3, serving between 10,000 and 49,999 people, will be either \$790.00 or \$1,580.00, raising anticipated revenue of \$198,000. The fees that will be assessed to the approximately 37 operators in the largest public community water supply systems, class 4, serving 50,000 or more people and to bulk distributors will be either \$1,640.00 or \$3,280.00, raising anticipated revenue of \$120,000. Fees for permits for construction of new facilities are expected to generate approximately \$241,000. Fees for permits for initial and renewal of physical connections, providing the revenue for the estimated cost of one man year, are expected to generate approximately \$61,000,00

Environmental Impact

Clean water and reliable water quality, in sufficient volume and a adequate pressure, is essential to the health and welfare of New Jersey' residential and business community. Water systems require maintenance. Through proper maintenance and management of the State's water supply systems, all citizens will be able to rely upon having plentiful and clear water to service their needs. The regulatory programs established pursuant to the State Act assume that these systems will perform as designed. The fees in this proposal contribute to the ability of the Department to provide the necessary management strategies and regulator controls required to protect this natural resource.

Regulatory Flexibility Statement

In accordance with the New Jersey Regulatory Flexibility Act, P.L. 1986, c.169, the Department has determined that this rule will not impos

reporting, recordkeeping, or other compliance requirements on small businesses because the Department will use the currently operating Safe Drinking Water Program permitting process as the basis for assessing and collecting fees. The Department's use of the existing permitting Process allows all public community water systems and physical connection permittees to fully comply with these regulations without imposing additional compliance requirements and without the administrative burden or financial expense of retaining any additional professional services.

The fees will be assessed to all physical connection permittees and to all public community water systems, including the estimated 300 systems which are businesses employing fewer than 100 full-time employees. The fee schedule takes into account the nature of the system by establishing fees based on the number of people served by the system; the smaller the system the lower the fees will be.

Payment of the fee, as a condition of the permit, reflects the Department's objective of assessing fees to small businesses in a manner that will, to the greatest extent possible, balance the Department's need to obtain funding for an environmentally protective program with its responsibility to minimize the administrative and financial impact on small businesses.

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

7:10-10.2 General

(a)-(h) (No change.)

(i) All applicants for permits for initial and renewal of physical connections shall pay the fee assessed pursuant to N.J.A.C. 7:10-15.

7:10-11.2 Material to be submitted

(a)-(e) (No change.)

(f) All public community water systems shall pay the fee assessed pursuant to N.J.A.C. 7:10-15.

SUBCHAPTER 15. FEES

7:10-15.1 Scope and authority

This subchapter shall constitute the rules governing the establishment of Safe Drinking Water Program fees as authorized by the Safe Drinking Water Act at N.J.S.A. 58:12A-9. This subchapter shall be operative as of July 1, 1988.

7:10-15.2 Purpose

The purpose of this subchapter is to establish fees for the Safe Drinking Water Program based upon, and not to exceed, the estimated cost of regulating, monitoring, administering and enforcing the Safe Drinking Water Program. The fee schedule will be periodically reviewed with respect to any changes in the cost of conducting, monitoring, administering and enforcing the Safe Drinking Water Program.

7:10-15.3 Definitions

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

"Annual operation fee" means the annual fee assessed to each public community water system including, at a minimum, each holder of a construction approval for public community water systems approved pursuant to N.J.A.C. 7:10-11.

"Annual physical connection fee" means the fee assessed for the annual renewal of a physical connection permit pursuant to N.J.A.C. 7:10-10.

"Bulk distribution system" means a water system that wholesales water in bulk fashion to public community water systems for resale to consumers.

"Distribution system" means all pipes and conveyances from the well or water treatment plant, including storage facilities.

"Initial construction fee" means the fee assessed for construction of a public community water system or bulk distribution system in accordance with N.J.A.C. 7:10-11.

"Initial physical connection permit fee" means the fee assessed for a physical connection permit.

"Physical connection permit" means the permit issued pursuant to N.J.A.C. 7:10-10.

"Population served" means the population reported on the Department's annual inspection report required by N.J.A.C. 7:10-1.4.

"Project construction cost" means the total project cost as reported on the application for a permit to construct and operate a public community water system or bulk distribution system under N.J.A.C. 7:10-11.

"Safe Drinking Water Program" means the regulatory requirements and activities conducted pursuant to the authority of the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., and the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.

7:10-15.4 Applicability

This subchapter shall be applicable to all owners of public community water systems as defined in N.J.A.C. 7:10-1.3, to holders of physical connection permits, and to bulk distribution systems.

7:10-15.5 Establishment of the fee schedule

(a) The Department shall periodically review the fee schedule set forth in this subchapter.

(b) Upon a determination by the Department that the existing fee schedule does not adequately cover the cost of conducting, monitoring, administering and enforcing the Safe Drinking Water Program, it shall, after consideration of other funding sources, propose a new fee schedule to adequately cover the actual cost of the Safe Drinking Water Program.

7:10-15.6 Payment of fees

(a) Owners or operators of public community water systems and bulk distribution systems shall pay annual operation fees in accordance with N.J.A.C. 7:10-15.7.

(b) Owners or operators of public community water systems and bulk distribution systems shall pay the initial fee for the project construction cost at the time of application for approval in accordance with N.J.A.C. 7:10-15.7.

(c) Physical connection permittees shall pay annual physical connection fees at the time of renewal in accordance with N.J.A.C. 7:10-15.8.

(d) Applicants for a physical connection permit shall pay the initial fee for the physical connection permit upon application in accordance with N.J.A.C. 7:10-15.8.

(e) Payment of fees shall be made by check or money order, payable to "Treasurer, State of New Jersey" and submitted to:

New Jersey Department of Environmental Protection
Division of Water Resources
Bureau of Safe Drinking Water
CN-029

Trenton, New Jersey 08625

(f) Each check or money order shall be marked to identify the nature of the fee paid and the owner of the facility.

(g) Failure to pay the fee as required by the Department may subject the violator to the penalty provisions set forth in the Safe Drinking Water Act at N.J.S.A. 58:12A-10.

7:10-15.7 Calculation of fees for public community water systems and bulk distribution systems

(a) The initial construction fee for a permit for the construction of public community water system or bulk distribution system shall be determined as follows:

1. Step One: Multiply that part of the project construction cost that is:
 - i. Less than \$250,000 by 0.9 percent;
 - ii. Between \$250,000 and \$1,000,000 by 0.6 percent; and
 - iii. More than \$1,000,000 by 0.3 percent.

2. Step Two: Add the figures arrived at by the calculation under (a)1 above to obtain the total. For example, if the project cost is \$1,100,000, the fees will be \$7,050.00, which is the sum of 0.9 percent (.009) of the first \$249,999, 0.6 percent (.006) of the next \$750,001, and 0.3 percent (.003) of the amount greater than \$1,000,000.

$$\$249,999 \times .009 = \$2,250.00$$

$$\$750,001 \times .006 = \$4,500.00$$

$$\$100,000 \times .003 = \$300.00$$

$$\underline{\$7,050.00}$$

3. The maximum and minimum initial construction fees which the Department will assess shall be \$12,000 and \$100.00 respectively.

(b) For purposes of the annual operation fee, all public community water systems shall be classified on the basis of population served on July 1 of each year. Classes shall be established as follows:

1. Class 1: 25 to 999 people;
2. Class 2: 1,000 to 9,999 people;
3. Class 3: 10,000 to 49,999 people;
4. Class 4: 50,000 or more people and all bulk distribution systems.

(c) The annual operation fee shall be paid as follows:

1. The public community water system shall pay the total annual operation fee when the fee is due during July 1 to September 30;

2. The public community water system shall pay three-quarters of the annual operation fee when the fee is due during October 1 to December 31;

3. The public community water system shall pay one-half of the annual operation fee when the fee is due during January 1 to March 31;

4. The public community water system shall pay one-quarter of the annual operation fee when the fee is due during April 1 to June 30.

(d) The annual operation fee for a permit to operate a public community water system or a bulk distribution system shall be determined as follows:

Class	Fee
Class 1	\$ 60.00
Class 2	\$ 360.00
Class 3	\$ 790.00
Class 4	\$1,640.00

7:10-15.8 Calculation of fees for physical connection permits

- (a) The initial physical connection permit fee shall be \$150.00.
 (b) The annual physical connection fee shall be \$200.00.

(a)

Revision to the Delineation of Green Brook Proposed Amendment: N.J.A.C. 7:13-7.1(d)

Authorized By: Richard T. Dewling, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 13:1B-3, 13:1D-2 and 58:16A-50 et seq.

DEP Docket Number: 031-87-07.

Proposal Number: PRN 1987-295.

A public hearing concerning this proposal will be held on:

August 21, 1987 at 1:00 P.M.
 N.J. Record Storage Center
 Conference Room
 2300 Stuyvesant Avenue
 Trenton, N.J.

Submit written comments by September 2, 1987 to:

Marlen Dooley
 Office of Regulatory Services
 Department of Environmental Protection
 CN 402
 Trenton, N.J. 08540

The agency proposal follows:

Summary

The New Jersey Department of Environmental Protection proposes to amend N.J.A.C. 7:13-7.1(d), Delineated floodways, by revising the floodway, flood fringe and stream flood profile of Green Brook from station 1823+80 to station 1883+20 (that is, from the second crossing of Plainfield Avenue upstream to Apple Tree Road.)

The proposed redelineations are based on current field survey information and a hydraulic analysis by Union County. The Union County Engineering Department intends to replace the Plainfield Avenue bridge and culvert at stream station 183907 with a larger structure. As a result of more detailed survey information and additional cross sections taken along the stream, Union County's field survey data indicates that the existing stream bed is actually 0.0 feet to 6.5 feet higher than the current delineation. Since the hydraulic analysis, performed by the Union County Engineering Department, indicates higher flood profiles, ranging from 0.0 feet to 6.0 feet and a replacement bridge, the Department is updating the present floodway and flood hazard area delineations to reflect the new information.

The proposed map revision establishes new design flood hazard area elevations from Green Brook from 0.0 feet to 6.0 feet higher than the present flood elevations. This translates to a commensurate expansion of the size of the flood hazard area within the Department's jurisdiction under the Flood Hazard Area Control Act.

Delineated flood hazard areas are designed to preserve the flood carrying capacity and to minimize the threat to the public safety, health and general welfare. Revisions to existing delineations further clarify the bounds of such flood fringe areas.

The proposed floodway and flood fringe revisions affect the residents of Watchung and Berkeley Heights, and Somerset and Union Counties. This redelineation will require no change in the text of N.J.A.C. 7:13-7.1(d), since only a revision of the flood hazard area delineation map is required. Review of maps and profiles associated with this map revision is recommended.

Social Impact

By delineating streams, the Department sets the approximate limits of the New Jersey Flood Hazard Area and locates the floodway limits, which are regulated under the Flood Hazard Area Control Act Regulations, N.J.A.C. 7:13. Since the Union County Engineering Department

proposes to replace the Plainfield Avenue bridge and its survey data indicates that the existing stream bottom is actually higher than previously shown on the State delineation maps, higher flood profiles will result in a commensurate expansion of the flood hazard area. No additional social impact will result beyond what was reasonably foreseeable at the time of the original floodway delineation of Green Brook.

Economic Impact

The proposed amendment will have only a minor economic impact. The amendment will result in an expansion of the size of the flood hazard area within the Department's jurisdiction under the Flood Hazard Control Act. The redelineations will more clearly define the flood hazard areas, thus reductions in property value could result in restricting future development in the floodway and requiring elevated construction in flood fringe areas. However, minor property diminution would be offset by the saving to governmental bodies and private homeowners due to little or no future rehabilitation and rescue expenditures from flood damage in the delineated areas.

Owners of land which falls within the expanded area of Department jurisdiction will be governed by the rules requiring permitting of any development of such land. Compliance of the Flood Hazard Area Control Act will involve economic impact on such landowners.

Environmental Impact

The proposed amendment is expected to have a positive environmental impact. The delineation program provides a framework within which areas subject to the various Flood Hazard Area Control Act regulations are determined. These regulations systematically restrict the scope of permissible development within the delineated area as a means of preventing and minimizing damage to the area as a result of flooding. Redelineations more accurately define the flood hazard area. To the extent that flood damage causes an adverse effect on the environment, this proposal minimizes the potential impact.

Regulatory Flexibility Statement

The Department has determined, pursuant to the Regulatory Flexibility Act (P.L. 1986, c.169), that the proposed amendment to the delineated floodways would not impose additional reporting requirements but would impose additional restrictions upon small businesses. Small businesses which fall within the expanded area of the Department's jurisdiction will be governed by the rules requiring permits for development of such land. Reductions in property value could result by restricting future development in the revised floodway and by requiring elevated construction in the flood fringe areas. The expanded flood hazard area is needed to effectuate the purpose of the Act. In developing this amendment, the Department has balanced the need to protect the environment against the economic impact of the proposed amendment and has determined that to minimize the impact of the rule would endanger the environment, public health and public safety and, therefore, no exemption from coverage is provided.

AGENCY NOTE: Maps and associated flood profiles, showing the location of the revised delineated flood hazard areas, may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9 Trenton, N.J., and at the Department of Environmental Protection, Bureau of Flood Plain Delineation, 1911 Princeton Avenue, Lawrenceville N.J. In addition, maps of the proposed delineations have been sent to the Clerks of the affected municipalities listed above and to the Planning Boards of the affected counties.

(a)**DIVISION OF FISH, GAME AND WILDLIFE****Fish and Game Council****1988-89 Fish Code****Proposed Amendments: N.J.A.C. 7:25-6****Proposed New Rule: N.J.A.C. 7:25-6.5**

Authorized By: Fish and Game Council, George McCloskey,
Acting Chairman.

Authority: N.J.S.A. 13:1B-30 et seq. and 23:1-1 et seq.

DEP Docket Number: 032-87-07.

Proposal Number: PRN 1987-293.

A **public hearing** concerning this proposal will be held on:

September 8, 1987 at 8:00 P.M.
Assunpink Wildlife Conservation Center
Eldridge Road
Assunpink Wildlife Management Area
Robbinsville, N.J. 08691

Submit comments by September 9, 1987 to:

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

The agency proposal follows:

Summary

The proposed 1988-89 Fish Code states when, by what means, at which location, in what numbers, and at what sizes fish may be pursued, caught, killed or possessed.

The proposed amendments include the following revisions to the previous code:

1. April 9, the second Saturday of the month, has been proposed as the traditional opening day of New Jersey's trout season. Research data supports that by opening the season on the second Saturday of April rather than the first Saturday, the risk of losing preseason trout due to high stream flows and low water temperatures will be substantially reduced.

2. Mill Pond in Park Ridge (Bergen County), Rockaway Creek in Readington Township (Hunterdon County) and an additional stretch of the Pequannock River in Bloomingdale (Passaic County) will be added to the trout stocked waters list. Burnett Brook (Morris County), India Brook Impoundment (Morris County) and Yards Creek (Warren County) have been deleted from this list because of posting against trespassing by the landowners.

3. A 1.3 mile stretch of the Pequest River located on the Pequest Wildlife Management Area will be designated as the "Pequest Trout Conservation Area" for the period beginning May 16 and extending through October 2, 1988. While under the Pequest Trout Conservation Area designation, this portion of the Pequest River shall be subject to the following rules: only artificial lures and flies may be used; a 15 inch size limit on trout; and a one trout daily bag limit. This stretch of the Pequest River will be stocked according to the schedule set for the rest of the river and will be closed to angling from 5:00 A.M. to 5:00 P.M. on the days that the Pequest River is listed for stocking.

4. Farrington Lake has been dropped as an experimental 15 inch minimum size pickerel lake as changing environmental conditions have rendered the lake less suitable for this species. Future emphasis is to be on largemouth bass as the major predator and game fish.

5. A size limit of 13 inches is proposed for smallmouth bass in the expected-to-be-completed Merrill Creek Reservoir in an attempt to maximize the potential recreational value of this species and recreational fishery.

6. A size limit of 12 inches is proposed for largemouth bass in all of the State's lakes, ponds and reservoirs, except where specific exceptions have been made (Greenwood Lake, Round Valley Reservoir), and nine inches in all rivers, streams and other waters. A considerable amount of support existed for this proposal within the ranks of the sporting public as it is perceived that an increase in the size limit will translate into a higher quality fishery. However, as a result of the proposal for a statewide 12 inch size limit on lakes, all of the experimental lakes which previously had such a size limit will no longer be excepted from the April 1-June 15 restricted harvest period (one largemouth bass 19 inches and larger).

Also, it is proposed to reduce, from 19 inches to 18 inches, the length of the single largemouth bass that can be retained during the restricted harvest period. Experience gained in 1987 has shown that under the 19 inches limit bass in excess of 5 and 6 pounds had to be released. The initial intent of the 19 inch limit was to allow anglers to retain a bass in excess of 4 pounds.

Social Impact

The intent of opening the trout season on the second Saturday in April rather than the first Saturday is to reduce the risk of loss of pre-season stocked trout. It will, however, also effectively reduce the length of the season by a week and therefore create some criticism from those who had become accustomed to the earlier opening.

Considerable public support exists for the establishment of specially regulated trout fishing areas where the emphasis is on catching and releasing trout as opposed to killing them. The concept is that superior year-round fishing will be created when the majority of trout, which are caught, are released alive to be available to be caught again. However, considerable opposition has also been expressed over the application of these restrictive rules. The proposed Code attempts to strike a balance between the opposing points of view by allowing the Statewide rules governing the taking of trout to be in force during the majority of the spring and fall stocking periods with the more restrictive rules being applied during the later part of the in-season stockings, through October 2, in an effort to maintain a high density of trout through the summer when no additional stockings normally are made. As the success of the program depends upon the survival of hooked and released trout, the artificial-lure-only restriction is necessary. The relative mortality rates between trout taken on bait (higher) as compared to those taken on artificials (lower) has been well documented. The compromise presented in the Code is expected to draw criticism from extremists on both sides of the issue, but it is expected to be found acceptable by the majority of anglers.

The removal of waters from the trout stocking list invariably draws opposition from anglers that regularly fish them. In the cases created by this proposed Code, however, no choice was left in the matter as the waters had been posted against trespassing by the landowners. This loss in angling opportunity has been offset by the addition of new waters to the trout stocked waters list.

There has been a substantial amount of public support for more restrictive rules governing the taking of largemouth bass in lakes by increasing the minimum size limit from nine inches to 12 inches. This increase is proposed and no adverse reaction is expected by this action. However, one of the ramifications of this action is that those lakes currently excluded from the restrictive harvest season under the existing Code and that is continued under this proposed Code, are no longer exempt from its provisions. This will effectively eliminate these lakes as bass fishing tournament sites leaving only two lakes available for this purpose in the entire State. This proposal is, therefore, expected to create a substantial amount of opposition which will be directed towards the elimination of the existing restrictive harvest season, as opposed to the proposed change in the minimum size limit. Considerable public support does continue for this restrictive harvest season but most of this support is based on biological misconceptions rather than the sociological basis that was used to justify it.

Economic Impact

No specific, significant economic impact or detriment is foreseen arising from the proposal since the amendments are primarily a continuation, after annual review, of the existing Fish Code. The reduction of the "take home" catch of fish that will occur as a result of the more restrictive rules governing the taking of trout and bass is not seen as imposing an economic burden as these fisheries are not considered to even approach subsistence levels.

Environmental Impact

The Fish Code has been established to promote the greatest recreational use of the State's freshwater fisheries without endangering the future of the resource. Annual revisions to the Code ensure the maximizing of the recreational potential and the preservation and maintenance of the resource as changes in that resource and its user population occur.

Regulatory Flexibility Statement

In accordance with the New Jersey Regulatory Flexibility Act, P.L. 1986, c.169, the Department has determined that these amendments would not impose reporting, recordkeeping, or other compliance requirements on small businesses because small businesses are not regulated by N.J.A.C. 7:25-6.

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

SUBCHAPTER 6. [1987-88] **1988-89 FISH CODE**

7:25-6.1 General provisions

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

(d) This Code, when adopted and when effective, shall supersede the provisions of the [1986-87] **1987-88 Fish Code.**

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

(a) The trout season for [1987] **1988** shall commence 12:01 A.M. January 1, [1987] **1988** and extend to midnight March [15, 1987] **20, 1988.** The trout season shall re-open at 8:00 A.M. Saturday, April [4, 1987] **9, 1988** and extend to include March [20, 1988] **19, 1989.** (See separate regulations for Greenwood Lake, the Delaware River between New Jersey and Pennsylvania, Round Valley Reservoir, Musconetcong River "No Kill" Area, **Pequest River Trout Conservation Area** and the Van Campens Brook Natural Trout Fishing Area.)

(b) It shall be unlawful to fish for any species of fish from midnight of the [15] **20th** of March to 8:00 A.M. on April [4, 1987] **9, 1988** in ponds, lakes or those portions of streams that are listed herein for stocking during [1987] **1988.** (See separate regulations for Lake Hopatcong, Spruce Run Reservoir, Swartwood Lake and Wawayanda Lake.)

(c) (No change.)

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

1. Big Flat Brook—100 ft. above Steam Mill Bridge on Crigger Road in Stokes State Forest to Delaware River—[April 10, 17, 24; May 1, 8, 15, 22] **April 15, 22, 29; May 6, 13, 20, 27;**

2. Black River—Route 206, Chester to Dam to lower end of Hacklebarney State Park—[April 9, 16, 23, 30; May 7, 14, 21] **April 14, 21, 28; May 5, 12, 19, 26;**

3. Manasquan River—Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area—[April 6, 13, 20, 27; May 4, 11, 18] **April 11, 18, 25; May 2, 9, 16, 23;**

4. Metedeconk River, N. Br.—Aldrich Road Bridge to Ridge Avenue—[April 6, 13, 20, 27; May 4, 11, 18] **April 11, 18, 25; May 2, 9, 16, 23;**

5. Metedeconk River, S. Br.—Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood—[April 6, 13, 20, 27; May 4, 11, 18] **April 11, 18, 25; May 2, 9, 16, 23;**

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

7. Paulinskill River—Limecrest Railroad Spur Bridge, Sparta Township, to [Columbia Lake dam] **Delaware River**—[April 9, 16, 23, 30; May 7, 14, 21] **April 14, 21, 28; May 5, 12, 19, 26;**

8. Pequest River—Source to Delaware River—[April 10, 17, 24; May 1, 8, 15, 22] **April 15, 22, 29; May 6, 13, 20, 27;**

9. Pohatcong Creek—Route 31 to Delaware River—[April 7, 14, 21, 28; May 5, 12, 19] **April 12, 19, 26; May 3, 10, 17, 24;**

10. Ramapo River—State line to Pompton Lake—[April 9, 16, 23, 30; May 7, 14] **April 14, 21, 28; May 5, 12, 19;**

11. Raritan River, N. Br.—Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River—[April 8, 15, 22, 29; May 6, 13, 20] **April 13, 20, 27; May 4, 11, 18, 25;**

12. Raritan River, S. Br.—Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River—[April 7, 14, 21, 28; May 5, 12, 19] **April 12, 19, 26; May 3, 10, 17, 24;**

13. Rockaway River—Longwood Lake dam to Jersey City Reservoir in Boonton—[April 6, 13, 20, 27; May 4, 11, 18] **April 11, 18, 25; May 2, 9, 16, 23;**

14. Toms River—Ocean County Route 528, Holmansville to confluence with Maple Root Branch and Route 70 to County Route 571—[April 6, 13, 20, 27; May 4, 11, 18] **April 11, 18, 25; May 2, 9, 16, 23;**

15. Wallkill River—W. Mt. Road to Route 23, Hamburg—[April 6, 13, 20, 27; May 4, 11, 18] **April 11, 18, 25; May 2, 9, 16, 23;** and

16. Wanaque River—Greenwood Lake Dam to Jct. with Pequannock River, excluding Wanaque Reservoir and Lake Inez—[April 10, 17, 24; May 1, 8, 15, 22;] **April 15, 22, 29; May 6, 13, 20, 27.**

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

(e) (No change.)

(f) Trout stocked waters for which no in-season closures will be in force are as follows: (figures in parenthesis indicate[s] the anticipated number of stockings to be carried out from April [6] **11** through May 31 []); NOTE: The Division reserves the right to suspend stocking when emergency conditions prevail):

1. (No change.)

2. Bergen County

Hackensack River—Lake Tappan to Harriot Avenue, Harrington Park—(4)

Hohokus Brook—Forest Road to Whites Pond—(1)

Indian Lake—Little Ferry—(4)

Mill Pond—Park Ridge—(2)

Pascack Creek—Orchard Street, Hillsdale, to Lake Street, Westwood—(4)

Saddle River—State Line to Grove Street, Ridgewood—(6)

Tienekill Creek—Closter, entire length—(1)

Whites Pond—Waldwick—(2)

3.-9. (No change.)

10. Hunterdon County

Amwell Lake—Linvale—(4)

Beaver Brook—Clinton Township, entire length—(2)

Capoolong Creek—Pittstown, entire length—(6)

Delaware—Raritan Feeder Canal—Bulls Island to Hunterdon—Mercer County line—(6)

Everittstown Brook—Everittstown, entire length—(2)

Frenchtown Brook—Frenchtown, entire length—(1)

Hakihohake Creek—Milford, entire length—(2)

Little York Brook—Little York, entire length—(2)

Lockatong Creek—Opdyke Road Bridge, Kingwood Township to Delaware-Raritan Feeder Canal—(2)

Milford Brook—Milford, entire length—(1)

Mulhockaway Creek—Pattenburg, source to Spruce Run Reservoir—(2)

Neshanic River—Kuhl Road to Hunterdon County Route 514—(1)

Prescott Brook—Clinton Township, entire length—(1)

Rockaway Creek—Readington Township, entire length—(4)

Rockaway Creek, N/B—Tewksbury and Readington Township, entire length—(4)

Rockaway Creek, S/B—Lebanon to Whitehouse, entire length—(3)

Round Valley Reservoir—Lebanon—(1)

Spring Mills Brook—Spring Mills, entire length—(0)

Spruce Run—Glen Gardner and Lebanon Township, entire length—(3)

Spruce Run Reservoir—Clinton—(6)

Sydney Brook—Sydney, entire length—(0)

Tetertown Brook—Tetertown, entire length—(0)

Wickecheoke Creek—Covered Bridge, Sergeantsville to Delaware River—(1)

11.-13. (No change.)

14. Morris County

Beaver Brook—Rockaway, entire length—(3)

[Burnett Brook—Ralston, entire length—(2)]

Burnham Park Pond—Morristown—(1)

Drakes Brook—Flanders, entire length—(1)

Flanders Brook—Mt. Olive, entire length—(3)

Hibernia Brook—Hibernia, entire length—(4)

India Brook—Mt. Freedom to Rt. 24, Ralston, entire length—(2)

[India Brook Impoundment—Colemans Hollow—(2)]

Lake Hopatcong—Lake Hopatcong—(2)

Lake Musconetcong—Netcong—(2)

Ledgewood Brook—Ledgewood—(2)

Mill Brook—Center Grove, entire length—(2)

Mt. Hope Pond—Mt. Hope—(2)

Passaic River—White Bridge to Dead River—(6)

Pompton River—Pequannock Township (see Passiac Co.)—(6)

Rhinehart's Brook—Hacklebarney State Park, entire length—(2)

Russia Brook—Jefferson Township, Ridge Road to Lake Swannanoa—(3)

Speedwell Lake—Morristown—(2)

Trout Brook—Hacklebarney State Park, entire length—(2)

[Washington Valley Brook—Morristown, entire length—(3)]

Whippany River—Washington Valley Road to Rt. 202, Morristown—(3)

15. (No change.)

16. Passaic County

Barbour's Pond—West Paterson—(2)

Clinton Reservoir—Newark Watershed—(2)

Greenwood Lake—West Milford—(3)
 Oldham Pond—North Haledon—(2)
 Pequannock River—Route 23, Smoke Rise to [North Main Street, Butler] **Paterson-Hamburg Turnpike, Pompton Lakes**—(3)
 Pompton Lake—Pompton Lakes—(2)
 Pompton River—Pompton Lake to Newark—Paterson Turnpike—(6)
 Ringwood Brook—State line to Sally's Pond, Ringwood Park—(4)
 Sheppard's Lake—Thunder Mountain, Ringwood Borough—(3)
 17.-18. (No change.)
 19. Sussex County
 Alm's House Brook—Myrtle Grove, Hampton Township, entire length—(2)
 Andover Junction Brook—Andover, entire length—(3)
 Beaver Run Brook—Beaver Run, entire length—(1)
 Bier's Kill—Shaytown, entire length—(2)
 Big Flat Brook, Upper—Saw Mill Lake, High Point State Park to 100 ft. above Steam Mill Bridge on Crigger Road—(1)
 Canistear Reservoir—Newark Watershed—(2)
 Clove River—Junction of Route 23 and Mt. Salem Road to Route 565 bridge—(3)
 Cranberry Lake—Byram Township—(2)
 Culver's Lake Brook—Frankford Township, entire length—(2)
 Dry Brook—Branchville, entire length—(0)
 Franklin Pond Creek—Hamburg Mt. W.M.A., entire length—(3)
 Glenwood Brook—Lake Glenwood to Stateline—(1)
 Hardystonville Brook—Hardystonville, entire length—(1)
 Iliff Lake—Andover Township—(3)
 Kymer's Brook—Andover, entire length—(2)
 Lake Musconetcong—Netcong—(2)
 Lake Hopatcong—Lake Hopatcong—(2)
 Lake Ocquittunk—Stokes State Forest—(6)
 Little Flat Brook—Sandyston Township, entire length—(3)
 Little Swartswood Lake—Swartswood—(2)
 Lubbers Run—Byram Township, entire length—(3)
 Neldon Brook—Swartswood, entire length—(2)
 Papakating Creek—Plains Road bridge to Route 565 Lewisburg—(2)
 Papakating Creek, W. Br.—Libertyville, entire length—(2)
 Parker Brook—Stokes State Forest—entire length—(1)
 Pond Brook—Middleville, entire length—(2)
 Roy Spring Brook—Stillwater, entire length—(2)
 Saw Mill Lake—High Point State Park—(6)
 Shimers Brook—Montague Township, entire length—(1)
 Stony Brook—Stokes State Forest, entire length—(2)
 Stony Lake—Stokes State Forest—(3)
 Swartswood Lake—Swartswood—(4)
 Trout Brook—Middleville, entire length—(2)
 Tuttle's Corner Brook—Tuttle's Corner—entire length—(2)
 Wawayanda Lake—[Highland Lakes] **Vernon**—(4)
 20. (No change.)
 21. Warren County
 Barker's Mill Brook—Vienna, entire length—(2)
 Bear Creek—Southtown, entire length—(2)
 Beaver Brook—Silver Lake Dam to Pequest River—(2)
 Blair Creek—Hardwick Center to Blair Lake—(2)
 Blair Lake—Blairstown—(0)
 Buckhorn Creek—Roxburg, entire length—(2)
 Dark Moon Brook—Johnsonburg, entire length—(1)
 Dunnfield Creek—Delaware Water Gap National Recreation Area, entire length—(3)
 Furnace Brook—Oxford, entire length—(2)
 Furnace Lake—Oxford—(5)
 Honey Run—Swayze's Mill Road to Route 519, Hope Township—(2)
 Jacksonburg Creek—Jacksonburg, entire length—(3)
 Lopatcong Creek—Route 519 to South Main Street, Phillipsburg—(3)
 Merrill Creek—Stewartville, entire length—(2)
 Mountain Lake—Buttville—(5)
 Pohatcong Creek—Mt. Bethel to Route 31—(2)
 Pophandusing Creek—Oxford Road, Hazen to Delaware River—(1)
 Roaring Rock Brook—Brass Castle, entire length—(2)
 Trout Brook—Hackettstown, entire length—(3)
 Trout Brook—Hope, entire length—(2)
 [Yards Creek—Mount Vernon to Paulinskill River—(2)]
 (g) (No change.)
 (h) No person shall take, kill, or have in possession in one day more than six in [the aggregate] total of brook trout, brown trout, rainbow trout, or hybrids thereof during the period extending from 8:00 A.M.

April [4, 1987] **9, 1988** until midnight May 31, [1987] **1988**, or more than four of these species during the periods of January 1, [1987] **1988** to midnight March [15, 1987] **20, 1988** and June 1, [1987] **1988** through midnight March [20, 1988] **19, 1989** except as designated for specially regulated trout fishing areas.

(i) Lake Hopatcong in Morris County, Spruce Run Reservoir in Hunterdon County, Swartswood Lake and Wawayanda Lake in Sussex County will remain open to angling year-round. Trout, if taken during the period commencing at midnight, March [15, 1987] **20, 1988** and extending to 8:00 A.M., April [4, 1987] **9, 1988**, must be returned to the water immediately and unharmed.

7:25-6.3 Fly-fishing waters

(a) From 5:00 A.M. on Monday, April [13, 1987] **18, 1988** to and including November 30, [1987] **1988** the following stretches are open to fly-fishing only, and closed to all fishing from 5:00 A.M. to 5:00 P.M. on the days listed for stocking:

1.-2. (No change.)

(b) Beginning January 1, [1987] **1988** to midnight March [15, 1987] **20, 1988** and from 8:00 A.M. on April [4, 1987] **9, 1988** to midnight, March [20, 1988] **19, 1989**, the following stretch is open to fly-fishing only, but is closed to all fishing from 5:00 A.M. to 5:00 P.M. on days listed for stocking:

1. (No change.)

(c) (No change.)

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

1. (No change.)

2. Not more than six trout may be killed daily during the April [4] **9** through May 31 portion of the season; at other times the limit is four.

i. (No change.)

3.-5. (No change.)

7:25-6.4 (No change.)

7:25-6.5 Pequest Trout Conservation Area

(a) The following stretch of the Pequest River is designated as the Pequest River Trout Conservation Area: An approximately 1.3 mile portion of the Pequest River, within the Pequest Wildlife Management Area, extending specifically from the County bridge on Pequest Furnace Road at Pequest upstream to the railroad bridge adjacent to the Pequest Trout Hatchery.

(b) During the period of May 16 through October 2, the following regulations shall apply to the above designated Pequest River Trout Conservation Area:

1. No bait or lures of any kind may be used except artificial lures and flies;

2. A person shall not have in possession while fishing any natural bait, live or preserved;

3. A person shall not kill or have in possession while fishing any trout less than 15 inches in total length;

4. A person shall not have in possession while fishing any more than one dead, creel or otherwise appropriated trout, except that additional trout may be caught provided they are returned to the water immediately and unharmed;

5. Size limits and creel limits on species other than trout are in accordance with Statewide regulations; and

6. The area shall be closed to angling from 5:00 A.M. to 5:00 P.M. on those days that the Pequest River is listed for stocking.

7:25-[6.5]6.6 Round Valley Reservoir

(a) The minimum size of smallmouth bass shall be 13 inches. There shall be no size limit on largemouth bass. Daily bag and possession limit for largemouth bass and smallmouth bass shall be five in [aggregate] total.

(b) The minimum size of brown trout and rainbow trout shall be 13 inches. Daily bag and possession limit for brown trout and rainbow trout shall be two in [aggregate] total. Authority: N.J.S.A. 23:5-7, 23:5-10.

(c) (No change.)

(d) The season for lake trout shall extend from 12:01 A.M. January 1 to midnight September 30, [1987] **1988**.

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

7:25-[6.6]6.7 Baitfish

(a) (No change.)

(b) In waters listed in this code to be stocked with trout, it is prohibited to net, trap or attempt to net or trap baitfish from March [22] **21** to June 15 except where the taking is otherwise provided for. For the remainder of the year, up to 35 baitfish per person per day may be taken with a seine not over 10 feet in length and four feet in depth or a minnow

trap not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter or an umbrella net no greater than three and one-half feet square.

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

7:25-[6.7]6.8 (No change in text.)

7:25-[6.8]6.9 (No change in text.)

7:25-[6.9]6.10 Warmwater fish

(a) (No change.)

(b) The size limits on rock bass, black crappie, white crappie, redbreast pickerel and chain pickerel are hereby eliminated in all waters except in Lake Hopatcong, Swartswood Lake (Sussex County), [Farrington Lake (Middlesex County),] and Hammonton Lake (Atlantic County) where there shall be a minimum size of 15 inches for chain pickerel. (See separate regulations for Greenwood Lake.)

(c) The provision that a person may not take or have in possession more than 25 in [the aggregate] total of fish commonly classed as fresh water game and food fish is hereby abolished. (See Code and statutes for bag limits on individual species.) Authority: N.J.S.A. 23:5-10.

(d) (No change.)

(e) The minimum size of largemouth bass in lakes, ponds and reservoirs shall be [nine] 12 inches and in rivers, streams and other waters it shall be nine inches, [—] except that during the period of April 1 through June 15, [a 19] an 18 inch minimum size limit shall be in effect. (See separate regulations for [Mountain Lake (Warren County), Parvin Lake (Salem County), Lake Musconetcong (Sussex County), Mercer Lake (Mercer County), Lake Carasaljo, including the South Branch of the Metedeconk River on South Lake Drive and Lake Manetta to the bridge over Watering Place Brook on Sunset Avenue (Ocean County) Farrington

Lake (Middlesex County), Turnmill Pond (Ocean County),] Greenwood Lake, the Delaware River and Round Valley Reservoir.)

(f) Daily bag and possession limit for largemouth bass and smallmouth bass shall be not more than five in [the aggregate] total except during the period of April 1 through June 15 only one largemouth bass may be possessed (see separate regulations for [Mountain Lake (Warren County), Parvin Lake (Salem County), Lake Musconetcong (Sussex County), Mercer Lake (Mercer County), and Lake Carasaljo, including the South Branch of the Metedeconk River on South Lake Drive and Lake Manetta to the bridge over Watering Place Brook on Sunset Avenue (Ocean County) Farrington Lake (Middlesex County), Turnmill Pond (Ocean County),] Greenwood Lake, the Delaware River and Round Valley Reservoir).

[(g) In Mountain Lake (Warren County), Parvin Lake (Salem County), Lake Musconetcong (Sussex County), Mercer Lake (Mercer County) [and Lake Carasaljo, including the South Branch of the Metedeconk River on South Lake Drive and Lake Manetta to the bridge over Watering Place Brook on Sunset Avenue] Farrington Lake (Middlesex County) and Turnmill Pond (Ocean County), the minimum size for largemouth bass shall be 12 inches at all times and the daily bag and possession shall be not more than five in the aggregate total with smallmouth bass.]

[(h)-(n)](g)-(m) (No change in text.)

[7:25-6.10 through 6.14]7:25-6.11 through 6.15 (No change in text.)

7:25-[6.15]6.16 Delaware River between New Jersey and Pennsylvania

(a) In cooperation with the Pennsylvania Fish Commission, the following regulations for the Delaware River between New Jersey and Pennsylvania are made a part of the New Jersey State Fish and Game Code and will be enforced by the conservation authorities of each state.

	Season	Size Limit	Bag Limit
1. Trout	April [5] 9—Sept. 30	No minimum	5
Largemouth bass [&] and smallmouth bass	No closed season	9["] inch minimum	5 in [aggregate] total
Walleye	No closed season	15["] inch minimum	5
Chain pickerel	No closed season	12["] inch minimum	5
Muskellunge, [&] and any hybrid thereof	No closed season	30["] inch minimum	2
Northern pike	No closed season	24["] inch minimum	2
Striped bass	March 1—Dec. 31	33["] inch minimum	2
Baitfish, fish bait	No closed season	No minimum	50
Shortnose sturgeon	Closed-endangered species		
All other freshwater species	No closed season	No minimum	No limit

2.-7. (No change.)

7:25-[6.16]6.17 (No change in text.)

7:25-[6.17]6.18 (No change in text.)

HUMAN SERVICES

The following proposals are authorized by Drew Altman, Ph.D., Commissioner, Department of Human Services.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Outpatient Hospital Services for the Medically Needy

Proposed Amendments: N.J.A.C. 10:49-1.4; 10:52-1.6, 1.8; 10:53-1.5, 1.7

Authority: N.J.S.A. 30:4D-6(g)(5)(b), 30:4D-7(a), (b), (c); 30:4D-12.

Proposal Number: PRN 1987-296.

Submit comments by September 2, 1987 to:

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

The agency proposal follows:

Summary

This proposal amends the Administration Manual, and the Hospital and Special Hospital Manuals, to include outpatient hospital services for

the Medically Needy Program. Outpatient hospital services will be available to all three coverage groups (pregnant women, dependent children, and the aged, blind or disabled).

This proposal is the result of a provision in the New Jersey Medicaid law (N.J.S.A. 30:4D-6(g)(5)(b)), which indicates that in the event the Federal Department of Health and Human Services discontinues New Jersey's waiver to establish outpatient hospital reimbursement rates under Medicare and Medicaid, then the New Jersey Medicaid (Title XIX) program would cover outpatient hospital services for Medically Needy patients. Since the Federal Department of Health and Human Services did in fact discontinue the waiver, the Division began providing outpatient hospital services for the Medically Needy on January 1, 1987.

The proposal also provides that outpatient hospital services shall be limited to clinic services and to emergency room services for injuries and significant acute medical conditions. This language appears in the statute cited previously.

Social Impact

This proposal will enable individuals who are eligible for Medically Needy to obtain outpatient hospital services. All three coverage groups (pregnant women, dependent children, and the aged, blind or disabled) may receive outpatient services.

The proposal also impacts on hospitals who will be reimbursed for providing outpatient services. Hospitals should be aware of the statutory limitations on emergency room services.

Economic Impact

There will be no additional administrative cost to the Division. Claims for outpatient services for Medically Needy patients will be processed by

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

the Division's Fiscal Agents (The Prudential Insurance Company of America and Blue Cross and Blue Shield of New Jersey) in the usual manner.

It is estimated that the cost of providing outpatient services will be approximately 9.4 million dollars for State Fiscal Year 1988 (federal-state share combined).

Hospitals will be reimbursed according to Medicaid policies and procedures for providing outpatient services to Medically Needy patients. Hospitals are still required to submit claims timely, that is, one year from the date of service.

There is no cost to the Medicaid patient. However, some individuals may have to meet spend down requirements in order to qualify for Medically Needy.

Regulatory Flexibility Statement

The Division does not believe a regulatory flexibility analysis is required. This proposal does not require hospitals to develop any additional reporting or recordkeeping requirements except as already provided by law. The New Jersey Medicaid law (N.J.S.A. 30:4D-12(d)) requires Medicaid providers to maintain acceptable documentation to fully disclose the name of the recipient to whom the service was rendered, the date of the service, and the nature and extent of the service.

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

10:49-1.4 Services covered by the New Jersey Medicaid Program

(a) (No change.)

(b) Regular Medicaid services are available to Medically Needy individuals except for the following services which are not available or are only available to certain eligible Medically Needy groups (See the service code next to the individual's name on the Medicaid Eligibility Identification Card to ascertain the Medically Needy group under which the individual's eligibility was established; that is, Group A—pregnant women, Group B—needy children, and Group C—aged, blind and disabled.);

1.-3. (No change.)

[4. Hospital services (outpatient) are not available to any Medically Needy group, including same day surgery. This exclusion also applies to a satellite outpatient facility which is reimbursed according to a hospital outpatient reimbursement methodology.]

Renumber existing 5.-9. as 4.-8. (No change in text.)

10:52-1.6 Outpatient hospital services

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

[(d) For recipients in the Medically Needy Program, outpatient hospital services are not available.]

10:52-1.8 Noncovered outpatient hospital services

(a) Approved hospital outpatient departments will not be reimbursed for any of the following:

1.-8. (No change.)

[9. Services to recipients eligible under the Medically Needy Program.]

(b) **Non-emergency (routine) services provided in the hospital emergency room are not reimbursable.**

1. Emergency room services are reimbursable only if provided for the treatment of injuries and significant acute medical conditions.

10:53-1.5 Outpatient hospital services; general provisions

(a) (No change.)

[(b) For recipients in the Medically Needy Program, outpatient hospital services are not available.]

10:53-1.7 Noncovered outpatient special hospital services

(a) Approved hospital outpatient departments will not be reimbursed for any of the following:

1.-9. (No change.)

[10. Services to recipients eligible under the Medically Needy Program.]

(b) **Non-emergency (routine) services provided in the hospital emergency room are not reimbursable.**

1. Emergency room services are reimbursable only if provided for the treatment of injuries and significant acute medical conditions.

DIVISION OF PUBLIC WELFARE

For proposals numbered PRN 1987-279, 280, and 301, submit comments by September 2, 1987 to:

Marion E. Reitz, Acting Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

(a)

Public Assistance Manual Reporting Criminal Offenses

Proposed Amendment: N.J.A.C. 10:81-7.46

Authority: N.J.S.A. 44:7-6 and 44:10-3; 2C:43-1(b).

Proposal Number: PRN 1987-280.

The agency proposal follows:

Summary

This proposed amendment at N.J.A.C. 10:81-7.46 updates wording on reporting of criminal offenses to comport with the revision in the criminal code, N.J.S.A. 2C:43-1(b), which changed the designations of offenses to numbered levels of degree rather than named ones. The proposed amendment also adjusts the wording on compliance with the confidentiality regulations so as to make clear that this section does not override the confidentiality provisions. Minor editorial revisions are also proposed.

Social Impact

Little or no social impact is expected because the proposed amendment does not change existing obligations, authority, or agency actions with respect to public assistance recipients.

Economic Impact

Little or no economic impact is expected because this proposed amendment is merely an update to existing regulations.

Regulatory Flexibility Statement

This rule has been reviewed with regard to the Regulatory Flexibility Act, P.L. 1986, c.169, effective December 4, 1986. This action imposes no compliance requirements on small businesses, as the Aid to Families with Dependent children program is administered by county welfare agencies.

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

10:81-7.46 Reporting criminal offenses to law enforcement authorities

(a) Investigation of new applications or investigations for redetermination of eligibility may indicate to the county welfare [board] **agency** that a crime may have been committed. Allegations of the suspected commission of a crime may also be made known to the [CWB] **county welfare agency** through various other sources, for example, phone calls, written communications, verbal communications from individuals, and so forth. [In such instances, the CWB may be under a legal obligation to report the situation to the appropriate law enforcement agency.] **In matters of reporting of criminal offenses, the county welfare agency must, at all times, maintain full compliance with the provisions of N.J.A.C. 10:81-7.31, dealing with basic principles for safeguarding of information.**

(b) Nature of offenses which must be reported are:

1. To local authorities:

i. Arson, manslaughter, murder or any crimes which constitute [high misdemeanors,] **crimes of the third, second and first degrees**, such as atrocious assault and battery, carnal abuse, incest or rape. (Refer to legal counsel for additional information identifying [high misdemeanors,] **crimes of the third, second and first degrees**);

ii. (No change.)

2. (No change.)

(c) Procedures: When the county welfare agency becomes aware of facts that would indicate that one of the above mentioned crimes has been or may have been committed or receives a direct allegation in any form, written, verbal or anonymous, that such a crime has been committed, it shall proceed as follows:

1.-2. (No change.)

3. When a decision has been made to report the alleged or suspected commission of the crime, such report shall be made in written form to the appropriate law enforcement agency. [Where a direct allegation charging commission of a crime has been made by an identified person, such

person shall be advised of his or her responsibility to report this information to the proper authorities. In these instances, the report of the county welfare agency shall include a statement that the individual originally making the allegation had been informed of his or her responsibility to report this information to the appropriate law enforcement agency.]

4. The county welfare agency shall cooperate fully with any subsequent investigation initiated by the law enforcement agency, within the limits of the policy and regulations of the Division of Public Welfare. A county welfare agency staff member may sign a written complaint only upon a written request from the law enforcement agency, [and] provided his or her information of the facts to be stated in such complaint is based upon his or her own personal knowledge and belief.

(a)

**Public Assistance Manual
Newark/Camden Teen PROGRESS Demonstration
Proposed New Rules: N.J.A.C. 10:81-12.1 through
12.14**

Authority: N.J.S.A. 44:10-3.

Proposal Number: PRN 1987-301.

The agency proposal follows:

Summary

The Teen Parent Program for Economic Self-Sufficiency (Teen PROGRESS) is set forth in proposed new rule N.J.A.C. 10:81-12, under which New Jersey will participate in a four year federally-sponsored demonstration in the cities of Newark and Camden to address the problem of teenage pregnancy and welfare dependency. The U.S. Department of Health and Human Services has granted waivers of relevant portions of the Social Security Act to allow the state agency to operate this demonstration. The major objective of the demonstration is to provide educational, employment training, work experience, and work-related support services to Aid to Families with Dependent Children (AFDC) applicants who are 19 years of age or under, regardless of the age of the youngest child. The goal is to involve young mothers in a plan which will lead them to self-sufficiency thereby reducing their dependency and the dependency of their children on public assistance, and hence begin to address the problem of inter-generational dependency.

Two changes have made New Jersey want to experiment with mandatory work programs for mothers of younger children. First, young mothers want to work. In New Jersey, half the AFDC recipients who applied and were accepted for the AFDC Homemaker Demonstration had children under six. Second, the Division of Public Welfare (DPW) and others involved in welfare have become aware of the relationship of early welfare dependence and long-term, even inter-generational, welfare dependence. More sophisticated analyses make it clear that although the results may be less dramatic, education and work programs for adolescents on welfare could have greater long-term benefits.

Existing program practices that will now be targeted to this population will be mandatory participation in an educational and/or job training/or job search program; child care; transportation; and establishment of paternity and child support obligations.

The new program practices that will be implemented for this demonstration are case management for teenage applicants with referrals to prenatal care; parenting education, and other community programs; required participation of absent fathers in the Work Incentive Demonstration (WIN Demo); Food Stamp Job Search, and General Assistance Employability Program (GAEP), if they are receiving AFDC, food stamps, or General Assistance (GA); individual educational and job interest assessment; agreed upon plan for self-sufficiency; completion of high school or General Equivalency Diploma (GED) stressed; use of mixed education/work-related programs where appropriate; enhanced child care; and enhanced transportation.

Proposed new rule 10:81-12.3 provides that individuals eligible for participation in this demonstration are AFDC applicants in the cities of Camden and Newark who are either pregnant or have at most one child, and recipients of AFDC who are pregnant with a first child or who have a dependent child added to the assistance unit, resulting from the first birth. Additionally, fathers of the children will be mandatory participants in the demonstration and eligible for services under the demonstration if paternity has been established and confirmed by the Child Support unit, and the absent father is either a recipient of AFDC as a dependent child, a recipient of GA or an unemployed, non-recipient of public assistance who is a member of a household receiving food stamps.

Individuals who are exempt from work and training under N.J.A.C. 10:81-3.18(b)2, except for the exemption for care of the youngest child under age six, shall not be eligible for Teen PROGRESS for the duration of their exemption. Each individual's exempt status must be determined prior to random assignment to experimental or control groups. Temporary deferrals from participation in the demonstration may be granted after random assignment.

The important and new function of case management will be a significant aspect of this demonstration encompassing an expanded set of worker responsibilities. The case manager is the critical link among the different service subsystems, such as income maintenance; employment; training; child support enforcement; and support services, and between these subsystems and the recipient. It is the structured approach to the delivery of multiple and interrelated services that will assure the goals and objectives of Teen PROGRESS.

The case management function is set forth at proposed N.J.A.C. 10:81-12.5: determining whether an AFDC recipient meets the criteria for an exemption; presenting a thorough orientation and in-depth explanation of program requirements and sanctions to all eligibles (prior to randomization); obtaining all necessary information and test results from eligibles; submitting names for random assignment and informing eligible clients of their status as experimental or control group participants; working with each individual participant to arrive at a joint decision for the development of a PROGRESS Plan; and ensuring participation in the most appropriate selection of services which would most likely lead toward economic self-sufficiency. The case manager will track participants over time to ensure that intended activities take place, to correct possible discontinuities in service delivery, and to determine if any changes in the needs and eligibility status of program participants have occurred.

The PROGRESS Plan in this demonstration, at N.J.A.C. 10:81-12.6, is a new concept that sets forth the requirements for participation by the participant and the services to be provided by the agency. Both the participant and the case manager are responsible for signing the PROGRESS Plan. Absence of a signature will not relieve either the participant or the agency from complying with the terms of the plan, nor will it relieve the AFDC recipient from the employment and training requirements of the AFDC program.

Failure of the participant to comply with the PROGRESS Plan requirements without good cause shall be considered noncompliance with AFDC employment and training requirements set forth at N.J.A.C. 10:81-3.18.

The proposed intake process for this demonstration, at N.J.A.C. 10:81-12.8 will follow regular AFDC intake procedures regarding the taking of AFDC applications and obtaining eligibility information, as set forth in N.J.A.C. 10:81-2.4 and 10:81-3, including the establishment of paternity (see N.J.A.C. 10:81-11). The intake worker shall perform the initial screening of applicants, and refer those applicants age 19 or under who appear to meet the criteria at N.J.A.C. 10:81-12.3(a) for participation in the demonstration.

The purpose of the orientation session is to begin to involve the client in a realistic plan leading to self-sufficiency. Orientation will include a private interview or group session conducted by the case manager. The purpose of the assessment at N.J.A.C. 10:81-12.9 is to evaluate thoroughly the participant's skills, training and need for support services, and to complete the participant's plan developed at orientation.

In addition a sanction period under N.J.A.C. 10:81-12.11, the needs of the sanctioned individual will not be considered in computing the AFDC grant, and reduced grant will be issued on behalf of the remaining eligible family members.

If a participant complies with program requirements during the sanction period, the sanction may be suspended and the participant's AFDC grant restored effective for the first of the month following the month in which the participant complied.

The recommendation to suspend the sanction and to restore the AFDC grant will be made by the case manager, in consideration of the client's circumstances, past history of compliance with the program, and similar factors. A decision to suspend a sanction requires approval by the unit supervisor. Fathers participating in Food Stamp Job Search (see N.J.A.C. 10:87-3.19 through 3.21) or GAEP (see N.J.A.C. 10:85-10.1 through 10.7) are subject to the sanctioning policies and procedures of those programs.

Fathers participating in the demonstration may be provided with recognized parenting program services such as: establishment of paternity; case management with referral to employment, education, work programs; child care; and/or transportation.

Proposed N.J.A.C. 10:81-12.13 provides that participants in the Teen PROGRESS Demonstration will have the right to be afforded a fair hearing in a manner established by the rules at N.J.A.C. 10:81-6.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

The proposal also provides that former participants of this demonstration shall be provided extended Medicaid benefits, as set forth in N.J.A.C. 10:81-12.14.

Social Impact

In New Jersey, as in other states, a major social and economic problem has been the development of an entrenched, inter-generational welfare dependent population. While the majority of the welfare population is characterized by relatively brief periods of dependency, a disproportionate share of welfare dollars is allocated to a relatively small number of long-term recipients. Most of these long-term recipients are females who began receiving welfare as adolescent parents. It is also the children of these mothers who tend to have premarital births, thereby also becoming welfare dependent and constituting the inter-generational cycle of teen pregnancy and welfare dependency.

Teen PROGRESS is a research demonstration which will study the impact of mandatory education and employment related activities on adolescent parents applying for AFDC with their first pregnancy or child. Specifically, 1,800 adolescents applying for AFDC in the municipalities of Camden and Newark will be eligible for random assignment to the experimental group which will be enhanced by special services.

Another 1,800 eligible teen parents in the same cities will be randomly assigned to a control group receiving only existing AFDC services. Adolescent males who are established as fathers of the infants enrolled in the program, and who are themselves recipients of public assistance, will also be mandatory participants. The project will offer and/or broker innovative employment related vocational and comprehensive support services to the eligible population to enable them to increase their employability and decrease their long-term welfare dependency.

There will be rigorous monitoring, evaluation, and in-depth analysis of the program by an independent firm under contract with the United States Department of Health and Human Services. This will enable policy makers to generalize and replicate the results which might be effective in promoting self-sufficiency among adolescent parents receiving AFDC statewide.

The primary responses from networks of nonprofit community based organizations and public social service agencies have been constructive inquiries, acceptance, and an interest in forming cooperative relationships to foster the realization of client self-sufficiency.

Economic Impact

The demonstration project will impact 1,800 young applicants for welfare (age 19 and under) in the cities of Newark and Camden over the next four years. It is designed to test the hypothesis that younger applicants for welfare (who have a 40 percent probability of 10 years or more on welfare) can have their length of time on welfare reduced by requiring them to complete their schooling, secure training or seek employment. There may be an adverse impact upon participants who refuse to cooperatively pursue a plan for self-sufficiency, and are thereby subjected to sanctions for noncompliance. However, sanctions (reduction of grant by teen parent's share of grant) will be flexible, allowing for immediate reinstatement the month following the client's reinvolvement in education or employment related activities. The economic impact on the participants is not expected to be immediate, but will be followed over a six year period and compared with that of the control group. Participants who are subject to sanctions (loss of their share of AFDC and food stamp benefits) for noncompliance without good cause, will lose the transportation costs, child care and other expenses related to employment and training.

Regulatory Flexibility Statement

This proposal has been reviewed with regard to the Regulatory Flexibility Act, P.L. 1986, c.169, effective December 4, 1986. This rulemaking imposes no compliance requirements on small businesses, as the AFDC program is administered by county welfare agencies.

Full text of the proposed new rule follows:

SUBCHAPTER 12. NEWARK/CAMDEN TEEN PROGRESS DEMONSTRATION

10:81-12.1 General provisions and purpose

(a) This subchapter is for use by county welfare agencies (CWAs) participating in the "Teen PROGRESS" Demonstration in the cities of Newark and Camden. This subchapter shall at all times be used and interpreted in conjunction with N.J.A.C. 10:81, N.J.A.C. 10:87, and N.J.A.C. 10:90, as appropriate.

(b) The purpose of this subchapter is to:

1. Identify individuals included in the Teen PROGRESS Demonstration;
2. Establish policy for determining eligibility for the demonstration; and
3. Establish procedures for providing educational and work-related activities to project participants.

(c) The purpose of this demonstration is to provide educational and work-related activities to 1,800 applicants for AFDC who are age 19 and under, and who are either pregnant with a first child or have one child.

(d) The following existing program practices will be targeted to this population:

1. Mandatory participation in an educational and/or job training/or job search program;
2. Parenting education for both mothers and fathers;
3. Child care;
4. Transportation; and
5. Establishment of paternity and child support obligations.

(e) The following new program practices will be implemented:

1. Case management for teenage applicants with referrals to prenatal care, parenting education, and other community programs;
2. Required participation of absent fathers in WIN Demo, Food Stamp Job Search, and General Assistance Employability Program (GAEP), if they are receiving AFDC, food stamps, or General Assistance;
3. Individual educational and job interest assessment;
4. Agreed upon plan for self-sufficiency;
5. Completion of high school or GED stressed;
6. Use of mixed education/work-related programs where appropriate;
7. Child care for enrollment in educational programs and activities where possible; and
8. Enhanced transportation.

10:81-12.2 Definitions

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

"Baseline data" means information about the enrollee's demographic and personal characteristics obtained through interviews, literacy testing, and so forth.

"Case manager" means the individual in the agency responsible for a recipient's participation in the demonstration, in accordance with N.J.A.C. 10:81-12.5.

"Control group" means those individuals meeting the eligibility requirements who will not receive demonstration services, but can receive all other AFDC work-related services for which they are eligible.

"Evaluator" means the organization contracted to perform ongoing evaluation of the demonstration and random assignment of participants into control and experimental groups.

"Experimental group" means those individuals meeting the eligibility requirements who will receive demonstration services.

"Participant" means a recipient of program services (experimental group member).

"PROGRESS Plan" means document which outlines client's plan to achieve self-sufficiency based on the individual's assessment of employability and social service needs.

10:81-12.3 Eligibility

(a) The following categories of individuals age 19 or under are eligible for participation in the demonstration:

1. Applicants for AFDC who are either pregnant or have at most one child; and
2. Recipients of AFDC who are pregnant with a first child or who have a dependent child added to the assistance unit, resulting from the first birth.

(b) Fathers of the children will be mandatory participants in the demonstration and eligible for services under the demonstration, if:

1. Paternity has been established and confirmed by the Child Support unit; and
2. The absent father is either a recipient of AFDC as a dependent child, a recipient of General Assistance, or an unemployed, non-recipient of public assistance who is a member of a household receiving food stamps.

(c) Eligibility for participation in the demonstration is determined at the following times:

1. At application or reapplication for AFDC or redetermination of eligibility for AFDC; and
2. When a change in the circumstances of an AFDC recipient occurs and that change is the birth of the first child.

10:81-12.4 Exemptions and deferrals

(a) Individuals who are exempt from work and training under N.J.A.C. 10:81-3.18(b)2, except for the exemption for care of the youngest child under age six, shall not be eligible for Teen PROGRESS for the duration of their exemption. Individual's exempt status must be determined prior to random assignment to experimental or control group.

(b) Temporary deferrals from participation may be granted in the following situation:

1. A deferral of up to one month for medical reasons.

(c) Medical deferrals will require a physician's statement and approval by the unit supervisor. Temporary deferrals apply to participants and are thus granted after random assignment.

(d) At a minimum, all exemptions shall be reviewed semiannually. Participants temporarily deferred because of illness or other good cause which could change monthly shall be monitored by the case manager.

10:81-12.5 Case management

(a) Case management encompasses a significantly expanded set of worker responsibilities. The case manager is the critical link among the different service subsystems, such as income maintenance; employment; training; child support enforcement; and support services, and between these subsystems and the recipient. It is this structured approach to the delivery of multiple and interrelated services that will assure the goals and objectives of the Teen PROGRESS.

(b) The case management function includes the following:

1. Determining whether an AFDC recipient meets the criteria for an exemption;

2. Presenting a thorough orientation and in-depth explanation of program requirements and sanctions to all eligibles (prior to randomization);

3. Obtaining all necessary information and test results from eligibles;

4. Submitting names for random assignment and informing eligible clients of their status as experimental or control participants;

5. Working with each individual participant to arrive at a joint decision, and ensure participation in the most appropriate selection of services which would most likely lead toward economic self-sufficiency;

6. Arranging access to the identified service components;

7. Tracking participants over time to ensure that intended activities take place, to correct possible discontinuities in service delivery, and to determine any changes in the needs and eligibility status of program participants;

8. Counseling participants, individually or in groups, on issues related to program goals; and

9. Determining whether sanctions shall be applied.

10:81-12.6 PROGRESS Plan

(a) The PROGRESS Plan in this demonstration sets forth the requirements for participation by the participant and the services to be provided by the agency.

1. Both the participant and the case manager shall sign the PROGRESS Plan. Absence of a signature will not relieve either the participant or the agency from complying with the terms of the plan, nor will it relieve the AFDC recipient from the employment and training requirements of the AFDC program.

2. The plan may be amended at any time to reflect changes in such factors as the participant's skills, education level, interests, and so forth. The case manager shall explain that, although the plan can be amended, failure to comply with the plan will mean the start of the sanctioning process.

(b) Failure of the participant to comply with the PROGRESS Plan requirements without good cause shall be considered noncompliance with AFDC employment and training requirements set forth at N.J.A.C. 10:81-3.18.

10:81-12.7 Overview of the process

(a) The operation of this demonstration will include the following steps:

1. Intake and orientation;

2. Assessment of educational status, employability and need for support services, and completion of the PROGRESS Plan;

3. Registration requirements;

4. Program activities monitoring and plan updating based on a client's participation; and

5. Sanctioning process.

10:81-12.8 Intake and orientation

(a) The intake process for this demonstration will follow regular AFDC intake procedures concerning the taking of AFDC applications and obtaining eligibility information, set forth in N.J.A.C. 10:81-2.4 and 10:81-3 including the establishment of paternity (see N.J.A.C. 10:81-11).

The intake worker shall perform initial screening of applicants and refer those applicants age 19 or under who appear to meet the criteria at N.J.A.C. 10:81-12.3(a) for participation in the demonstration.

(b) Upon referral to the demonstration, the case manager shall review eligibility and determine whether exemptions under N.J.A.C. 10:81-3.18(b)2 apply (with the exception of care of youngest child under age 6). For those who are not exempt, the case manager will explain the nature of the demonstration, obtain informed consent, and arrange for literacy and aptitude testing and collect other baseline information. After this process is completed the case manager will give names of all non-exempt eligibles to the evaluator for random assignment to the experimental and control groups.

1. Experimental group participants shall receive written material explaining the program components and their responsibilities. All other formal intake procedures shall be followed (see N.J.A.C. 10:81-2). Control group participants will receive written material explaining their rights and responsibilities in the existing AFDC program.

2. Those placed in the experimental group shall be given an appointment with the case manager for orientation.

(c) The purpose of the orientation session is to begin to involve the client in a realistic plan leading to self-sufficiency. Orientation will include a private interview or group session conducted by the case manager. The participant may bring another person for support and guidance, such as a parent, teacher or the child's father. In the orientation session, the case manager shall provide an in-depth explanation of the purpose of the demonstration, the kinds of supportive services available through the demonstration and the program services available to the client. The case manager will emphasize completion of high school or an equivalency degree for those who have not finished school. For those still in high school, the case manager will give early attention to any support services that can avoid a break in the participant's education or facilitate early return to school.

10:81-12.9 Assessment

(a) The purpose of assessment is to evaluate thoroughly the participant's skills, training and need for support services, and to complete the participant's plan developed at orientation. The assessment will be conducted by the case manager during the first two days of participation. The case manager will use private interviews and reports from other agencies. The participant may bring another person for support and guidance, such as a parent, teacher or the child's father to the scheduled interviews.

(b) Assessment of the participant's educational and/or employment potential will be performed by the case manager, using other agency services as needed. This assessment will be the basis for the client/agency contract and supporting case plan.

(c) The case manager must assess the participant's need for support services, education, training and employment activities. Each individual will be assessed with respect to the need for child care, transportation, household management, and other related matters that will enable the individual to participate. The child care arrangements will be evaluated by agency staff to ensure that minimum standards of reliability and safety, as defined by the Department of Human Services, are met. During the assessment, the PROGRESS Plan shall be developed and signed by both participant and case manager.

10:81-12.10 Registration requirements

(a) Registration requirements for the demonstration are met by orientation and assessment phases of the demonstration. A participant will have completed registration requirements by signing the PROGRESS Plan.

1. At a minimum, the case manager shall follow-up and monitor the participant's performance and adherence to requirements of the PROGRESS Plan monthly.

(b) The activity or combination of activities in which the participants are involved should be full-time. Full-time is defined as 30 hours a week. In determining whether an activity is full-time, a consideration for travel time beyond 10 hours a week shall be made. Travel time in excess of 10 hours will be counted toward the 30 hours. The case manager will verify that travel arrangements of more than 10 hours a week are the most efficient available.

1. If the case manager determines that a commitment to 30 hours of work or combination of school and work is inappropriate, the case manager may request a less than full-time program.

2. Supervisory approval is needed for activities that are less than full-time.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

3. The case manager will initiate referrals to activities and services, and monitor client participation in those activities as appropriate to each project.

10:81-12.11 Sanctions

(a) Participants who fail to comply with program requirements set forth in this demonstration, without good cause, will be subject to the sanctioning process. Good cause includes the reasons set forth at N.J.A.C. 10:81-3.18. The following actions by a participant constitute failure to comply with program requirements:

1. Failure and/or refusal to attend orientation after three notices have been mailed to the potential recipient and have not been responded to;
2. Refusal to cooperate in developing a PROGRESS Plan;
3. Refusal to carry-out a plan leading to self-sufficiency;
4. Refusal to take a job or leaving a job without good cause when working is part of the PROGRESS Plan; or
5. Leaving the educational component of a plan without taking a full-time job.

(b) Sanctions shall be imposed for the following time periods:

1. Up to one payment month for the first instance of noncompliance;
2. Three payment months for the second instance of noncompliance; and
3. Six payment months for all subsequent instances of noncompliance.

(c) During the sanction period the needs of the sanctioned individual will not be considered in computing the AFDC grant. A reduced grant will be issued on behalf of the remaining eligible family members.

(d) Upon the determination by the case manager that a participant has refused to participate or drops out of an educational/employment program without good cause, the case manager shall begin a series of steps that will lead to imposition of the sanction.

1. Prior to any sanctions, the case manager will confirm that good cause does not exist.

2. Prior to the first sanction, the case manager will conduct a conference with the non-complying recipient and the head of household. During this conference, the recipient will be given a final opportunity to comply. If as a result of this conference the recipient complies within a week, the sanction may be suspended.

(e) If a participant complies with program requirements during the sanction period, the sanction may be suspended and the participant's AFDC grant level restored effective for the first of the month following the month in which the participant complied.

1. The recommendation to suspend the sanction and to restore the AFDC grant will be made by the case manager, in consideration of the client's circumstances, past history of compliance with the program, and similar factors.

2. A decision to suspend a sanction requires approval by the unit supervisor.

(f) Fathers participating in Food Stamp Job Search (see N.J.A.C. 10:87-3.19 through 3.21) or General Assistance Employability Program (see N.J.A.C. 10:85-10.1 through 10.7) are subject to the sanctioning policies and procedures of those programs.

10:81-12.12 Absent fathers

(a) As a condition of eligibility for AFDC, all individuals must cooperate in the establishment of paternity and assignment of child support obligations. Participants in the demonstration must comply with Child Support and Paternity enforcement procedures pursuant to N.J.A.C. 10:81-11.

(b) When absent fathers of children of participants in the experimental group are identified, the case manager will determine whether the father is a recipient in any of these programs, he will be contacted and referred to the demonstration project. Case managers will interview the father and initiate participation in this project and other educational, training or employment programs.

(c) The following services may be provided to putative fathers participating in the demonstration or recognized parenting programs:

1. Establishment of paternity;
2. Case management with referral to employment, education, work programs;
3. Child Care;
4. Transportation; and
5. Parenting education and family life education.

10:81-12.13 Entitlement to fair hearings

(a) It is the right of every applicant or recipient adversely affected by an action taken by a CWA to be afforded a fair hearing in a manner established by the rules at N.J.A.C. 10:81-6 and by the Uniform Administrative Procedure Rules of Practice (N.J.A.C. 1:1-1.1 et seq.).

(b) Agency actions which adversely affect an applicant or recipient include: any action, inaction, refusal of action, or unduly delayed action with respect to program eligibility, including denial, reduction, termination or suspension of benefits, adjustment in the level of benefits or condition of payment of benefits with respect to designation of a protective payee or work requirements.

10:81-12.14 Medicaid extension

(a) Extended Medicaid benefits shall be provided to former participants of this demonstration in accordance with the provisions of this subsection, and subject to approval of a federal waiver application submitted by the Department of Human Services.

1. When a participant loses eligibility for AFDC due to increased earnings from or increased hours of current or new employment, Medicaid eligibility continues for a period of 12 months beginning with the month in which the family is no longer eligible for AFDC. Additional eligibility requirements are set forth at N.J.A.C. 10:81-8.22.

2. When a participant loses eligibility for AFDC as a result (wholly or in part) of the collection of child or spousal support through the Child Support and Paternity process, Medicaid eligibility continues for a period of four calendar months beginning with the month in which such ineligibility begins. During this four month period, individuals are considered deemed recipients of AFDC and may qualify for 12 months of extended Medicaid benefits under (a)1 above (see N.J.A.C. 10:81-8.22).

(a)

General Assistance Manual Reporting Criminal Offenses

Proposed Amendment: N.J.A.C. 10:85-2.7

Authority: N.J.S.A. 44:8-111(d); 2C:43-1(b).

Proposal Number: PRN 1987-279.

The agency proposal follows:

Summary

This proposed amendment at N.J.A.C. 10:85-2.7 updates wording on reporting of criminal offenses to comport with the revision in the criminal code, N.J.S.A. 2C:43-1(b), which changed the designations of offenses to numbered levels of degree rather than named ones. The proposed amendment also adjusts the wording on compliance with the confidentiality regulations so as to make clear that this section does not override the confidentiality provisions. Minor editorial revisions are also proposed.

Social Impact

Little or no social impact is expected because the proposed amendment does not change existing obligations, authority, or agency actions with respect to public assistance recipients.

Economic Impact

Little or no economic impact is expected because this amendment is merely an update to existing regulations.

Regulatory Flexibility Statement

This rule has been reviewed with regard to the Regulatory Flexibility Act, P.L. 1986, c.169, effective December 4, 1986. This action imposes no compliance requirements on small businesses, as the General Assistance program is administered by municipal welfare agencies.

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

10:85-2.7 Reporting criminal offenses to law enforcement authorities

(a) Investigation of new applications or investigations for redetermination of eligibility may indicate to the municipal welfare department that a crime may have been committed. Allegations of the suspected commission of a crime may also be made known through various other sources, for example, phone calls, written communications, verbal communications from individuals, etc. [In such instances, the MWD may be under a legal obligation to report the situation to the appropriate law enforcement agency.] **In matters of reporting of criminal offenses, the municipal welfare agency must, at all times, maintain full compliance with the provisions of N.J.A.C. 10:85-1.5, dealing with basic principles for safeguarding of information.**

1. Nature of offenses which must be reported are:

- i. To local authorities: Arson, manslaughter, murder or any crimes which constitute [high misdemeanors] **crimes of the third, second and first degrees**, such as atrocious assault and battery, carnal abuse, incest or rape.

(Refer to legal counsel for additional information identifying [high misdemeanors.] crimes of the third, second and first degrees.)

ii-iii. (No change.)

2. Procedures: When the MWD becomes aware of facts that would indicate that one of the above mentioned crimes has been or may have been committed or receives a direct allegation in any form, written, verbal or anonymous, that such a crime has been committed, it shall proceed as follows:

i-ii.(No change.)

iii. When a decision has been made to report the alleged or suspected commission of the crime, such report shall be made in written form to the appropriate law enforcement agency. [Where a direct allegation charging commission of a crime has been made by an identified person, such person shall be advised of his/her responsibility to report this information to the proper authorities. In these instances, the report of the agency shall include a statement that the individual originally making the allegation had been informed of his/her responsibility to report this information to the appropriate law enforcement agency.]

iv. The MWD shall cooperate fully with any subsequent investigation initiated by the law enforcement agency within the limits of the policy and regulations of the Division of Public Welfare. An MWD staff member may sign a written complaint only upon a written request from the law enforcement agency, [and] provided his/her information of the facts to be stated in such complaint is based upon his/her own personal knowledge and belief.

(a)

**DIVISION OF YOUTH AND FAMILY SERVICES
Manual of Standards for Children's Shelter Facilities
and Homes**

**Proposed New Rules and Amendments: N.J.A.C.
10:124**

Authority: N.J.S.A. 30:1-14 and 15, N.J.S.A. 30:4C-4; N.J.S.A.

2A:4A-37; and N.J.S.A. 2A:4A-20 et seq.

Proposal Number: PRN 1987-286.

Submit comments in writing by September 2, 1987 to:

J. Patrick Byrne, Chief
Bureau of Licensing
Division of Youth and Family Services
CN 717
1 South Montgomery Street
Trenton, New Jersey 08625

The agency proposal follows:

Summary

In accordance with the "sunset" provisions of Executive Order 66 (1978), N.J.A.C. 10:124, which governs the approval of children's shelter facilities and shelter homes, expired July 19, 1987. The Division of Youth and Family Services proposes the expired rules as new with amendments to the expired text reflecting applicable provisions of the New Jersey Code of Juvenile Justice (L. 1982, c. 77). As part of the proposal, the Division is also proposing formally the chapter name in common usage, "Manual of Standards for Children's Shelter Facilities and Homes" in lieu of "Standards for Shelters Accepting Juveniles Awaiting Court Disposition," as it still officially appears in the New Jersey Administrative Code.

N.J.A.C. 10:124, when adopted in 1982, established minimum, baseline standards designed to ensure the basic safety, health, protection and well-being of children in temporary care in shelter facilities and shelter homes. The rules cover such areas as: legal authority; approval procedures; staff qualifications; physical facility/life safety; program; and transportation.

This proposal is necessary to continue these rules governing children's shelter facilities and shelter homes under the jurisdiction of the Division's Bureau of Licensing. The Division has carefully reviewed the chapter and has determined that N.J.A.C. 10:124 continues to be reasonable, necessary and proper for the reasons it was originally adopted.

This proposal includes amendments only to N.J.A.C. 10:124-1 in order to reflect language and citation changes necessitated by passage of the Juvenile Justice Code and to modify the approval period, by extending it from one year to two years. The definition, for example, of "juvenile status offender," a term no longer used, is deleted and the term "juvenile-family crisis" is added to the definitions section consistent with the language contained in the Juvenile Justice Code.

The proposed amendments to N.J.A.C. 10:124-1 revise the legal authority and language to conform to the new law. N.J.A.C. 10:124-1.5 reflects the proposed amendment extending the shelter facility and shelter home approval period from one year to two years in conformance with the Division's policy of approving residential programs and adoption agencies on a biennial basis. However, the schedule of physical site inspections, now conducted annually, is not amended.

No amendments are proposed to N.J.A.C. 10:124-2 through 6, which set forth, respectively, administrative, staff, program, physical facility and transportation requirements.

Finally, the Division plans in the near future to begin a comprehensive review and revision of this chapter in order to update and improve it so that the chapter can more effectively address the needs of shelter facilities/homes and reflect state-of-the-art regulatory practice in this field. In doing so, the Division intends to consult and work closely with its shelter care constituents and child advocacy organizations and groups in developing and formulating revised standards.

Social Impact

N.J.A.C. 10:124 has assured the oversight and inspection by the Division of shelter facilities and shelter homes providing temporary care to children in conformance with the standards of the Chapter. Such children will benefit from this proposal and the continued maintenance of standards for their care and their environment while at the shelter facility or shelter home. The rules have not affected the ongoing operations of the shelter facilities/homes, and no such impact is anticipated by this proposal.

Economic Impact

N.J.A.C. 10:124 sets forth minimum, baseline standards designed to meet the basic needs of children in temporary shelter care for a safe, healthy and emotionally supportive environment. The expired rules as originally adopted, have minimized costs of compliance with N.J.A.C. 10:124 for shelter facilities and shelter homes over the past five years, and the Division anticipates that such positive economic impact will continue as a result of this proposal. Most of the proposed amendments are of a technical, as opposed to substantive, nature and thus will have no economic impact on the shelter facilities and shelter homes or on the Division. However, the proposed change from annual to biennial approvals should reduce the administrative workload on both shelter facilities and shelter homes and the Division, possibly resulting in some cost savings.

Regulatory Flexibility Statement

N.J.A.C. 10:124 imposes compliance requirements upon children's shelter facilities and shelter homes, all of which fall within the definition of a small business, as defined in P.L. 1986, c.169. However the requirements of N.J.A.C. 10:124 represent minimum standards which when originally adopted, were formulated in a way that would minimize any potential fiscal or administrative impact on the affected constituencies. This proposal makes no substantive changes in the requirements; the proposal simply makes technical amendments in N.J.A.C. 10:124 in order to conform to changes made by the Juvenile Justice Code (N.J.S.A. 2A:4A-20 et seq.). Further, it should be pointed out that the chapter already provides for certain differential, less stringent standards for the smaller shelter homes, as opposed to shelter facilities, in areas such as physical plant requirements and some program requirements.

Full text of the expired rules proposed as new appears in the New Jersey Administrative Code at N.J.A.C. 10:124.

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

CHAPTER 124
[STANDARDS FOR SHELTERS ACCEPTING JUVENILES
AWAITING COURT DISPOSITION]
MANUAL OF STANDARDS FOR CHILDREN'S SHELTER
FACILITIES AND HOMES

SUBCHAPTER 1. GENERAL PROVISIONS

10:124-1.1 Legal authority

(a) This chapter is promulgated pursuant to N.J.S.A. 30:1-14 and 15, N.J.S.A. 30:4C-4 and N.J.S.A. [2A:4-42;]2A:4A-37; 2A:4A-20 et seq.

(b) (No change.)

(c) Under N.J.S.A. 2A:[4:42]4A-20 et seq. the Department of Human Services is mandated to inspect, evaluate and "specify" (approve) shelter facilities and/or homes that:

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

1. Are operated either directly or indirectly by a county government agency; and

2. Provide board, lodging or care primarily for [adjudicated juvenile status offenders,] **children in juvenile—family crisis** as defined by State law, who are awaiting court disposition or post-disposition action.

(d) (No change.)

(e) Responsibility for insuring that such shelter facilities and/or homes comply with the provisions of the statutes cited in (a) above and of this chapter is hereby delegated by the Department of Human Services to the Bureau of Licensing of the Division of Youth and [Facility] Family Services.

(f)-(g) (No changes.)

10:124-1.2 Definitions

The following words and terms, when used in this chapter, have the following meanings:

...
"Children's shelter facility" or "shelter facility" or "**juvenile—family in crisis shelter**" means any public or private facility that provides 24-hour-a-day residential care to six or more children in a non-physically restrictive environment for a period of time usually not exceeding 30 days.

...
"Children's shelter home" or "shelter home" or "**juvenile—family in crisis home**" means any public or private residence that provides 24-hour-a-day residential care to five or fewer children in a non-physically restricted environment for a period of time usually not exceeding 30 days. Shelter homes shall not include the Division of Youth and Family Services emergency foster shelter homes.

...
"**Juvenile—family crisis**" means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in:

1. A serious threat to the well-being and physical safety of a juvenile, or

2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or

3. Unauthorized absence by a juvenile for more than 24 hours from his home, or

4. A pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes.

["Juvenile status offender" or "status offender" means a child who:

1) Is habitually disobedient to his/her parent or guardian;

2) Is ungovernable or incorrigible;

3) Is habitually and voluntarily truant from school; or

4) Has committed an offense or violation of statute or ordinance applicable only to children.]

10:124-1.3 Population served by shelter facilities and homes

(a) A shelter facility or home provides care for children who are:

1.-5. (No change.)

[6. Charged as or awaiting adjudication as a juvenile status offender, pursuant to State law; and/or]

6. Runaways or otherwise in need of temporary care; and/or

7. Charged as a juvenile delinquent, pursuant to State law, [but who would otherwise be released, except that a suitable parent, guardian or adult custodian cannot be located to accept custody] and who would not be a threat to the physical, social or emotional well-being of the other children at the shelter facility or home.

10:124-1.4 Capacity and location of shelter facilities and homes

(a) Capacity:

1. Shelter facility: A facility which provides care for a minimum of six and a maximum of 25 children. However, a shelter facility established after [the effective date of this chapter] **September 1, 1982** shall not exceed a maximum capacity of 12 children, unless approved by the Division.

2. Shelter home: A home which provides care for a maximum of five children, including the shelter home parent's children.

3. **The Bureau may restrict new admissions to a shelter facility or home upon a determination that the shelter facility or home is regularly over the maximum number of children that the facility or home has been approved by the Bureau to serve.**

(b) (No change.)

10:124-1.5 Approval requirements

(a) (No change.)

(b) The Bureau shall conduct [on] an annual [basis an] on-site physical facility and a **biennial comprehensive** programmatic inspection of a shelter home to determine compliance with this chapter.

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

(g) **A letter of temporary approval may be issued for a period not to exceed six months. The Bureau may issue as many temporary approvals as it deems necessary; however, a shelter facility or home shall not operate pursuant to temporary approvals for more than 12 months.**

(h) **Each approval period, which may include the issuance of one or more letters of temporary approval and/or one letter of approval, shall be two years.**

1. **In determining the expiration date of the first letter of approval, the Bureau shall compute the two year period from the date of issuance of the first letter of approval or temporary approval.**

2. **In determining the expiration date of a renewed approval, the Bureau shall compute the two-year approval period from the date on which the shelter facility's or home's previous letter of approval expired.**

(i)[(g)] The letter of approval or temporary approval shall be kept on file at the shelter facility or at the offices of the shelter home coordinator.

(j)[(h)] An authorized representative of the Bureau may at any time make an announced or unannounced visit and inspect the shelter facility or home and/or review files, reports or records to determine its compliance with this chapter and/or to investigate a complaint.

(k)[(i)] A shelter facility or home's approval may be denied or revoked for any activity, policy or conduct that presents a serious or imminent hazard to the health, safety and well-being of a child or that otherwise demonstrates unfitness or inability to operate shelter facility or home.

CORRECTIONS

THE COMMISSIONER

The following proposals are authorized by William H. Fauver, Commissioner, Department of Corrections.

Submit comments by September 2, 1987 to:

Elaine W. Ballai, Esq.

Special Assistant for Legal Affairs

Department of Corrections

CN 863

Trenton, New Jersey 08625

(a)

Classification Process Reception Activity

Proposed Amendment: N.J.A.C. 10A:9-2.1

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Proposal Number: PRN 1987-291.

The agency proposal follows:

Summary

The proposed amendment deletes N.J.A.C. 10A:9-2.1(d)5 which requires the giving of educational, psychological and vocational aptitude tests during the reception classification process. Educational and vocational aptitude tests are no longer given during the reception classification process at the Youth Reception and Correction Center, Yardville, because the reduced span of the time spent at Yardville makes it more feasible to give these tests at the institution to which an inmate is assigned. Psychological tests during the reception process at Yardville, are only given to inmates with indeterminate sentences.

Social Impact

The proposed amendment will permit educational, psychological and vocational aptitude tests to be given after the reception classification process at the institution to which an inmate is assigned.

Economic Impact

The proposed amendment will not have an economic impact because no additional costs are necessary to implement or maintain this rule.

Regulatory Flexibility Statement

As the proposed amendment concerns inmate classification, it does not affect small businesses as defined under the Regulatory Flexibility Act, P.L. 1986, c.169. Therefore, no regulatory flexibility analysis is necessary.

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

10A:9-2.1 Reception activity

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

(d) During the reception classification process the inmate shall be:

1.-3. (No change.)

4. Given medical and dental examinations; **and**

[5. Given educational, psychological and vocational aptitude tests; and]

[6.]**5.** Interviewed by the psychologist, social worker and other staff members.

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

(a)

Medical and Health Services

Medical Examinations; Pregnancy Tests

Proposed Amendment: N.J.A.C. 10A:16-2.11

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Proposal Number: PRN 1987-292.

The agency proposal follows:

Summary

After consideration of the comments received on the proposed amendments to N.J.A.C. 10A:16-6 Pregnant Inmates published on April 6, 1987 at 19 N.J.R. 503(a), the Department of Corrections has decided to modify N.J.A.C. 10A:16-2.11(a) relating to medical examination given to new inmates upon admission. This proposed amendment requires that pregnancy tests be given as part of the medical examination given to female inmates upon admission.

Social Impact

The proposed amendment will have no new or additional social impact because the amended rule codifies the existing policy of testing all female inmates for pregnancy during the admission medical examination.

Economic Impact

The proposed amendment will not have an economic impact because no additional costs are necessary to implement or maintain this rule.

Regulatory Flexibility Statement

The proposed new amendment impacts upon inmates and the Department of Corrections. Since small businesses are not affected by this amendment, a regulatory flexibility analysis is not required.

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

10A:16-2.11 Medical examinations

(a) A preliminary history and physical examination shall be made on each new admission within 24 hours which shall include, but is not limited to:

1. (No change.)

2. A physical examination; [and]

3. A pregnancy test for female inmates; and

[3.]**4.** (No change in text.)

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

(b)

STATE PAROLE BOARD

Parole Board Rules

Proposed Amendments: N.J.A.C. 10A:71-3.2, 3.4, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.25, 3.26, 3.27, 3.28, 3.30, 3.43 and 6.9

Authorized By: New Jersey State Parole Board,
Louis Nickolopoulos, Chairman.

Authority: N.J.S.A. 30:4-123.48(d), 30:4-123.51(g) and 30:4-123.54(d).

Proposal Number: PRN 1987-290.

Submit comments by September 2, 1987 to:

Louis Nickolopoulos, Chairman

New Jersey State Parole Board

CN 862

Trenton, New Jersey 08625

Summary

The following summarizes the proposed amendments to the rules listed:

1. The proposed amendment to N.J.A.C. 10A:71-3.2 clarifies that credits earned and accrued during the service of a mandatory-minimum term are not, upon the expiration of the mandatory-minimum term, applied to reduce an adjusted parole eligibility date or a future parole eligibility date based upon the denial or revocation of parole.

2. The proposed amendment to N.J.A.C. 10A:71-3.4 classifies the institutional infraction of .007, Hostage taking, as a Category B infraction, for the purpose of determining whether to increase an inmate's parole eligibility date as a result of the commission of such infraction.

3. An additional proposed amendment to N.J.A.C. 10A:71-3.4 codifies a procedure by which certain inmates may be restored up to two-thirds of the time period by which the inmates' parole eligibility dates were increased by a Board panel or designated hearing officer as a result of the commission of institutional infractions.

4. The proposed amendments to N.J.A.C. 10A:71-3.18, 3.30 and 3.43 delete the authority of a Board panel to refer an inmate's case to the full Board for the rendering of a final decision.

6. The proposed amendments to N.J.A.C. 10A:71-3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.27, 3.28, 3.29 and 3.30 generally provide for the establishment of tentative parole release dates in the cases of juvenile inmates. In 1985, the Board modified the establishment of parole release dates from tentative to certified dates. The Board is proposing to return to the procedure of establishing tentative parole release dates which was in effect from 1980 to 1985.

7. The proposed amendment to N.J.A.C. 10A:71-3.21 establishes new presumptive tentative parole release terms and ranges in the cases of juvenile inmates.

8. The proposed amendment to N.J.A.C. 10A:71-6.9 establishes criteria for the consideration of administrative discharges in the cases of county parole absconders.

Social Impact

The proposed amendments represent revisions of administrative procedures and clarification of present practices of the State Parole Board. Certain adult inmates, who have received an extension in their parole eligibility dates as a result of the commission of institutional infractions, may serve reduced periods of incarceration prior to parole eligibility due to the establishment of a procedure for the restoration of time. The proposed amendments to the specified juvenile sections of the rules will impact on the juvenile Board panel processing of juvenile inmates. Juvenile inmates will serve increased periods of incarceration prior to initial parole eligibility.

Economic Impact

The economic impact of these proposed amendments cannot be readily measured. However, it is anticipated that the economic impact will be incurred by the Department of Corrections, which will have to house juvenile inmates longer than under current practice. The economic impact may be somewhat ameliorated by the establishment of the procedure by which certain inmates may be restored a period of time by which their parole eligibility term had been previously extended. Certain inmates will, therefore, serve reduced periods of incarceration prior to parole eligibility. No other economic impact is anticipated.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

Regulatory Flexibility Statement

These proposed amendments will have no reporting, recording or compliance requirements for small businesses. A regulatory flexibility analysis as mandated by P.L. 1986, c.169, the Regulatory Flexibility Act, is not required.

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

10A:71-3.2 Calculation of parole eligibility terms

- (a)-(f) (No change.)
- (g) Credits shall reduce parole eligibility terms as follows:
 - 1.-3. (No change.)

4. Upon the expiration of a parole eligibility term determined pursuant to (c)3 above, commutation credits and credits for diligent application to work and other assignments accrued during the service of the parole eligibility term determined pursuant to (c)3 above shall not reduce an adjusted parole eligibility date established pursuant to N.J.A.C. 10A:71-3.4 or a future parole eligibility date established pursuant to N.J.A.C. 10A:71-3.19, 3.44 and 7.16.

- (h) (No change.)

10A:71-3.4 Institutional infractions; adult inmates

- (a)-(c) (No change.)
- (d) Institutional infractions specified and defined by the Department shall be assigned to categories on the following basis:
 - 1. (No change.)
 - 2. Infraction Category B shall consist of .101, Escape (provided such escape is from a medium or maximum security location); .007, Hostage taking; .201, Possession or Introduction of an explosive, incendiary device or any ammunition; .202, Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife or unauthorized tool (provided such weapon is a gun or other firearm); and .251, Rioting.
 - 3.-7. (No change.)
- (e)-(o) (No change.)

(p) Except as provided herein, the following procedures for the restoration of time by which an inmate's parole eligibility date was increased by a Board panel or designated hearing officer pursuant to this section shall apply to all inmates presently incarcerated.

1. Up to two-thirds of the time period by which an inmate's parole eligibility date was increased shall be restored to the inmate over the two year period immediately following the commission of the infraction which resulted in the increase to the parole eligibility date. The two year period must run consecutively and shall be calculated commencing from the date of the commission of the infraction. Time shall be restored at the rate of one-third for each year an inmate remains infraction free.

i. If an inmate completes the first year infraction free, the inmate shall have restored one-third of the time period by which the parole eligibility date was increased. In the case of an adult inmate, an appropriate adjustment in the amount of commutation credit applied in the computation of the increased parole eligibility date shall be made as a result of the restoration of time.

ii. If an inmate completes the second year infraction free, the inmate shall have restored one-third of the time period by which the parole eligibility date was increased. In the case of an adult inmate, an appropriate adjustment in the amount of commutation credit applied in the computation of the increased parole eligibility date shall be made as a result of the restoration of time.

2. In no case shall an inmate be restored greater than two-thirds of the time period by which the parole eligibility date was increased.

3. It shall be the responsibility of the staff of the Board at each institution to periodically review the progress of inmates whose parole eligibility dates have been increased pursuant to this section.

4. Upon confirmation by the senior Board representative at the institution that an inmate has remained infraction free for the specified time periods, the senior Board representative shall insure that the staff of the Board:

- i. Automatically restores the designated time period;
- ii. Amends the inmate's records accordingly;
- iii. Recomputes the inmate's parole eligibility date; and
- iv. Notifies the inmate of the time period restored and the amended parole eligibility date.

5. The provisions of this subsection shall not apply in the following cases:

- i. Inmates who have committed the following institutional infractions:
 - (1) .001—killing;
 - (2) .002—Assaulting any person (only those cases where a person has suffered physical injury);
 - (3) .003—Assaulting any person with a weapon;

- (4) .007—Hostage taking;
- (5) .151—Setting a fire;
- (6) .201—Possession or introduction of an explosive, incendiary device or any ammunition;
- (7) .202—Possession or introduction of a gun, firearm, weapon, sharpened instrument or knife;
- (8) .251—Rioting.

ii. Inmates who have been denied parole pursuant to N.J.A.C. 10A:71-3.18.

10A:71-3.18 Board panel hearing; notice of decision for adult inmates

(a) At the conclusion of the Board panel hearing, the Board panel shall take one of the following actions:

- 1.-3. (No change.)
- [4. Refer to the Board for final decision.]
- (b)-(d) (No change.)

10A:71-3.19 Board panel action; schedule of future parole eligibility dates for adult inmates

- (a)-(d) (No change.)
- (e) If a three-member Board panel or the Board establishes, in the case of an inmate sentenced pursuant to N.J.S.A. 2A:113-4 for a term of life imprisonment, N.J.S.A. 2A:164-17 for a fixed minimum and maximum term or N.J.S.A. 2C:1-1(b), a future parole eligibility date which differs from that required by the provisions of (a) and (c) above, the inmate shall be scheduled for an annual review hearing. The first annual review hearing shall be scheduled within [12] 18 months from the month in which the decision to deny parole was rendered. Thereafter, annual review hearings shall be scheduled every 12 months until the inmate is within seven months of the actual parole eligibility date.
- 1.-6. (No change.)
- (f)-(i) (No change.)

10A:71-3.20 Notice of tentative parole release dates; juvenile inmates

(a) Upon the admission of a juvenile inmate to a State correctional facility, it shall be the responsibility of the chief executive officer of such facility to promptly notify the Board and provide to the Board such documents and information as required by the Board in order to establish a tentative parole release date.

(b) Upon such notification and within 90 days of admission to a State correctional facility, each juvenile inmate shall be informed in writing of his or her tentative parole release date.

(c) Upon establishment of the tentative parole release date pursuant to N.J.A.C. 10A:71-3.21, the juvenile Board panel shall notify in writing the juvenile inmate's parent(s) or guardian(s), the committing court, the prosecuting authority, and the chief executive officer of the institution or designee of the tentative parole release date established. The chief executive officer or designee may further distribute notice of the tentative parole release date as deemed appropriate.

10A:71-3.21 Establishment of tentative parole release dates; juvenile inmates

(a) Except as provided herein, tentative parole release dates shall be established by a hearing officer, a juvenile Board panel member or the juvenile Board panel pursuant to the following schedule of presumptive tentative parole release terms and ranges for tentative parole release terms.

Act of Delinquency	Presumptive Term (months)	Range (months)
Murder (N.J.S.A. 2C:11-3(a) (1) or (2))	[100]140	[80-120]100-180
Murder (N.J.S.A. 2C:11-3(a)(3))	[50]100	[40-60]80-120
Crime of First Degree (except Murder)	[20]33	[16-24]24-42
Crime of Second Degree	[16]24	[12-18]18-32
Sale or Distribution of Controlled Dangerous Substance, or Possession of Controlled Dangerous Substance with Intent to Distribute	[12]22	[10-14]17-27
Crime of Third Degree or Possession of Controlled Dangerous Substance	[10]19	[8-12]16-22
Crime of Fourth Degree	[5]9	[4-6]6-12
Disorderly Persons Offense	[1.5]4	[1-2]2-6

(b) If a juvenile inmate has been committed for several acts of delinquency, the act of delinquency which represents the most serious act of delinquency shall be considered in determining the tentative parole release date.

(c) The hearing officer, the juvenile Board panel member or the juvenile Board panel shall consider the following mitigating and aggravating factors in determining whether to alter the **tentative** parole release date from the presumptive term established pursuant to (a) above:

1.-2. (No change.)

(d) The juvenile Board panel may establish a **tentative** parole release date outside the range contained in the provisions of (a) above, if a **tentative** parole release date within the range is clearly inappropriate in view of the circumstances of the act of delinquency, the prior record of delinquency, the characteristics of the inmate or the imposition of any extended term imposed pursuant to N.J.S.A. 2A:4A-44(d)(3) and (d)(4).

1. If, in the opinion of the hearing officer or juvenile Board panel member establishing the **tentative** release date, a date within the range contained in the provisions of (a) above is clearly inappropriate in view of the circumstances of the act of delinquency, the prior records of delinquency, the characteristics of the inmate or the imposition of any extended term imposed pursuant to N.J.S.A. 2A:4A-44(d)(3) and (d)(4), the hearing officer or the juvenile Board panel member shall refer such a case to the juvenile Board panel.

2. The hearing officer, juvenile Board panel member or the juvenile Board panel shall, at least 14 days prior to the Board panel's determination of the **tentative** release date, notify the juvenile inmate in writing that a **tentative** parole release date pursuant to (a) above has not been established and the reasons therefor.

3. The juvenile Board panel shall, upon disposition of the case, state in writing to the juvenile inmate, the juvenile inmate's parent(s) or guardian(s), the committing court, the prosecuting authority, and the chief executive officer of the institution or designee, the reasons for the establishment of any **tentative** parole release date which is outside the range contained in the provisions of (a) above.

(e) Pursuant to R.3:21-8, credit for time served in a county detention facility prior to the date of sentence shall reduce the **tentative** parole release date established pursuant to this section.

(f)-(g) (No change.)

10A:71-3.22 Alteration of **tentative** parole release dates; juvenile inmates

(a) At the time of a quarterly review, any previously established **tentative** parole release date may be altered pursuant to N.J.A.C. 10A:71-3.28 or 3.30.

(b) If the juvenile inmate has participated satisfactorily in institutional programs or demonstrated good institutional adjustment, the **tentative** parole release date may be reduced.

1. If such inmate's level of institutional adjustment or program participation is above average, the reduction may be at the rate of 15 days for every month of the **tentative** parole release term.

2. If such inmate's level of institutional adjustment or program participation is average, the reduction may be at the rate of 10 days for every month of the **tentative** parole release term.

3. If such inmate's level of institutional adjustment or program participation is below average, the reduction may be at the rate of 5 days for every month of the **tentative** parole release term.

4. (No change.)

(c) The juvenile Board panel or a juvenile Board panel member may reduce a **tentative** parole release date outside of the schedule contained in the provisions of this [subsection when deemed appropriate in view of the juvenile inmate's participation in institutional programs or the juvenile inmate's institutional adjustment.

(d) If a juvenile inmate has committed serious and/or persistent institutional infractions or, has demonstrated poor institutional adjustment, the **tentative** parole release date may be [rescinded pursuant to N.J.A.C. 10A:71-5.6, 5.7 and 5.8.] **increased**. The **adjusted tentative parole release date shall not be established at a date which exceeds 12 months from the previous tentative parole release date**.

[1. If the juvenile Board panel rescinds a parole release date, the written decision shall include a future parole release date.

2. A future parole release date shall not be established at a date which exceeds 12 months from the rescinded parole release date.]

10A:71-3.23 Scheduling of quarterly reviews; juvenile inmates

(a) Except as provided herein, each juvenile inmate shall be scheduled for a quarterly review during the third month following the establishment of the **tentative** parole release date and during each third month thereafter; provided, however, that the juvenile Board panel may direct that a quarterly review be conducted prior to a quarterly review otherwise required pursuant to this section.

1.-4. (No change.)

5. It shall be the responsibility of the chief executive officer of the institution or designee to notify the assigned hearing officer, the juvenile Board panel member or the juvenile Board panel, in writing, of the effort expended to produce the juvenile inmate and the reason(s) for the failure of the juvenile inmate to appear at a scheduled quarterly review.

10A:71-3.25 Quarterly review procedures; juvenile inmates

(a) (No change.)

(b) The purpose of the quarterly review shall be to determine whether it appears that the juvenile inmate, when released, will not cause injury to persons or substantial injury to property, to determine whether the **tentative** parole release date will be reduced pursuant to N.J.A.C. 10A:71-3.22(a), (b) or (c), or to determine whether the [juvenile inmate's case shall be referred for a rescission hearing.] **tentative parole release date will be increased pursuant to N.J.A.C. 10A:71-3.22(d)**.

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

10A:71-3.26 Preparation of progress reports; juvenile inmate

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

(c) The reviewing juvenile Board panel member(s) shall submit such progress report and any other documents deemed relevant or necessary with the notification of reduction in the **tentative** parole release date or certification of parole release to the sentencing court in those cases in which court approval is required. Additional information or documents shall be submitted to the sentencing court upon the request of the sentencing court.

10A:71-3.27 Quarterly review notice of decision; juvenile inmates

(a) At the conclusion of the quarterly review conducted by a hearing officer, the hearing officer shall:

1.-3. (No change.)

4. Recommend a decrease in the **tentative** parole release date in accordance with N.J.A.C. 10A:71-3.22(a), (b) or (c); or

5. [Refer the juvenile inmate's case for a rescission hearing] **Recommend an increase in the tentative parole release date in accordance with N.J.A.C. 10A:71-3.22(d)**; or

6. (No change.)

(b)-(f) (No change.)

10A:71-3.28 Board member review; juvenile inmates

(a) Upon review of the recommendation of the hearing officer, the assigned member of the juvenile Board panel shall render the following determination(s):

1. A certification of:

i. A [new] parole release date [or the continuation of the current parole release date];

ii.-iii. (No change.)

2. (No change.)

3. Certify a reduction in the **tentative** parole release date pursuant to N.J.A.C. 10A:71-3.22(a), (b) or (c);

4. [Refer the juvenile inmate's case for a rescission hearing] **Certify an increase in the tentative parole release date pursuant to N.J.A.C. 10A:71-3.22(d)**; or

5. (No change.)

6. **Continue the case until the next quarterly review**.

(b) (No change.)

(c) If the assigned member of the juvenile Board panel certifies a reduction in the **tentative** parole release date and/or certifies parole releases on a specific date prior to the juvenile inmate serving one-third of the term imposed for the crime of murder or any crime of the first, second or third degree, sale or distribution of controlled dangerous substance, possession of controlled dangerous substance with intent to distribute or possession of controlled dangerous substance, including any extended term, or one-fourth of any term imposed for any other crime, the reduction in the **tentative** parole release date or the juvenile inmate's release on parole on the specific date shall be subject to the approval of the sentencing court.

(d) In those cases in which court approval of a reduction in the **tentative** parole release date and/or parole release of the juvenile inmate is required:

1. The assigned member of the juvenile Board panel shall notify the sentencing court of the determination certifying a reduction in the **tentative** parole release date or certifying parole release in the juvenile inmate's case and the specific parole release date. The sentencing court shall be forwarded such progress report and any other document deemed relevant and shall be forwarded any additional information or documents upon request.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

2. The sentencing court shall have 30 days from the date of the notice to advise the juvenile Board panel member whether the reduction in the **tentative** parole release date or the parole release of the juvenile inmate on the specified date is approved.

3. If the sentencing court approves the reduction in the **tentative** parole release date, the juvenile inmate shall be released on the reduced date upon parole release being certified pursuant to this section.

4. If the sentencing court does not approve the reduction in the **tentative** parole release date, the **tentative** parole release date shall not be reduced.

5.-6. (No change.)

7. If the sentencing court does not approve the parole release of the juvenile inmate on the specified date, the juvenile inmate shall be released on parole on the previously established and approved **tentative** parole release date. The juvenile inmate shall also be scheduled for a quarterly review pursuant to N.J.A.C. 10A:71-3.23. The purpose of the quarterly review shall be to determine whether additional information has been developed which warrants the submission of the juvenile inmate's case to the sentencing court for reconsideration.

8.-9. (No change.)

10A:71-3.30 Juvenile board panel case reviews

(a) Each juvenile inmate shall be scheduled for a comprehensive case review by the juvenile Board panel during the twelfth month following the establishment of the **tentative** parole release date and yearly thereafter instead of the quarterly review otherwise required pursuant to N.J.A.C. 10A:71-3.23(a). A schedule of such case reviews shall be established in accordance with the provisions of N.J.A.C. 10A:71-3.23(a).

(b) The purpose of such case review shall be to monitor the cumulative progress of the juvenile inmate, to determine whether it appears that the juvenile inmate, when released, will not cause injury to persons or substantial injury to property, to determine the reasons for the continued confinement of the juvenile inmate, to determine whether the previously established **tentative** parole release date will be reduced pursuant to N.J.A.C. 10A:71-3.22(a), (b) or (c) and to determine whether the [juvenile inmate's case shall be referred for a rescission hearing] **previously established tentative parole release date will be increased pursuant to N.J.A.C. 10A:71-3.22(d).**

(c) At the conclusion of the case review, the juvenile Board panel shall render the following determination(s):

1. A certification of:

i. A [new] parole release date [or the continuation of the current parole release date];

ii.-iii. (No change.)

2. (No change.)

3. Certify a reduction in the **tentative** parole release date pursuant to N.J.A.C. 10A:71-3.22(a), (b) or (c);

4. [Refer the juvenile inmate's case for a rescission hearing] **Certify an additional reduction in the tentative parole release date in an amount deemed appropriate; [or]**

5. [Refer the case to the Board for final decision] **Certify an increase in the tentative parole release date pursuant to N.J.A.C. 10A:71-3.22(d); or**

6. **Continue the case until the next quarterly review.**

(d) (No change.)

(e) If the juvenile Board panel certifies a reduction in the **tentative** parole release date or certifies parole release on a specific date prior to the juvenile inmate serving one-third of the term imposed for the crime of murder or any crime of the first, second or third degree, sale or distribution of controlled dangerous substance, possession of controlled dangerous substance with intent to distribute or possession of controlled dangerous substance, including any extended term, or one-fourth of any term imposed for any other crime, the reduction in the **tentative** parole release date or the juvenile inmate's release on parole on the specific date shall be subject to the approval of the sentencing court.

(f) In those cases in which court approval of a reduction in the **tentative** parole release date and/or parole release of the juvenile inmate is required:

1. The juvenile Board panel shall notify the sentencing court of the determination certifying a reduction in the **tentative** parole release date or certifying parole release in the juvenile inmate's case and the specific parole release date. The sentencing court shall be forwarded such progress report and other documents deemed relevant and shall be forwarded any additional information or documents upon request.

2. The sentencing court shall have 30 days from the date of the notice to advise the juvenile Board panel whether the reduction in the **tentative**

parole release date or the parole release of the juvenile inmate on the specified date is approved.

3. If the sentencing court approves the reduction in the **tentative** parole release date, the juvenile inmate shall be released on the reduced date upon parole release being certified pursuant to N.J.A.C. 10A:71-3.28 of this section.

4. If the sentencing court does not approve the reduction in the **tentative** parole release date, the **tentative** parole release date shall not be reduced.

5.-6. (No change.)

7. If the sentencing court does not approve the parole of the juvenile inmate on the specified date, the juvenile inmate shall be released on parole on the previously established and approved **tentative** parole release date. The juvenile inmate shall also be scheduled for a quarterly review pursuant to N.J.A.C. 10A:71-3.23. The purpose of the quarterly review shall be to determine whether additional information has been developed which warrants the submission of the juvenile inmate's case to the sentencing court for reconsideration.

8.-9. (No change.)

10A:71-3.43 Board panel hearing; notice of decision for county inmates

(a) At the conclusion of the Board panel hearing, the Board panel shall take one of the following actions:

1.-3. (No change.)

[4. Refer to the Board for final decision.]

10A:71-6.9 Discharge from parole

(a) (No change.)

(b) The Board panel will consider requests for discharge after the following periods of parole supervision have been completed:

1.-2. (No change.)

3. **In the case of county parole absconders, after a period of 24 months from the expiration date of the original maximum sentence, provided the parolee has no known arrests.**

[3].4. (No change in text.)

[4].5. In the case of [other] **adult** parole absconders, after a period of 10 years from the date the parolee became an absconder or after a period of five years from the expiration of the original maximum sentence, provided the parolee has no known arrests.

[5].6. (No change in text.)

INSURANCE

(a)

DIVISION OF ACTUARIAL SERVICES

Individual Life Insurance

Use of Gender Blended Mortality Tables

Proposed Amendment: N.J.A.C. 11:4-22.2

Proposed New Rules: N.J.A.C. 11:4-22.4 and

N.J.A.C. 11:4-22 Appendix

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:19-8a(i),

17B:25-19g and 17B:25-19h(viii) and (xi).

Proposal Number: PRN 1987-297.

Submit comments by September 2, 1987 to:

James D. Zarnowski, Director
Regulatory Affairs
Department of Insurance
201 East State Street
CN 325
Trenton, NJ 08625

The agency proposal follows:

Summary

The United States Supreme Court decision in the case of *Arizona Governing Committee v. Norris*, 463 U.S. 1073 (1983) (hereinafter, "*Norris*") prohibited employers subject to Title 7 of the Civil Rights Act of 1972 from offering employee benefits or defined contribution pension plans if the plans' benefits to their employees differed due to the gender of the employee. In order to comply with the *Norris* decision, insurance companies would have to use gender neutral mortality tables for such plans.

The 1958 Commissioners Standard Ordinary Mortality Table (CSO) and the Commissioners Extended Term Table (CET) were sex-neutral and were able to be used by insurers in compliance with the *Norris* decision. The 1980 tables could not be used to achieve compliance with the *Norris* decision since they differentiated by gender.

In order to enable insurers who used or wished to use the 1980 tables, the National Association of Insurance Commissioners (NAIC) in December 1983, adopted a model regulation which provided accepted gender blended tables based upon the 1980 CSO or CET Tables. The Department adopted this model as N.J.A.C. 11:4-22 and authorized the use of specified gender blended tables as substitutes to the 1980 CSO and CET Tables.

In December, 1986, the NAIC adopted amendments to its model regulation which provided accepted gender blended tables based upon the 1980 CSO or CET Tables. These amendments permitted the use of the gender blended 1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables in determining minimum cash surrender values and minimum amounts and minimum periods of paid-up nonforfeiture benefits.

The new rule and amendment being proposed by the Department are similar to those adopted by the NAIC and authorize the use of the 1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables.

N.J.A.C. 11:4-22.2 is amended to include the definition of "1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables" as referred to in the rule and to reflect editorial changes made by the NAIC in its model rule. N.J.A.C. 11:4-22.4 provides for the use of gender blended 1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables in the determination of minimum cash surrender values and minimum amounts and minimum periods of paid-up nonforfeiture benefits.

This proposed new rule and amendment do not affect minimum valuation standards, since the latter do not involve any contractual relationship between the insurer and its policyholder clients and the Supreme Court decision did not address State statutory valuation standards.

Social Impact

By authorizing insurers to utilize the 1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables, the proposed new rule and amendment will allow more insurance companies to offer plans which comply with the *Norris* decision. This will expand the available market for employers and increase the flexibility and variety of the plans being offered.

Economic Impact

Some insurance companies may incur additional expenses in revising and filing new forms to comply with the proposed new rule and amendment. However, since these insurers would otherwise be unable to offer to employers pension plans which comply with the *Norris* decision, the proposed new rule and amendment will further enable them to expand into new markets. The Department will incur additional administrative expenses in connection with the review of filings which will be absorbed in its budget.

Regulatory Flexibility Statement

Some insurers affected by these proposed amendments are small businesses as that term is defined in the Regulatory Flexibility Act, P.L. 1986, c.169. Small businesses can expect to incur added costs in revising and filing new forms to conform with the proposed new amendments. However, the flexibility given insurers in their use of mortality tables will be increased by adding the 1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables as proposed in the new rule and amendment.

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

11:4-22.2 Definitions

The following words and terms when used in this subchapter shall have the following meanings:

"1980 CSO Table, with or without Ten-Year Select Mortality Factors" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 National Association of Insurance Commissioners (NAIC) Amendments to the Model Standard Valuation Law and Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioner[s]'s 1980 Standard Ordinary Mortality Table, with or without Ten-Year Select Mortality Factors.

... "1980 CET Table" means that mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioner[s]'s 1980 Extended Term Insurance Table.

... "1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables" mean the mortality tables with separate rates of mortality for smokers and nonsmokers derived from the 1980 CSO and 1980 CET Mortality Tables by the Society of Actuaries Task Force on Smoker/Nonsmoker Mortality and adopted by the NAIC in December 1983.

11:4-22.4 Construction of Gender Blended Smoker and Nonsmoker Mortality Tables for use in the determination of minimum nonforfeiture benefits and minimum reserves

(a) In determining minimum cash surrender values, and amounts of paid up nonforfeiture benefits for any policy of insurance on the life of either a male or female insured on a form of insurance with separate rates for smokers and nonsmokers delivered or issued for delivery in this State after the operative date of N.J.S.A. 17B:25-19h(xi) for that policy form in addition to the mortality tables that may be used according to N.J.A.C. 11:4-22.3:

1. A mortality table which is a blend of the male and female rates of mortality according to the 1980 CSO Smoker Mortality Table, in the case of lives classified as smokers, or the 1980 CSO Nonsmoker Mortality Table, in the case of lives classified as nonsmokers, with or without Ten-year Select Mortality Factors, may at the option of the company be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors; and

2. A mortality table which is of the same blend as used in (a)1 above but applied to form a blend of the male and female rates of mortality according to the corresponding 1980 CET Smoker Mortality Table or 1980 CET Nonsmoker Mortality Table may at the option of the company be substituted for the 1980 CET Table.

(b) The following describes the blended Smoker and Nonsmoker Mortality Tables. The tables are contained in Appendix D to this subchapter.

1. 100 percent Male 0 percent Female smoker tables designated as "1980 CSO-SA" and "1980 CET-SA" Tables.

2. 80 percent Male 20 percent Female smoker tables designated as "1980 CSO-SB" and "1980 CET-SB" Tables.

3. 60 percent Male 40 percent Female smoker tables designated as "1980 CSO-SC" and "1980 CET-SC" Tables.

4. 50 percent Male 50 percent Female smoker tables designated as "1980 CSO-SD" and "1980 CET-SD" Tables.

5. 40 percent Male 60 percent Female smoker tables designated as "1980 CSO-SE" and "1980 CET-SE" Tables.

6. 20 percent Male 80 percent Female smoker tables designated as "1980 CSO-SF" and "1980 CET-SF" Tables.

7. 0 percent Male 100 percent Female smoker tables designated as "1980 CSO-SG" and "1980 CET-SG" Tables.

8. 100 percent Male 0 percent Female nonsmoker tables designated as "1980 CSO-NA" and "1980 CET-NA" Tables.

9. 80 percent Male 20 percent Female nonsmoker tables designated as "1980 CSO-NB" and "1980 CET-NB" Tables.

10. 60 percent Male 40 percent Female nonsmoker tables designated as "1980 CSO-NC" and "1980 CET-NC" Tables.

11. 50 percent Male 50 percent Female nonsmoker tables designated as "1980 CSO-ND" and "1980 CET-ND" Tables.

12. 40 percent Male 60 percent Female nonsmoker tables designated as "1980 CSO-NE" and "1980 CET-NE" Tables.

13. 20 percent Male 80 percent Female nonsmoker tables designated as "1980 CSO-NF" and "1980 CET-NF" Tables.

14. 0 percent Male 100 percent Female nonsmoker tables designated as "1980 CSO-NG" and "1980 CET-NG" Tables.

(c) The tables described in (b)1, 7, 8 and 14 above are not acceptable as blended tables, except where the proportion of persons insured is anticipated to be 90 percent or more of one sex or the other.

[11:4-22.4]11:4-22.5 (No change in text.)

[11:4-22.5]11:4-22.6 (No change in text.)

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

APPENDIX D
1980 CSO-SA Smoker Table 1

Non-Smoker			Non-Smoker			Non-Smoker		
Age	Smoker	Smoker	Age	Smoker	Smoker	Age	Smoker	Smoker
15	1.29	1.65	44	3.07	5.71	72	42.56	64.33
16	1.43	1.87	45	3.32	6.27	73	47.44	70.23
17	1.54	2.05	46	3.59	6.83	74	52.92	76.66
18	1.60	2.16	47	3.88	7.44	75	58.80	83.77
19	1.66	2.26	48	4.19	8.08	76	65.06	91.10
20	1.63	2.31	49	4.54	8.80	77	71.64	98.52
21	1.67	2.33	50	4.91	9.50	78	78.47	105.91
22	1.64	2.30	51	5.35	10.44	79	85.72	113.49
23	1.61	2.26	52	5.86	11.42	80	93.67	121.59
24	1.57	2.21	53	6.43	12.54	81	102.52	130.41
25	1.52	2.14	54	7.09	13.80	82	112.52	140.20
26	1.48	2.08	55	7.82	15.14	83	123.79	151.03
27	1.46	2.06	56	8.63	16.59	84	136.11	162.49
28	1.44	2.04	57	9.49	18.09	85	149.20	174.20
29	1.44	2.06	58	10.42	19.69	86	162.80	185.78
30	1.44	2.10	59	11.47	21.35	87	176.79	197.06
31	1.47	2.17	60	12.64	23.19	88	190.89	209.37
32	1.50	2.24	61	13.94	25.26	89	205.29	221.52
33	1.55	2.35	62	15.42	27.59	90	220.19	233.69
34	1.61	2.48	63	17.11	30.23	91	235.84	246.12
35	1.69	2.63	64	19.02	33.14	92	252.75	259.33
36	1.77	2.81	65	21.13	36.29	93	271.63	276.30
37	1.88	3.04	66	23.40	39.57	94	295.65	298.15
38	2.00	3.30	67	25.86	43.01	95	329.96	329.96
39	2.14	3.60	68	23.50	46.55	96	384.55	384.55
40	2.29	3.94	69	31.38	50.32	97	480.20	480.20
41	2.47	4.34	70	34.63	54.48	98	657.98	657.98
42	2.65	4.75	71	88.91	59.09	99	1000.00	1000.00
43	2.86	5.22						

1980 CET-SA Smoker Table 3

Non-Smoker			Non-Smoker			Non-Smoker		
Age	Smoker	Smoker	Age	Smoker	Smoker	Age	Smoker	Smoker
15	2.11	2.51	44	4.15	7.79	72	58.44	87.33
16	2.23	2.71	45	4.49	8.52	73	65.14	95.33
17	2.32	2.85	46	4.85	9.27	74	72.51	104.09
18	2.38	2.96	47	5.24	10.09	75	80.39	113.45
19	2.42	3.03	48	5.67	10.97	76	88.71	123.02
20	2.43	3.07	49	6.14	11.93	77	97.41	132.63
21	2.41	3.07	50	6.67	13.00	78	106.54	142.34
22	2.38	3.03	51	7.28	14.21	79	116.38	152.49
23	2.34	2.99	52	7.98	15.57	80	127.24	163.42
24	2.30	2.93	53	8.79	17.12	81	139.43	175.45
25	2.25	2.86	54	9.69	18.81	82	153.17	188.77
26	2.22	2.82	55	10.69	20.62	83	168.40	203.18
27	2.20	2.80	56	11.78	22.53	84	184.83	218.18
28	2.19	2.80	57	12.94	24.54	85	202.00	233.27
29	2.19	2.83	58	14.22	26.66	86	219.93	248.09
30	2.20	2.88	59	15.67	28.94	87	238.11	263.80
31	2.23	2.95	60	17.28	31.47	88	256.53	279.15
32	2.27	3.04	61	19.07	34.33	89	275.46	294.91
33	2.33	3.16	62	21.14	37.56	90	295.17	310.80
34	2.40	3.32	63	23.48	41.16	91	316.11	327.34
35	2.48	3.54	64	26.08	45.10	92	339.07	346.52
36	2.57	3.80	65	28.93	49.27	93	366.28	371.11
37	2.69	4.12	66	32.01	53.64	94	402.78	404.65
38	2.82	4.49	67	35.31	58.16	95	457.42	457.42
39	2.96	4.90	68	38.90	62.91	96	547.29	547.29
40	2.13	5.38	69	42.87	68.06	97	703.30	703.30
41	3.33	5.90	70	47.37	73.74	98	968.70	968.70
42	3.58	6.47	71	52.51	80.12	99	1000.00	1000.00
43	3.85	7.10						

1980 CSO-NA Nonsmoker Table 2

Non-Smoker			Non-Smoker			Non-Smoker		
Age	Smoker	Smoker	Age	Smoker	Smoker	Age	Smoker	Smoker
15	1.29	1.65	44	3.07	5.71	72	42.56	64.33
16	1.43	1.87	45	3.32	6.27	73	47.44	70.23
17	1.54	2.05	46	3.59	6.83	74	52.92	76.66
18	1.60	2.16	47	3.88	7.44	75	58.80	83.77
19	1.66	2.26	48	4.19	8.08	76	65.06	91.10
20	1.63	2.31	49	4.54	8.80	77	71.64	98.52
21	1.67	2.33	50	4.91	9.50	78	78.47	105.91
22	1.64	2.30	51	5.35	10.44	79	85.72	113.49
23	1.61	2.26	52	5.86	11.42	80	93.67	121.59
24	1.57	2.21	53	6.43	12.54	81	102.52	130.41
25	1.52	2.14	54	7.09	13.80	82	112.52	140.20
26	1.48	2.08	55	7.82	15.14	83	123.79	151.03
27	1.46	2.06	56	8.63	16.59	84	136.11	162.49
28	1.44	2.04	57	9.49	18.09	85	149.20	174.20
29	1.44	2.06	58	10.42	19.69	86	162.80	185.78
30	1.44	2.10	59	11.47	21.35	87	176.79	197.06
31	1.47	2.17	60	12.64	23.19	88	190.89	209.37
32	1.50	2.24	61	13.94	25.26	89	205.29	221.52
33	1.55	2.35	62	15.42	27.59	90	220.19	233.69
34	1.61	2.48	63	17.11	30.23	91	235.84	246.12
35	1.69	2.63	64	19.02	33.14	92	252.75	259.33
36	1.77	2.81	65	21.13	36.29	93	271.63	276.30
37	1.88	3.04	66	23.40	39.57	94	295.65	298.15
38	2.00	3.30	67	25.86	43.01	95	329.96	329.96
39	2.14	3.60	68	23.50	46.55	96	384.55	384.55
40	2.29	3.94	69	31.38	50.32	97	480.20	480.20
41	2.47	4.34	70	34.63	54.48	98	657.98	657.98
42	2.65	4.75	71	88.91	59.09	99	1000.00	1000.00
43	2.86	5.22						

1980 CET-NA NonSmoker Table 4

Non-Smoker			Non-Smoker			Non-Smoker		
Age	Smoker	Smoker	Age	Smoker	Smoker	Age	Smoker	Smoker
15	2.11	2.51	44	4.15	7.79	72	58.44	87.33
16	2.23	2.71	45	4.49	8.52	73	65.14	95.33
17	2.32	2.85	46	4.85	9.27	74	72.51	104.09
18	2.38	2.96	47	5.24	10.09	75	80.39	113.45
19	2.42	3.03	48	5.67	10.97	76	88.71	123.02
20	2.43	3.07	49	6.14	11.93	77	97.41	132.63
21	2.41	3.07	50	6.67	13.00	78	106.54	142.34
22	2.38	3.03	51	7.28	14.21	79	116.38	152.49
23	2.34	2.99	52	7.98	15.57	80	127.24	163.42
24	2.30	2.93	53	8.79	17.12	81	139.43	175.45
25	2.25	2.86	54	9.69	18.81	82	153.17	188.77
26	2.22	2.82	55	10.69	20.62	83	168.40	203.18
27	2.20	2.80	56	11.78	22.53	84	184.83	218.18
28	2.19	2.80	57	12.94	24.54	85	202.00	233.27
29	2.19	2.83	58	14.22	26.66	86	219.93	248.09
30	2.20	2.88	59	15.67	28.94	87	238.11	263.80
31	2.23	2.95	60	17.28	31.47	88	256.53	279.15
32	2.27	3.04	61	19.07	34.33	89	275.46	294.91
33	2.33	3.16	62	21.14	37.56	90	295.17	310.80
34	2.40	3.32	63	23.48	41.16	91	316.11	327.34
35	2.48	3.54	64	26.08	45.10	92	339.07	346.52
36	2.57	3.80	65	28.93	49.27	93	366.28	371.11
37	2.69	4.12	66	32.01	53.64	94	402.78	404.65
38	2.82	4.49	67	35.31	58.16	95	457.42	457.42
39	2.96	4.90	68	38.90	62.91	96	547.29	547.29
40	2.13	5.38	69	42.87	68.06	97	703.30	703.30
41	3.33	5.90	70	47.37	73.74	98	968.70	968.70
42	3.58	6.47	71	52.51	80.12	99	1000.00	1000.00
43	3.85	7.10						

1980 CSO-SB SMOKER TABLE & 1980 CET-SB SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male I_x to Total Is 80%

1980 CSO-SB SMOKER TABLE 5					
Age	I _x	1000q _x	Age	I _x	1000q _x
15	223083	1.51	58	180302	17.93
16	222746	1.70	59	177069	19.36
17	222367	1.85	60	173641	20.93
18	221956	1.95	61	170007	22.72
19	221523	2.04	62	166144	24.75
20	221071	2.09	63	162032	27.09
21	220609	2.10	64	157643	29.66
22	220146	2.09	65	152967	32.45
23	219686	2.06	66	148003	35.33
24	219233	2.03	67	142774	38.33
25	218788	1.97	68	137301	41.34
26	218357	1.93	69	131625	44.56
27	217936	1.92	70	125760	48.06
28	217518	1.92	71	119716	52.02
29	217100	1.94	72	113488	56.56
30	216679	1.99	73	107069	61.72
31	216248	2.06	74	100461	67.39
32	215803	2.13	75	93691	73.64
33	215343	2.23	76	86792	80.11
34	214863	2.35	77	79839	86.64
35	214358	2.50	78	72922	93.17
36	213822	2.67	79	66128	99.91
37	213251	2.89	80	59521	107.14
38	212635	3.14	81	53144	115.11
39	211967	3.43	82	47027	124.03
40	211240	3.75	83	41194	134.01
41	210448	4.14	84	35674	144.97
42	209577	4.53	85	30502	165.08
43	208628	4.97	86	25741	167.75
44	207591	5.42	87	21423	179.03
45	206466	5.94	88	17588	191.74
46	205240	6.45	89	14216	204.04
47	203916	7.01	90	11315	217.42
48	202487	7.60	91	8855	231.58
49	200948	8.25	92	6804	246.88
50	199290	8.95	93	5124	265.45
51	197506	9.74	94	3764	*289.36
52	195582	10.63	95	2675	*324.89
53	193503	11.64	96	1806	*380.97
54	191251	12.77	97	1118	*477.69
55	188809	13.96	98	584	*657.38
56	186173	15.24	99	200	1000.00
57	183336	16.55			

Age	I _x	1000q _x	Age	I _x	1000q _x
59	3450424	25.17	80	824337	139.28
60	3363577	27.21	81	709523	149.64
61	3272054	29.54	82	603350	161.24
62	3175398	32.18	83	506066	174.21
63	3073214	35.22	84	417904	188.46
64	2964975	38.56	85	339146	202.90
65	2850646	42.19	86	270333	218.08
66	2730377	45.93	87	211379	232.74
67	2604971	49.83	88	162183	249.26
68	2475165	53.74	89	121757	265.25
69	2342150	57.93	90	89461	282.65
70	2206469	62.48	91	64175	301.05
71	2068609	67.63	92	44855	320.94
72	1928709	73.53	93	30459	345.09
73	1786891	80.24	94	19948	376.17
74	1643511	87.61	95	12444	422.36
75	1499523	95.73	96	7188	495.26
76	1355974	104.14	97	3628	621.00
77	1214763	112.63	98	1375	854.59
78	1077944	121.12	99	200	1000.00
79	947383	129.88			

Age nearest birthday CSO: Sum q_x = 4770.93 Sum I_x = 12302728
* Adjusted; see text CET: Sum q_x = 8674.67 Sum I_x = 242009995

1980 CSO-SC SMOKER TABLE & 1980 CET-SC SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male I_x to Total Is 60%

1980 CSO-SC SMOKER TABLE 7					
Age	I _x	1000q _x	Age	I _x	1000q _x
15	161242	1.37	58	132346	16.21
16	161021	1.52	59	130201	17.41
17	160776	1.65	60	127934	18.74
18	160511	1.74	61	125537	20.27
19	160232	1.82	62	122992	22.02
20	159940	1.86	63	120284	24.08
21	159643	1.88	64	117388	26.36
22	159343	1.87	65	114294	28.83
23	159045	1.85	66	110999	31.35
24	158751	1.84	67*	107519	33.97
25	158459	1.81	68	103867	36.55
26	158172	1.79	69	100071	39.31
27	157889	1.79	70	96137	42.29
28	157606	1.79	71	92071	45.73
29	157324	1.83	72	87861	49.75
30	157036	1.88	73	83490	54.37
31	156741	1.95	74	78951	59.53
32	156435	2.02	75	74251	65.21
33	156119	2.11	76	69409	71.12
34	155790	2.23	77	64473	77.16
35	155443	2.35	78	59498	83.23
36	155078	2.52	79	54546	89.55
37	154687	2.74	80	49661	96.42
38	154263	2.98	81	44873	104.08
39	153803	3.25	82	40203	112.72
40	153303	3.56	83	35671	122.47
41	152757	3.94	84	31302	133.48
42	152155	4.31	85	27124	144.59
43	151499	4.71	86	23202	156.67
44	150785	5.14	87	19567	168.41
45	150010	5.61	88	16272	181.66
46	149168	6.08	89	13316	194.45
47	148261	6.59	90	10727	208.76
48	147284	7.12	91	8488	223.98
49	146235	7.71	92	6587	240.65
50	145108	8.35	93	5002	260.28
51	143896	9.05	94	3700	*285.17
52	142594	9.84	95	2645	*322.03
53	141191	10.75	96	1793	*378.56
54	139673	11.75	97	1114	*476.70
55	138032	12.80	98	583	*657.10
56	136265	13.92	99	200	1000.00
57	134368	15.05			

1980 CET-SB SMOKER TABLE 6					
Age	I _x	1000q _x	Age	I _x	1000q _x
15	4675331	2.26	37	4395728	3.76
16	4664765	2.45	38	4379200	4.08
17	4653336	2.60	39	4361333	4.46
18	4641237	2.70	40	4341881	4.88
19	4628706	2.79	41	4320693	5.38
20	4615792	2.84	42	4297448	5.89
21	4602683	2.85	43	4272136	6.46
22	4589565	2.84	44	4244538	7.05
23	4576531	2.81	45	4214614	7.72
24	4563671	2.78	46	4182077	8.39
25	4550984	2.72	47	4146989	9.11
26	4538605	2.68	48	4109210	9.88
27	4526442	2.67	49	4068611	10.73
28	4514356	2.67	50	4024955	11.64
29	4502303	2.69	51	3978105	12.66
30	4490192	2.74	52	3927742	13.82
31	4477889	2.81	53	3873461	15.13
32	4465306	2.88	54	3814856	16.60
33	4452446	2.98	55	3751529	18.15
34	4439178	3.10	56	3683439	19.81
35	4425417	3.25	57	3610470	21.52
36	4411034	3.47	58	3532773	23.31

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

1980 CET-SC SMOKER TABLE 8

Table with 6 columns: Age, 1x, 1000qx, Age, 1x, 1000qx. Rows 15-57.

Age nearest birthday CSO: Sum qx= 4498.38 Sum 1x= 9084082
* Adjusted; see text CET: Sum qx= 8307.43 Sum 1x= 158862096

1980 CSO-SD SMOKER TABLE & 1980 CET-SD SMOKER TABLE #
Pivotal Age is 45 *** Ratio of Male 1x to Total is 50%

1980 CSO-SD SMOKER TABLE 9

Table with 6 columns: Age, 1x, 1000qx, Age, 1x, 1000qx. Rows 15-54.

Table with 6 columns: Age, 1x, 1000qx, Age, 1x, 1000qx. Rows 55-99.

1980 CET-SD SMOKER TABLE 10

Table with 6 columns: Age, 1x, 1000qx, Age, 1x, 1000qx. Rows 15-99.

Age nearest birthday CSO: Sum qx= 4385.48 Sum 1x= 8045842
* Adjusted; see text CET: Sum qx= 8155.96 Sum 1x= 133888931

1980 CSO-SE SMOKER TABLE & 1980 CET-SE SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male 1_x to Total Is 40%

1980 CSO-SE SMOKER TABLE 11					
Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	125734	1.22	58	104803	14.52
16	125581	1.35	59	103281	15.51
17	125411	1.45	60	101679	16.61
18	125229	1.52	61	99990	17.89
19	125039	1.59	62	98201	19.38
20	124840	1.63	63	96298	21.20
21	124637	1.65	64	94256	23.20
22	124431	1.65	65	92069	25.40
23	124226	1.65	66	89730	27.62
24	124021	1.65	67	87252	29.91
25	123816	1.64	68	84642	32.12
26	123613	1.64	69	81923	34.50
27	123410	1.66	70	79097	37.05
28	123205	1.67	71	76166	40.10
29	122999	1.71	72	73112	43.72
30	122789	1.77	73	69916	47.97
31	122572	1.84	74	66562	52.76
32	122346	1.91	75	63050	58.07
33	122112	1.99	76	59389	63.65
34	121869	2.11	77	55609	69.39
35	121612	2.22	78	51750	75.26
36	121342	2.38	79	47855	81.40
37	121053	2.59	80	43960	88.17
38	120739	2.82	81	40084	95.75
39	120399	3.08	82	36246	104.35
40	120028	3.38	83	32464	114.13
41	119622	3.73	84	28759	125.35
42	119176	4.09	85	25154	136.67
43	118689	4.46	86	21716	149.23
44	118160	4.85	87	18475	161.37
45	117587	5.28	88	15494	175.15
46	116966	5.70	89	12780	188.35
47	116299	6.16	90	10373	203.38
48	115583	6.64	91	8263	219.41
49	114816	7.16	92	6450	236.87
50	113994	7.74	93	4922	257.15
51	113112	8.36	94	2656	*282.58
52	112166	9.07	95	2623	*319.76
53	111149	9.87	96	1784	*377.41
54	110052	10.74	97	1111	*476.21
55	108870	11.65	98	582	*656.10
56	107602	12.61	99	200	1000.00
57	106245	13.57			

1980 CET-SE SMOKER TABLE 12

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	2133421	1.97	37	2020335	3.37
16	2129228	2.10	38	2013526	3.67
17	2124757	2.20	39	2006136	4.00
18	2120083	2.27	40	1998111	4.39
19	2125270	2.34	41	1989339	4.85
20	2110320	2.38	42	1979691	5.32
21	2105297	2.40	43	1969159	5.80
22	2100244	2.40	44	1957738	6.31
23	2095203	2.40	45	1945385	6.86
24	2090175	2.40	46	1932040	7.41
25	2085159	2.39	47	1917724	8.01
26	2080175	2.39	48	1902363	8.63
27	2075203	2.41	49	1885946	9.31
28	2070202	2.42	50	1868388	10.06
29	2065192	2.46	51	1849592	10.87
30	2060112	2.52	52	1829487	11.79
31	2054921	2.59	53	1807917	12.83
32	2049599	2.66	54	1784721	13.96
33	2044147	2.74	55	1759806	15.15
34	2038546	2.86	56	1733145	16.39
35	2032716	2.97	57	1704739	17.64
36	2026679	3.13	58	1674667	18.88

Age	1 _x	1000q _x	Age	1 _x	1000q _x
59	1643049	20.16	80	536496	114.62
60	1609925	21.59	81	475003	124.48
61	1575167	23.26	82	415875	135.66
62	1538529	25.19	83	359457	148.37
63	1499773	27.56	84	306124	162.96
64	1458439	30.16	85	256238	177.67
65	1414452	33.02	86	210712	194.00
66	1367747	35.91	87	169834	209.78
67	1318631	38.88	88	134206	227.70
68	1267363	41.76	89	103647	244.86
69	1214438	44.85	90	78268	264.39
70	1159970	48.17	91	57575	285.23
71	1104094	52.13	92	41153	307.93
72	1046538	56.84	93	28481	334.30
73	987053	62.36	94	18960	367.35
74	925500	68.59	95	11995	415.69
75	862020	75.49	96	7009	490.63
76	796946	82.75	97	3570	619.07
77	730999	90.21	98	1360	852.93
78	665056	97.84	99	200	1000.00
79	599987	105.82			

Age nearest birthday CSO: Sum qx= 4284.01 Sum 1_x= 7234867
* Adjusted; see text CET: Sum qx= 8020.06 Sum 1_x= 115338453

1980 CSO-SF SMOKER TABLE & 1980 CET-SF SMOKER TABLE #
Pivotal Age is 45 *** Ratio of Male 1_x to Total Is 20%

1980 CSO-SF SMOKER TABLE 13					
Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	102794	1.08	58	87006	12.87
16	102683	1.17	59	85886	13.66
17	102563	1.25	60	84713	14.53
18	102435	1.31	61	83482	15.59
19	102301	1.36	62	82181	16.84
20	102162	1.39	63	80797	18.43
21	102020	1.42	64	79308	20.20
22	101875	1.43	65	77706	22.15
23	101729	1.44	66	75985	24.10
24	101583	1.46	67	74154	26.12
25	101435	1.47	68	72217	28.01
26	101286	1.49	69	70194	30.09
27	101135	1.52	70	68082	32.29
28	100981	1.54	71	65884	35.04
29	100825	1.60	72	63575	38.36
30	100664	1.66	73	61136	42.33
31	100497	1.72	74	58548	46.89
32	100324	1.80	75	55803	51.94
33	100143	1.87	76	52905	57.33
34	99956	1.98	77	49872	62.93
35	99758	2.08	78	46734	68.70
36	99551	2.23	79	43523	74.83
37	99329	2.44	80	40266	81.61
38	99087	2.65	81	36980	89.22
39	98824	2.90	82	33681	97.92
40	98537	3.19	83	30383	107.82
41	98223	3.53	84	27107	119.31
42	97876	3.86	85	23873	130.86
43	97498	4.21	86	20749	143.85
44	97088	4.56	87	17764	156.39
45	96645	4.94	88	14986	170.57
46	96168	5.33	89	12430	184.17
47	95655	5.74	90	10141	199.71
48	95106	6.16	91	8116	216.27
49	94520	6.62	92	6361	234.41
50	93894	7.14	93	4870	255.00
51	93224	7.68	94	3628	*280.66
52	92508	8.29	95	2610	*318.37
53	91741	9.00	96	1779	*376.21
54	90915	9.74	97	1110	*475.72
55	90029	10.52	98	582	*656.09
56	89082	11.33	99	200	1000.00
57	88073	12.11			

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

1980 CET-SF SMOKER TABLE 14

Age	I _x	1000q _x	Age	I _x	1000q _x
15	1629026	1.83	58	1303099	16.73
16	1626045	1.92	59	1281298	17.76
17	1622923	2.00	60	1258542	18.89
18	1619677	2.06	61	1234768	20.27
19	1616340	2.11	62	1209739	21.89
20	1612930	2.14	63	1183258	23.96
21	1609478	2.17	64	1154907	26.26
22	1605985	2.18	65	1124579	28.80
23	1602484	2.19	66	1092191	31.33
24	1598975	2.21	67	1057973	33.96
25	1595441	2.22	68	1022044	36.41
26	1591899	2.24	69	984831	39.12
27	1588333	2.27	70	946304	41.98
28	1584727	2.29	71	906578	45.55
29	1581098	2.35	72	865283	49.87
30	1577382	2.41	73	822131	55.03
31	1573581	2.47	74	776889	60.96
32	1569694	2.55	75	729530	67.52
33	1565691	2.62	76	680272	74.53
34	1561589	2.73	77	629571	81.81
35	1557326	2.83	78	578066	89.31
36	1552919	2.98	79	526439	97.28
37	1548291	3.19	80	475227	106.09
38	1543352	3.45	81	424810	115.99
39	1538027	3.77	82	375536	127.30
40	1532229	4.15	83	327730	140.17
41	1525870	4.59	84	281792	155.10
42	1518866	5.02	85	238086	170.12
43	1511241	5.47	86	197583	187.02
44	1502975	5.93	87	160633	203.31
45	1494062	6.42	88	127975	221.74
46	1484470	6.93	89	99598	239.42
47	1474183	7.46	90	75752	259.62
48	1463186	8.01	91	56085	281.15
49	1451466	8.61	92	40317	304.73
50	1438969	9.28	93	28031	331.50
51	1425615	9.98	94	18739	364.86
52	1411387	10.78	95	11902	413.88
53	1396172	11.70	96	6976	489.07
54	1379837	12.66	97	3564	618.44
55	1362368	13.68	98	1360	852.92
56	1343731	14.73	99	200	1000.00
57	1323938	15.74			

Age nearest birthday CSO: Sum qx= 4106.55 Sum lx= 6040029
* Adjusted; see text CET: Sum qx= 7783.96 Sum lx= 90033966

1980 CSO-NB NON-SMOKER TABLE &
1980 CET-NB NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male I_x to Total Is 80%

1980 CSO-NB NON-SMOKER TABLE 15

Age	I _x	1000q _x	Age	I _x	1000q _x
15	116700	1.20	35	113371	1.64
16	116560	1.32	36	113185	1.73
17	116406	1.42	37	112989	1.83
18	116241	1.47	38	112782	1.96
19	116070	1.52	39	112561	2.10
20	115894	1.55	40	112325	2.25
21	115714	1.55	41	112072	2.43
22	115535	1.52	42	111800	2.60
23	115359	1.50	43	111509	2.81
24	115186	1.47	44	111196	3.01
25	115017	1.44	45	110861	3.26
26	114851	1.41	46	110500	3.51
27	114689	1.40	47	110112	3.78
28	114528	1.38	48	109696	4.09
29	114370	1.40	49	109247	4.41
30	114210	1.40	50	108765	4.76
31	114050	1.43	51	108247	5.18
32	113887	1.46	52	107686	5.65
33	113721	1.50	53	107078	6.19
34	113550	1.58	54	106415	6.81

Age	I _x	1000q _x	Age	I _x	1000q _x
55	105690	7.48	77	60428	65.77
56	104899	8.21	78	56454	72.13
57	104038	9.00	79	52382	78.92
58	103102	9.84	80	48248	86.40
59	102087	10.75	81	440079	94.77
60	100990	11.80	82	39902	104.26
61	99798	12.96	83	35742	115.02
62	98505	14.30	84	31631	126.80
63	97096	15.86	85	27620	139.45
64	95556	17.62	86	23768	152.61
65	93872	19.55	87	20141	166.38
66	92037	21.64	88	16790	180.45
67	90045	23.87	89	13760	195.03
68	87896	26.24	90	11076	210.29
69	85590	28.82	91	8747	*226.51
70	83123	31.74	92	6766	*244.13
71	80485	35.51	93	5114	*264.04
72	77627	38.89	94	3764	*289.36
73	74608	43.37	95	2675	*324.89
74	71372	48.39	96	1806	*380.97
75	67918	53.84	97	1118	*477.69
76	64261	59.65	98	584	*657.38
			99	200	1000.00

1980 CET-NB NON-SMOKER TABLE 16

Age	I _x	1000q _x	Age	I _x	1000q _x
15	1977580	1.95	58	1670850	12.79
16	1973724	2.07	59	1649480	13.98
17	1969638	2.17	60	1626420	15.34
18	1965364	2.22	61	1601471	16.85
19	1961001	2.27	62	1574486	18.59
20	1956550	2.30	63	1545216	20.62
21	1952050	2.30	64	1513354	22.91
22	1947560	2.27	65	1478683	25.42
23	1943139	2.25	66	1441095	28.13
24	1938767	2.22	67	1400557	31.03
25	1934463	2.19	68	1357098	34.11
26	1930227	2.16	69	1310807	37.47
27	1926058	2.15	70	1261691	41.26
28	1921917	2.13	71	1209634	46.16
29	1917823	2.15	72	1153797	50.56
30	1913700	2.15	73	1095461	56.38
31	1909586	2.18	74	1033699	62.91
32	1905423	2.21	75	968669	69.99
33	1901212	2.25	76	900872	77.55
34	1896934	2.33	77	831009	85.50
35	1892514	2.39	78	759958	93.77
36	1887991	2.48	79	688697	102.60
37	1883309	2.58	80	618037	112.32
38	1878450	2.71	81	548619	123.20
39	1873359	2.85	82	481029	135.54
40	1868020	3.00	83	415830	149.53
41	1862416	3.18	84	353651	164.84
42	1856494	3.38	85	295355	181.29
43	1850219	3.65	86	241810	198.39
44	1843466	3.91	87	193837	216.29
45	1836258	4.24	88	151912	234.59
46	1828472	4.56	89	116275	253.54
47	1820134	4.91	90	86795	273.38
48	1811197	5.32	91	63067	294.46
49	1801561	5.73	92	44496	317.37
50	1791238	6.19	93	30374	343.25
51	1780150	6.73	94	19948	376.17
52	1768170	7.35	95	12444	422.36
53	1755174	8.05	96	7188	495.26
54	1741045	8.85	97	3628	621.00
55	1725637	9.72	98	1375	854.59
56	1708864	10.67	99	200	1000.00
57	1690630	11.70			

Age nearest birthday CSO: Sum qx= 3436.53 Sum lx= 7008325
* Adjusted; see text CET: Sum qx= 7899.36 Sum lx= 112256358

1980 CSO-NC NON-SMOKER TABLE &
1980 CET-NC NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male I_x to Total Is 60%

1980 CSO-NC NON-SMOKER TABLE 17					
Age	I _x	1000q _x	Age	I _x	1000q _x
15	95229	1.11	58	84549	9.24
16	95123	1.22	59	83768	10.05
17	95007	1.29	60	82926	10.97
18	94884	1.34	61	82016	12.01
19	94757	1.39	62	81031	13.21
20	94625	1.41	63	79961	14.62
21	94492	1.42	64	78792	16.24
22	94358	1.40	65	77512	18.01
23	94226	1.39	66	76116	19.91
24	94095	1.37	67	74601	21.94
25	93966	1.35	68	72964	24.05
26	93839	1.33	69	71209	26.35
27	93714	1.33	70	69333	28.95
28	93589	1.33	71	67326	32.26
29	93465	1.35	72	65154	35.42
30	93339	1.36	73	62846	39.52
31	93212	1.39	74	60362	44.17
32	93082	1.42	75	57696	49.24
33	92950	1.47	76	54855	54.70
34	92813	1.53	77	51854	60.43
35	92671	1.60	78	48720	66.46
36	92523	1.68	79	45482	72.92
37	92368	1.80	80	42165	80.06
38	92202	1.91	81	38789	88.10
39	92026	2.06	82	35372	97.27
40	91836	2.21	83	31931	107.73
41	91633	2.38	84	28491	119.23
42	91415	2.57	85	25094	131.61
43	91180	2.76	86	21791	144.68
44	90928	2.96	87	18638	158.40
45	90659	3.19	88	15686	172.60
46	90370	3.43	89	12979	187.46
47	90060	3.69	90	10546	*203.08
48	89728	3.98	91	8404	*219.76
49	89371	4.28	92	6557	*238.20
50	88988	4.62	93	4995	*259.26
51	88577	5.00	94	3700	*285.17
52	88134	5.46	95	2645	*322.03
53	87653	5.96	96	1793	*378.56
54	87131	6.52	97	1114	*476.70
55	86563	7.14	98	583	*657.10
56	85945	7.80	99	200	1000.00
57	85275	8.51			

Age	I _x	1000q _x	Age	I _x	1000q _x
57	1285033	11.06	79	564777	94.80
58	1270821	12.01	80	511236	104.08
59	1255558	13.07	81	458027	114.53
60	1239148	14.26	82	405569	126.45
61	1221478	15.61	83	354285	140.05
62	1202411	17.17	84	304667	155.00
63	1181766	19.01	85	257444	171.09
64	1159301	21.11	86	213398	188.08
65	1134828	23.41	87	173262	205.92
66	1108262	25.88	88	137584	224.38
67	1079580	28.52	89	106713	243.70
68	1048790	31.27	90	80707	264.00
69	1015994	34.26	91	59400	285.69
70	981186	37.64	92	42430	309.66
71	944254	41.94	93	29291	337.04
72	904652	46.05	94	19419	370.72
73	862993	51.38	95	12220	418.64
74	818652	57.42	96	7104	492.13
75	771645	64.01	97	3608	619.71
76	722252	71.11	98	1372	854.23
77	670893	78.56	99	200	1000.00
78	618188	86.40			

Age nearest birthday CSO: Sum q_x= 3086.52 Sum I_x= 5788547
* Adjusted; see text CET: Sum q_x= 7672.32 Sum I_x= 85940135

1980 CSO-ND NON-SMOKER TABLE &
1980 CET-ND NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male I_x to Total Is 50%

1980 CSO-ND NON-SMOKER TABLE 19					
Age	I _x	1000q _x	Age	I _x	1000q _x
15	87164	1.07	58	77577	8.95
16	87071	1.16	59	76883	9.70
17	86970	1.23	60	76137	10.55
18	86863	1.27	61	75334	11.53
19	86753	1.32	62	74465	12.66
20	86638	1.35	63	73522	14.01
21	86521	1.34	64	72492	15.56
22	86405	1.34	65	71364	17.24
23	86289	1.33	66	70134	19.07
24	86174	1.33	67	68797	20.98
25	86059	1.30	68	67354	22.99
26	85947	1.30	69	65806	25.15
27	85835	1.29	70	64151	27.60
28	85724	1.31	71	62380	30.69
29	85612	1.33	72	60466	33.75
30	85498	1.34	73	58425	37.67
31	85383	1.37	74	56224	42.16
32	85266	1.40	75	53854	47.06
33	85147	1.45	76	51320	52.38
34	85024	1.51	77	48632	57.96
35	84896	1.58	78	45813	63.84
36	84762	1.67	79	42888	70.16
37	84620	1.77	80	39879	77.18
38	84470	1.90	81	36801	85.11
39	84310	2.03	82	33669	94.17
40	84139	2.19	83	30498	104.54
41	83955	2.36	84	27310	115.93
42	83757	2.55	85	24144	128.27
43	83543	2.73	86	21047	141.31
44	83315	2.93	87	18073	155.09
45	83071	3.16	88	15270	169.35
46	82808	3.39	89	12684	184.40
47	82527	3.65	90	10345	*200.23
48	82226	3.92	91	8274	*217.23
49	81904	4.22	92	6477	*235.91
50	81558	4.55	93	4949	*257.43
51	81187	4.92	94	3675	*283.81
52	80788	5.36	95	2632	*320.74
53	80355	5.85	96	1788	*377.93
54	79885	6.38	97	1112	*476.61
55	79375	6.97	98	582	*656.44
56	78822	7.60	99	200	1000.00
57	78223	8.26			

1980 CET-NC NON-SMOKER TABLE 18					
Age	I _x	1000q _x	Age	I _x	1000q _x
15	1495453	1.86	36	1430223	2.43
16	1492671	1.97	37	1426748	2.55
17	1489730	2.04	38	1423110	2.66
18	1486691	2.09	39	1419325	2.81
19	1483584	2.14	40	1415337	2.96
20	1480409	2.16	41	1411148	3.13
21	1477211	2.17	42	1406731	3.34
22	1474005	2.15	43	1402033	3.59
23	1470836	2.14	44	1397000	3.85
24	1467688	2.12	45	1391622	4.15
25	1464577	2.10	46	1385847	4.46
26	1461501	2.08	47	1379666	4.80
27	1458461	2.08	48	1373044	5.17
28	1455427	2.08	49	1365945	5.56
29	1452400	2.10	50	1358350	6.01
30	1449350	2.11	51	1350186	6.50
31	1446292	2.14	52	1341410	7.10
32	1443197	2.17	53	1331886	7.75
33	1440065	2.22	54	1321564	8.48
34	1436868	2.28	55	1310357	9.28
35	1433592	2.35	56	1298197	10.14

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

1980 CET-ND NON-SMOKER TABLE 20

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	1321831	1.82	58	1126479	11.64
16	1319425	1.91	59	1113367	12.61
17	1316905	1.98	60	1099327	13.72
18	1314298	2.02	61	1084244	14.99
19	1311643	2.07	62	1067991	16.46
20	1308928	2.10	63	1050412	18.21
21	1306179	2.09	64	1031284	20.23
22	1303449	2.09	65	1010421	22.41
23	1300725	2.08	66	987777	24.79
24	1298019	2.08	67	963290	27.27
25	1295319	2.05	68	937021	29.89
26	1292664	2.05	69	909013	32.70
27	1290014	2.04	70	879288	35.88
28	1287382	2.06	71	847739	39.90
29	1284730	2.08	72	813914	43.88
30	1282058	2.09	73	778199	48.97
31	1279378	2.12	74	740091	54.81
32	1276666	2.15	75	699527	61.18
33	1273921	2.20	76	656730	68.09
34	1271118	2.26	77	612013	75.35
35	1268245	2.33	78	565898	82.99
36	1265290	2.42	79	518934	91.21
37	1262228	2.52	80	471602	100.33
38	1259047	2.65	81	424286	110.64
39	1255711	2.78	82	377343	122.42
40	1252220	2.94	83	331149	135.90
41	1248538	3.11	84	286146	150.71
42	1244655	3.32	85	243021	166.75
43	1240523	3.55	86	202497	183.70
44	1236119	3.81	87	165298	201.62
45	1231409	4.11	88	131971	220.16
46	1226348	4.41	89	102916	239.72
47	1220940	4.75	90	78245	260.30
48	1215141	5.10	91	57878	282.40
49	1208944	5.49	92	41533	306.68
50	1202307	5.92	93	28796	334.66
51	1195189	6.40	94	19159	368.95
52	1187540	6.97	95	12090	416.96
53	1179263	7.61	96	7049	491.31
54	1170289	8.29	97	3586	619.59
55	1160587	9.06	98	1364	853.37
56	1150072	9.88	99	200	1000.00
57	1138709	10.74			

Age nearest birthday CSO: Sum q_x= 3023.29 Sum 1_x= 5330266
* Adjusted; see text CET: Sum q_x= 7572.85 Sum 1_x= 76433054

1980 CSO-NE NON-SMOKER TABLE &
1980 CET-NE NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male 1_x to Total Is 40%

1980 CSO-NE NON-SMOKER TABLE 21

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	80445	1.03	34	78536	1.49
16	80362	1.10	35	78419	1.56
17	80274	1.17	36	78297	1.65
18	80180	1.21	37	78168	1.76
19	80083	1.25	38	78030	1.87
20	79983	1.29	39	77884	2.02
21	79880	1.28	40	77727	2.16
22	79778	1.28	41	77559	2.34
23	79676	1.28	42	77378	2.53
24	79574	1.28	43	77182	2.72
25	79472	1.26	44	76972	2.91
26	79372	1.26	45	76748	3.13
27	79272	1.27	46	76508	3.35
28	79171	1.28	47	76252	3.59
29	79070	1.30	48	75978	3.87
30	78967	1.31	49	75684	4.15
31	78864	1.36	50	75370	4.48
32	78757	1.39	51	75032	4.84
33	78648	1.42	52	74669	5.25

Age	1 _x	1000q _x	Age	1 _x	1000q _x
53	74277	5.73	77	45961	55.59
54	73851	6.23	78	43406	61.36
55	73391	6.81	79	40743	67.55
56	72891	7.39	80	37991	74.48
57	72352	8.02	81	35161	82.32
58	71772	8.65	82	32267	91.29
59	71151	9.35	83	29321	101.59
60	70486	10.14	84	26342	112.91
61	69771	11.04	85	23368	125.24
62	69001	12.12	86	20441	138.25
63	68165	13.40	87	17615	152.08
64	67252	14.89	88	14936	166.50
65	66251	16.49	89	12449	181.73
66	65159	18.23	90	10187	*197.78
67	63971	20.04	91	8172	*215.12
68	62689	21.93	92	6414	*234.03
69	61314	23.96	93	4913	*255.85
70	59845	26.28	94	3656	*282.58
71	58272	29.16	95	2623	*319.76
72	56573	32.11	96	1784	*377.41
73	54756	35.90	97	1111	*476.21
74	52790	40.21	98	582	*656.10
75	50667	44.98	99	200	1000.00
76	48388	50.15			

1980 CET-NE NON-SMOKER TABLE 22

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	1182241	1.78	58	1010426	11.25
16	1180137	1.85	59	999059	12.16
17	1177954	1.92	60	968910	13.18
18	1175692	1.96	61	973903	14.35
19	1173388	2.00	62	959927	15.76
20	1171041	2.04	63	944799	17.42
21	1168652	2.03	64	928341	19.36
22	1166280	2.03	65	910368	21.44
23	1163912	2.03	66	890850	23.70
24	1161549	2.03	67	869737	26.05
25	1159191	2.01	68	847080	28.51
26	1156861	2.01	69	822930	31.15
27	1154536	2.02	70	797296	34.16
28	1152204	2.03	71	770060	37.91
29	1149865	2.05	72	740867	41.74
30	1147508	2.06	73	709943	46.67
31	1145144	2.11	74	676810	52.27
32	1142728	2.14	75	641433	58.47
33	1140283	2.17	76	603928	65.20
34	1137809	2.24	77	564552	72.27
35	1135260	2.31	78	523752	79.77
36	1132638	2.40	79	481972	87.72
37	1129920	2.51	80	439645	96.82
38	1127084	2.62	81	397079	107.02
39	1124131	2.77	82	354584	118.68
40	1121017	2.91	83	312502	132.07
41	1117755	3.09	84	271230	146.78
42	1114301	3.29	85	231419	162.81
43	1110635	3.54	86	193742	179.73
44	1106703	3.78	87	158921	197.70
45	1102520	4.07	88	127502	216.45
46	1098033	4.36	89	99904	236.25
47	1093246	4.67	90	76302	257.11
48	1088141	5.03	91	56684	279.66
49	1082668	5.40	92	40832	304.24
50	1076822	5.82	93	28409	332.61
51	1070555	6.29	94	18960	367.35
52	1063821	6.83	95	11995	415.69
53	1056555	7.45	96	7009	490.63
54	1048684	8.10	97	3570	619.70
55	1040190	8.85	98	1360	852.93
56	1030984	9.61	99	200	1000.00
57	1021076	10.43			

Age nearest birthday CSO: Sum q_x= 2963.79 Sum 1_x= 4948899
* Adjusted; see text CET: Sum q_x= 7480.85 Sum 1_x= 68786506

1980 CSO-NF NON-SMOKER TABLE &
1980 CET-NF NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male I_x to Total Is 20%

1980 CSO-NF NON-SMOKER TABLE 23

Age	I _x	1000q _x	Age	I _x	1000q _x
15	69713	0.94	58	62504	8.06
16	69647	0.99	59	62000	8.65
17	69578	1.04	60	61464	9.32
18	69506	1.07	61	60891	10.11
19	69432	1.12	62	60275	11.04
20	69354	1.15	63	59610	12.20
21	69274	1.14	64	58883	13.55
22	69195	1.16	65	58085	15.01
23	69115	1.16	66	57213	16.58
24	69035	1.18	67	56264	18.21
25	68954	1.17	68	55239	19.86
26	68873	1.19	69	54142	21.65
27	68791	1.20	70	52970	23.69
28	68708	1.23	71	51715	26.19
29	68623	1.25	72	50361	28.98
30	68537	1.28	73	48902	32.47
31	68449	1.32	74	47314	36.50
32	68359	1.35	75	45587	41.02
33	68267	1.38	76	43717	45.94
34	68173	1.45	77	41709	51.16
35	68074	1.51	78	39575	56.73
36	67971	1.61	79	37330	62.78
37	67862	1.71	80	34986	69.53
38	67746	1.84	81	32553	77.24
39	67621	1.97	82	30039	86.13
40	67488	2.12	83	27452	96.33
41	67345	2.30	84	24808	107.59
42	67190	2.49	85	22139	119.91
43	67023	2.67	86	19484	132.99
44	66844	2.85	87	16893	146.95
45	66653	3.06	88	14411	161.59
46	66449	3.27	89	12082	177.21
47	66232	3.50	90	9941	193.74
48	66000	3.76	91	8015	211.49
49	65752	4.02	92	6320	*231.05
50	65488	4.33	93	4860	*253.44
51	65204	4.67	94	3628	*280.66
52	64899	5.05	95	2610	*318.37
53	64571	5.49	96	1779	*376.21
54	64217	5.96	97	1110	*475.72
55	63834	6.46	98	582	*656.09
56	63422	6.99	99	200	1000.00
57	62979	7.54			

Age	I _x	1000q _x	Age	I _x	1000q _x
57	845895	9.80	79	427102	81.61
58	837605	10.48	80	392246	90.39
59	828827	11.25	81	356791	100.41
60	819503	12.12	82	320966	111.97
61	809571	13.14	83	285027	125.23
62	798933	14.35	84	249333	139.87
63	787468	15.86	85	214459	155.88
64	774979	17.62	86	181029	172.89
65	761324	19.51	87	149731	191.04
66	746471	21.55	88	121126	210.07
67	730385	23.67	89	95681	230.37
68	713097	25.82	90	73639	251.86
69	694685	28.15	91	55092	274.94
70	675130	30.80	92	39945	300.37
71	654336	34.05	93	27947	329.47
72	632056	37.67	94	18739	364.86
73	608246	42.21	95	11902	413.88
74	582572	47.45	96	6976	489.07
75	554929	53.33	97	3564	618.44
76	525335	59.72	98	1360	852.92
77	493962	66.51	99	200	1000.00
78	461109	73.75			

Age nearest birthday CSO: Sum qx= 3259.34 Sum Ix= 4340089
* Adjusted; see text CET: Sum qx= 7315.40 Sum Ix= 57404657

1980 CET-NG Nonsmoker Table 25

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	1.61	1.71	44	3.76	5.77	72	35.85	46.03
16	1.65	1.76	45	4.02	6.21	73	40.42	51.34
17	1.68	1.81	46	4.29	6.67	74	45.67	57.38
18	1.71	1.86	47	4.59	7.14	75	51.53	63.99
19	1.74	1.89	48	4.90	7.64	76	57.88	71.01
20	1.76	1.92	49	5.25	8.20	77	64.68	78.31
21	1.78	1.94	50	5.64	8.80	78	72.03	86.09
22	1.79	1.97	51	6.07	9.44	79	80.18	94.52
23	1.81	2.00	52	6.57	10.17	80	89.45	103.97
24	1.83	2.03	53	7.11	10.97	81	100.11	114.70
25	1.85	2.06	54	7.67	11.79	82	112.40	126.89
26	1.88	2.11	55	8.27	12.64	83	126.26	140.97
27	1.90	2.15	56	8.87	13.47	84	141.53	156.23
28	1.93	2.20	57	9.45	14.25	85	158.05	172.45
29	1.97	2.26	58	10.04	15.02	86	175.71	189.48
30	2.00	2.33	59	10.70	15.83	87	194.47	207.16
31	2.04	2.39	60	11.48	16.81	88	214.34	225.58
32	2.08	2.46	61	12.44	18.03	89	235.50	244.73
33	2.13	2.55	62	13.64	19.60	90	258.09	265.95
34	2.19	2.65	63	15.11	21.52	91	282.65	288.81
35	2.26	2.76	64	16.76	23.65	92	310.09	314.16
36	2.36	2.93	65	18.54	25.90	93	342.36	343.93
37	2.48	3.13	66	20.38	28.18	94	383.80	383.80
38	2.61	3.39	67	22.27	30.39	95	443.33	443.33
39	2.75	3.72	68	24.22	32.63	96	538.04	538.04
40	2.92	4.11	69	26.39	35.06	97	698.41	698.41
41	3.10	4.52	70	28.94	37.93	98	967.15	967.15
42	3.29	4.94	71	32.05	41.57	99	1000.00	1000.00
43	3.52	5.36						

1980 CET-SG Smoker Table 26

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	1.61	1.71	25	1.85	2.06	35	2.26	2.76
16	1.65	1.76	26	1.88	2.11	36	2.36	2.93
17	1.68	1.81	27	1.90	2.15	37	2.48	3.13
18	1.71	1.86	28	1.93	2.20	38	2.61	3.39
19	1.74	1.89	29	1.97	2.26	39	2.75	3.72
20	1.76	1.92	30	2.00	2.33	40	2.92	4.11
21	1.78	1.94	31	2.04	2.39	41	3.10	4.52
22	1.79	1.97	32	2.08	2.46	42	3.29	4.94
23	1.81	2.00	33	2.13	2.55	43	3.52	5.36
24	1.83	2.03	34	2.19	2.65	44	3.76	5.77

1980 CET-NF NON-SMOKER TABLE 24

Age	I _x	1000q _x	Age	I _x	1000q _x
15	974349	1.69	36	935141	2.36
16	972702	1.74	37	932934	2.46
17	971009	1.79	38	930639	2.59
18	969271	1.82	39	928229	2.72
19	967507	1.87	40	925704	2.87
20	965698	1.90	41	923047	3.05
21	963863	1.89	42	920232	3.24
22	962041	1.91	43	917250	3.47
23	960204	1.91	44	914067	3.71
24	958370	1.93	45	910676	3.98
25	956520	1.92	46	907052	4.25
26	954683	1.94	47	903197	4.55
27	952831	1.95	48	899087	4.89
28	950973	1.98	49	894690	5.23
29	949090	2.00	50	890011	5.63
30	947192	2.03	51	885000	6.07
31	945269	2.07	52	879628	6.57
32	943312	2.10	53	873849	7.14
33	941331	2.13	54	867610	7.75
34	939326	2.20	55	860886	8.40
35	937259	2.26	56	853655	9.09

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
45	4.02	6.21	63	15.11	21.52	81	100.11	114.70	60	8.51	12.51	74	33.02	41.74	87	142.71	152.67
46	4.29	6.67	64	16.76	23.65	82	112.40	126.89	61	9.16	13.36	75	37.32	46.64	88	157.61	167.23
47	4.59	7.14	65	18.54	25.90	83	126.26	140.97	62	9.98	14.39	76	42.04	51.92	89	173.51	181.07
48	4.90	7.64	66	20.38	28.18	84	141.53	156.23	63	11.01	15.78	77	47.11	57.46	90	190.39	197.01
49	5.25	8.20	67	22.27	30.39	85	158.05	172.45	64	12.23	17.33	78	52.53	63.23	91	208.58	214.00
50	5.64	8.80	68	24.22	32.63	86	175.71	189.48	65	13.55	19.07	79	58.45	69.41	92	228.60	232.54
51	6.07	9.44	69	26.39	35.06	87	194.47	207.16	66	14.97	20.79	80	65.12	76.26	93	251.40	253.55
52	6.57	10.17	70	28.94	37.93	88	214.34	225.58	67	16.41	22.58	81	72.76	84.00	94	279.31	279.31
53	7.11	10.97	71	32.05	41.57	89	235.50	244.73	68	17.86	24.20	82	81.59	92.84	95	317.32	317.32
54	7.67	11.79	72	35.85	46.03	90	258.09	265.95	69	19.41	26.02	83	91.76	102.87	96	375.74	375.74
55	8.27	12.64	73	40.42	51.34	91	282.65	288.81	70	21.20	27.95	84	103.03	114.65	97	474.97	474.97
56	8.87	13.47	74	45.67	57.38	92	310.09	314.16	71	23.34	30.45	85	115.38	126.42	98	655.85	655.85
57	9.45	14.25	75	51.53	63.99	93	342.36	343.93	72	25.99	33.55	86	128.58	139.79	99	1000.00	1000.00
58	10.04	15.02	76	57.88	71.01	94	383.80	383.80	73	29.22	37.33						
59	10.70	15.83	77	64.68	78.31	95	443.33	443.33									
60	11.48	16.81	78	72.03	86.09	96	538.04	538.04									
61	12.44	18.03	79	80.18	94.52	97	698.41	698.41									
62	13.64	19.60	80	89.45	103.97	98	967.15	967.15									
						99	1000.00	1000.00									

(a)

DIVISION OF ADMINISTRATION

Insurance of Municipal Bonds

Proposed Amendments: N.J.A.C. 11:7-1.2 and 1.3

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1 and 17:1C-6(e).

Proposal Number: PRN 1987-298.

Submit comments by September 2, 1987 to:

James D. Zarnowski, Director
Regulatory Affairs
Department of Insurance
CN 325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department proposes to amend N.J.A.C. 11:7 to reflect the changes that have occurred over several years in the area of Municipal Bond Insurance. The amendments will update N.J.A.C. 11:7 to conform with the conditions and needs of the growing municipal bond insurance industry.

N.J.A.C. 11:7-1.2, which discusses the capital, surplus and contingent reserve requirements for municipal bond insurers is being amended at subsection (b). The amendment provides a new definition of the term "cumulative net liability" and applies a new standard for determining the maximum allowable net liability under which a municipal bond insurer can continue to insure municipal bond issues in New Jersey. N.J.A.C. 11:7-1.3, which is the limitations and restrictions section of the subchapter, is being amended to include a definition of the term "total net liability".

Social Impact

By implementing the proposed amendments, N.J.A.C. 11:7 will be revised to conform to current conditions in the municipal bond insurance industry and will establish requirements that are comparable to those of other jurisdictions. The limitations imposed by the current rule will be relaxed by the proposed amendments and will allow municipal bond insurers to insure more New Jersey municipalities.

Economic Impact

The proposed amendments to N.J.A.C. 11:7 will allow New Jersey State and local municipal issuers to realize greater benefits from participating in the credit enhancement provided the municipal bond insurance industry from credit rating agencies. By giving municipal bond insurers the ability to insure more issues, a greater savings on interest expenses will be realized by New Jersey taxpayers.

Regulatory Flexibility Statement

The proposed amendments will only have an effect upon municipal bond insurers. If there are small businesses, as that term is defined in the Regulatory Flexibility Act, P.L. 1980, c.169, in the municipal bond industry, they can expect to benefit from the increase in ability to insure issues afforded by the proposed amendments.

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

1980 CSO-NG Nonsmoker Table 27

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	0.84	0.94	44	2.80	4.28	72	25.99	33.55
16	0.88	0.99	45	2.99	4.61	73	29.22	37.33
17	0.92	1.04	46	3.19	4.95	74	33.02	41.74
18	0.95	1.09	47	3.41	5.31	75	37.32	46.64
19	0.98	1.13	48	3.65	5.68	76	42.04	51.92
20	1.01	1.16	49	3.90	6.08	77	47.11	57.46
21	1.02	1.18	50	4.19	6.54	78	52.53	63.23
22	1.04	1.18	51	4.50	7.00	79	58.45	69.41
23	1.05	1.23	52	4.85	7.52	80	65.12	76.26
24	1.08	1.27	53	5.26	8.13	81	72.76	84.00
25	1.09	1.29	54	5.68	8.75	82	81.59	92.84
26	1.12	1.34	55	6.13	9.40	83	91.76	102.87
27	1.14	1.38	56	6.59	10.05	84	103.03	114.65
28	1.17	1.42	57	7.05	10.67	85	115.38	126.42
29	1.20	1.48	58	7.49	11.25	86	128.58	139.79
30	1.24	1.55	59	7.96	11.85	87	142.71	152.67
31	1.27	1.61	60	8.51	12.51	88	157.61	167.23
32	1.31	1.68	61	9.16	13.36	89	173.51	181.07
33	1.35	1.75	62	9.98	14.39	90	190.39	197.01
34	1.42	1.86	63	11.01	15.78	91	208.58	214.00
35	1.47	1.94	64	12.23	17.33	92	228.60	232.54
36	1.56	2.09	65	13.55	19.07	93	251.40	253.55
37	1.67	2.28	66	14.97	20.79	94	279.31	279.31
38	1.79	2.49	67	16.41	22.58	95	317.32	317.32
39	1.93	2.73	68	17.86	24.20	96	375.74	375.74
40	2.08	3.00	69	19.41	26.02	97	474.97	474.97
41	2.26	3.33	70	21.20	27.95	98	655.85	655.85
42	2.44	3.64	71	23.34	30.45	99	1000.00	1000.00
43	2.62	3.96						

1980 CSO-SG Smoker Table 28

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	0.84	0.94	30	1.24	1.55	45	2.99	4.61
16	0.88	0.99	31	1.27	1.61	46	3.19	4.95
17	0.92	1.04	32	1.31	1.68	47	3.41	5.31
18	0.95	1.09	33	1.35	1.75	48	3.65	5.68
19	0.98	1.13	34	1.42	1.86	49	3.90	6.08
20	1.01	1.16	35	1.47	1.94	50	4.19	6.54
21	1.02	1.18	36	1.56	2.09	51	4.50	7.00
22	1.04	1.18	37	1.67	2.28	52	4.85	7.52
23	1.05	1.23	38	1.79	2.49	53	5.26	8.13
24	1.08	1.27	39	1.93	2.73	54	5.68	8.75
25	1.09	1.29	40	2.08	3.00	55	6.13	9.40
26	1.12	1.34	41	2.26	3.33	56	6.59	10.05
27	1.14	1.38	42	2.44	3.64	57	7.05	10.67
28	1.17	1.42	43	2.62	3.96	58	7.49	11.25
29	1.20	1.48	44	2.80	4.28	59	7.96	11.85

11:7-1.2 Capital, surplus and contingency reserve requirements

(a) (No change.)

(b) [An insurer transacting the insurance of municipal bonds:

1. Shall not at any time] **In no event shall an insurer** have outstanding a cumulative net liability, under policies in force insuring municipal bonds, in an amount which exceeds [25 times] the sum of its capital and surplus, plus the contingent reserve as defined in [subsection] (a)2 above [, plus 50 percent of the unearned premium on the stated class of business]. **For the purpose of this subsection, the term cumulative net liability shall mean one third of one percent of the insured unpaid principal and insured unpaid interest covered by policies in force insuring municipal bonds.** In the event that any such insurer has outstanding a cumulative net liability in excess of the amount as so computed, it shall not transact any new insurance of municipal bonds unless and until its cumulative net liability no longer exceeds such amount. [For the purpose of this paragraph, the term "cumulative net liability" shall mean 25 percent of the insured unpaid principal and insured unpaid interest covered by policies in force insuring municipal bonds.]

[2.](c) **An insurer transacting the insurance of municipal bonds [M] may invest the contingency reserve in tax and loss bonds purchased pursuant to Section 832(c) of the Internal Revenue Code, only to the extent of the tax savings resulting from the deduction for Federal income tax purposes of a sum equal to the annual contributions to the contingency reserve. The contingency reserve shall otherwise be invested only in classes of securities or types of investments specified in paragraphs (a), (c), (d) and (f) of N.J.S.A. 17:24-1.**

17:7-1.3 Limitations and restrictions

(a) (No change.)

(b) For the purpose of complying with the provisions of N.J.S.A. 17:18-9, the total net liability of an insurer in respect to any one issue of municipal bonds [shall be such amount as the Commissioner of Insurance shall determine on the basis of:

1. His review of the terms of the underlying policy contract and related instruments; and

2. Appropriate allowance for:

i. Reinsurance with an insurer authorized to transact such business in this State;

ii. The rights and powers, if any, vested in the insurer to reach funds which it may use to satisfy all or a portion of the principal or interest which it may become obligated to pay under the terms of the paid policy; and

iii. Any other item or items of value deemed by the Commissioner to be available to the insurer for the purpose of diminishing the exposure under its policy.]

insured shall be the average annual amount due for principal and interest on insured securities of such issue, net of appropriate allowance for reinsurance.

(c) (No change.)

LAW AND PUBLIC SAFETY

(a)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL Issuance of Identification Cards by County Clerks Proposed Amendments: N.J.A.C. 13:2-40.1, 40.5, 40.6 and 40.7

Authorized By: John F. Vassallo, Jr., Director, Division of
Alcoholic Beverage Control.

Authority: N.J.S.A. 33:1-81.2 through 81.9.

Proposal Number: PRN 1987-300.

Submit comments by September 2, 1987 to:

John F. Vassallo, Jr., Director
Division of Alcoholic Beverage Control
Richard J. Hughes Justice Complex
CN 087
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The lawful age to purchase and consume alcoholic beverages in the State of New Jersey is 21 years of age. N.J.S.A. 9:17B-1. It is unlawful for the holder of a retail liquor license to sell, serve or deliver alcoholic

beverages to, or allow, permit or suffer the consumption of alcoholic beverages on licensed premises by persons not of the legal age. N.J.S.A. 33:1-77 and N.J.A.C. 13:2-23.1(a). Unfortunately, individuals not of the legal age attempt to purchase alcoholic beverages and retail licensees are required to scrutinize transactions with youthful looking individuals and verify the true age of such potential patron.

In balancing the public policy concerns which mandate the elimination of underage purchase and consumption of alcoholic beverages in this State with the sometimes impossible task of a retail liquor licensee to insure that he does not sell to an underage person, various forms of identification have been set forth in the Alcoholic Beverage Law, specifically in N.J.S.A. 33:1-77, which, if accepted by a retail licensee at the time of sale and considered with other statutory elements, will represent a defense to a charge that the licensee sold alcoholic beverages to a person under the legal age. The forms of identification set forth in N.J.S.A. 33:1-77 are: (a) a driver's license bearing a photograph of the licensee; (b) a photographic identification card issued by the county clerk pursuant to N.J.S.A. 33:1-81.2 through 81.9; or (c) a photographic identification card similar to the County ABC card set forth in (b) above but issued pursuant to the laws of another State or the Federal government.

Subchapter 40 deals with the issuance of identification cards by county clerks (often called ABC identification cards). The ABC identification cards are specifically authorized in N.J.S.A. 33:1-81.2 through 81.9. Authority to promulgate rules and regulations regarding the issuance and style of the card is vested in the Director of the Division of Alcoholic Beverage Control under N.J.S.A. 33:1-81.2 and 3.

On June 3, 1985, pursuant to Executive Order No. 66(1978) the Division of Alcoholic Beverage Control readopted, with certain amendments, Subchapter 40. The purpose and rationale for this action was fully set forth in the Division Summary published in the New Jersey Register (17 N.J.R. 1380). Subsequent to the re adoption, the Director and his representatives met with the county clerks on July 17, 1986 and again on September 26, 1986 to discuss the practical problems encountered by the clerks in the issuance and monitoring of the identification cards. The outcome of these meetings demonstrated that the cards for various practical reasons were not uniform in appearance, size, color and layout. Additionally, it was determined that further safeguards should be implemented to prevent counterfeiting, altering and tampering, thereby enhancing the authenticity of the card.

In order to eliminate these problems, it was the consensus of both the county clerks and the Director that certain amendments to Subchapter 40 must be promulgated regarding layout, paper stock, and the plastic overlay of the card which should eliminate tampering or counterfeiting. In addition, it was agreed that the most effective and economical method to insure a uniform card would be a procedure wherein the actual card and plastic overlay would be ordered and printed by the Division of Alcoholic Beverage Control and supplied at cost to each county clerk. In this way, the actual printing would be under the sole control of the Division of Alcoholic Beverage Control and each county would be issuing the identical card. Therefore, since the basic objective of Subchapter 40 is to articulate and elaborate upon the legislative provisions of N.J.S.A. 33:1-81.2 et seq. and to establish a regulated procedure to insure that all 21 county clerks in New Jersey will issue a uniform ABC identification card which can be relied upon by a retail seller; certain amendments to the regulation are deemed necessary. These amendments further enhance the authenticity of the card and insure that a uniform card will be issued throughout the State of New Jersey. A brief explanation of these specific proposed amendments follows:

Within N.J.A.C. 13:2-40.1 and 40.7, reference is made to the fee to be charged for the issuance of the card. Two separate sections of law, N.J.S.A. 33:1-81.5 (ABC Law) and N.J.S.A. 22A:2-29 (County Clerk's Fee Schedule) establish the fee for ABC Identification cards. Within the past several years, these sections have not specified the same amount which has caused confusion. Additionally, fees for the ABC identification card have changed from \$2.00 to \$4.00 to \$6.00 within a two year period. The proposed amendments to these sections will delete any indication of a specific fee amount and will generally reference the fee requirements of law. Thus, the Division will eliminate the need to amend the regulations and avoid confusion wherever and whenever the statutory fee is changed.

N.J.A.C. 13:2-40.5 sets forth the parameter and form for the ABC Identification Card. The proposed amendments will change the paper to be used for the card from white index bristol time card stock or its equivalent to solely Goldenrod Basketweave Safety paper. The purpose of this change is to establish one uniform type of paper which will be used in all 21 counties. In addition, this particular type of paper, which is similar to the paper used for bank checks, readily highlights any

erasures or alterations. A prudent, retail licensee should be able to easily notice any changes or attempted changes to the card. This feature provides a significant safeguard against attempts to change the pertinent information which identifies the person as being of legal age to purchase alcoholic beverages and gives the card greater reliability when used for proof of age by the licensee.

The second proposed amendment sets forth changes in the setup and layout of the card. The Director has found that, in order to use the picture size as set out in the regulation, certain changes in the layout of the card had to be made to insure that the necessary identification information is easily and clearly visible. The same information is requested in the new format with the addition of a preprinted sequential card number that will be used for security control and records identification.

N.J.A.C. 13:2-40.6 describes the procedure to issue the cards and sets forth safeguards against tampering. The proposed amendment will add another control device in this area. The completed card will be placed in a plastic sleeve that has on its back flap an ink embossed Great Seal of the State of New Jersey. Once the plastic is laminated to the card it cannot be separated without altering the ink seal on both the card and the plastic. This additional safeguard makes tampering or alteration of the card difficult, if not impossible. The information on the card which includes the warning and alcoholic beverage licensee notice would still be visible and easily read.

Social Impact

The elimination of alcoholic beverage sales and consumption involving persons under the legal age is a basic, primary object of alcoholic beverage control. Establishing a mechanism whereby those of lawful age can acquire identification to be used to verify age and which the retail seller can rely upon in its sales transaction serves the public's interest in this sensitive area of responsibility. The proposed amendments will correct certain problems that have been identified regarding the card's uniformity and reliability in these transactions.

The ability to lawfully acquire an ABC card is of importance to thousands of citizens who apply for the same. In 1986, the 21 county clerks issued 8,383 cards. Many retail licensees were able to resolve doubts about patrons' age by review of these cards. The greatest negative social concern involving these cards is the potential for fraudulent issuance, counterfeit issuance or alterations to cards lawfully issued to someone else. The proposed amendments seek to enhance the reliability of the card by making these practices more difficult, if not impossible, through inclusion of additional safety devices and by unequivocally establishing one uniform type of card for all 21 counties.

Economic Impact

The cost to the applicant for an ABC identification card is a modest amount and, at best, encompasses the actual cost to the county clerk to issue these cards. Because of the different statutory provisions concerning fees, some county clerks did not charge the \$6.00 amount, but rather, the \$4.00 amount set forth in the regulation and N.J.S.A. 33:1-81.5. Thus the total amount of fees collected for the issuance of 8,383 cards by the various county clerks was not uniform. Clarification of this problem will be resolved in these amendments by referencing the legal fee authority in general terms. The Division will also avoid the necessity of amending the regulation each time the statutory fee is changed.

The Division anticipates that the cost of the card and plastic overlay will be approximately \$.25 per unit. Since this cost is based upon the quantity purchase of cards and overlays for all 21 counties, the per unit price would be less than if each County purchased its own supply individually. The cost represents a small portion of the \$6.00 fee charged each applicant and insures that all cards will be identical regardless of the County in which it is issued.

All of Title 13, Chapter 2 of the New Jersey Administrative Code has an expiration date of August 5, 1990. Thus the amendments proposed to Subchapter 40 of Chapter 2, Title 13, if adopted, will expire on August 5, 1990 pursuant to Executive Order No. 66(1978).

Regulatory Flexibility Statement

The proposed amendments and the entire Subchapter 40 do not impose upon small businesses any reporting, recordkeeping or other compliance or cost requirements. This proposal addresses the functions and requirements upon the county clerks of New Jersey, governmental agents outside the scope of the Regulatory Flexibility Act, Chapter 169 of the Laws of 1986 (effective December 4, 1986).

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

13:2-40.1 Form of applicants; contents

Application for an identification card by residents of a county who shall have attained the legal age for purchase and consumption of alcoholic beverages may be filed with the county clerk in the county wherein said applicant resides and shall be in the following form:

State of New Jersey, County of _____
IDENTIFICATION CARD APPLICATION

TO: County Clerk of _____ County, New Jersey.
The undersigned hereby applies for an identification card as proof of age, and submits the required fee [of \$4.00.] in the amount established by law.

1. Full name of applicant _____
(First) (Middle) (Last)
2. Residence address _____
3. Height _____ Weight _____
(Ft.) (In.)
4. Date of Birth _____
5. Place of Birth _____
(Municipality) (County) (State)
6. Father's name _____
(First) (Middle) (Last)
7. Mother's Maiden Name _____
(First) (Middle) (Last)
8. The applicant presents one or more of the following certificates to establish his or her age (check appropriate line):
 Birth Certificate
 Naturalization Certificate
 Voter Registration Certificate
 Other (_____)
9. The applicant submits two (2) recent color photographs, approximately 1½ inches by 1½ inches in size, of himself or herself, full face, without hat.
10. Has the applicant ever previously applied for an identification card?

 If so, state the details thereof _____

WARNING: Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him or her an identification card shall be guilty of a disorderly persons offense and shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. N.J.S.A. 33:1-81.7.

The applicant hereby certifies that all of the foregoing information and statements are true in all respects.

11. Signature of applicant _____ (Date)
12. Signature witnessed by: _____ (Date)
(County Clerk or Duly Authorized Deputy)

DO NOT WRITE BELOW THIS LINE

Photo	Identification Card Number _____
1½" x 1½"	Date of Issuance _____
_____	Issued by _____

13:2-40.5 Identification card; form

The identification card shall be 3½ inches wide by 2½ inches high in size, [of white index bristol time card stock or equal, with black print,] with black print on goldenrod basket weave safety paper containing a hidden Seal of New Jersey and the words State of New Jersey on its front side which is only visible under ultraviolet light, in the following form:

AGENCY NOTE: The following format represents the front side of the current card.

FRONT SIDE

STATE OF NEW JERSEY, COUNTY OF _____
IDENTIFICATION CARD NO. _____

Photo
1½" x 1½"

This is to certify that _____
who resides at _____
_____ has furnished to the undersigned evidence of having attained the age of 21 years

Height _____ Weight _____
Color of Hair _____ Color of Eyes _____

ATTEST: _____
County Clerk or Duly Authorized Deputy

Date of Birth _____
Date of Issuance _____

Holder's Signature
(See Reverse Side)

AGENCY NOTE: The following is the redesigned front side of the card which will replace the current format.

) STATE OF NEW JERSEY
) COUNTY OF _____
) IDENTIFICATION
) CARD NO. _____
) **—THIS IS TO CERTIFY THAT—**
)
) **—WHO RESIDES AT —** _____
)
)
) **HAS FURNISHED TO THE UNDER-**
) **SIGNED SATISFACTORY EVIDENCE**
) **OF HAVING ATTAINED THE AGE OF**
) **21 YEARS.**

HGT. _____ WGT. _____
HAIR _____ EYES _____

DATE OF BIRTH _____ ATTEST: _____
County Clerk or duly authorized deputy

Holder's Signature _____
Date of Issuance _____

REVERSE SIDE

WARNING:

It shall be unlawful for the owner of an identification card to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages. Any person who shall transfer an identification card for the purposes of aiding the transferee to obtain alcoholic beverages and any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him or her an identification card shall be guilty of a disorderly persons offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. N.J.S.A. 33:1-81.7.

ALCOHOLIC BEVERAGE LICENSEES NOTE:

The presentation of this identification card by any person in connection with the purchase or attempted purchase of any alcoholic beverage shall constitute a defense to a charge under N.J.S.A. 33:1-77, if the retail licensee makes the sale in good faith reliance on this card and the appearance of the purchaser was such that an ordinary prudent person would believe the card holder to be of legal age.

State No. (preprinted sequential control number)

13:2-40.6 Issuance of card; procedure

One of the submitted photographs of the applicant shall be mounted on an identification card in the upper left portion of the front side thereof. The card shall be signed by the applicant in the presence of the county clerk or his duly authorized deputy, who shall also sign the card. [All cards are to be numbered consecutively.] The official County seal shall be affixed so that it overlaps the photograph and a portion of the printed card. The card shall be [laminated in plastic, 10 gauge on each side, and] inserted into a 10 gauge plastic sleeve that has on its back flap a red ink embossed Great Seal of the State of New Jersey. The plastic will be heat sealed and the laminated card delivered to the applicant. The other photograph of the applicant shall be attached to the application, which shall indicate the date of issuance of the card, the number thereof and the name of the person who issued it. A permanent record thereof shall be retained in the county clerk's office.

13:2-40.7 Fees

A fee [of \$4.00] in the amount established by law shall be paid to the county clerk for the issuance of an original identification card. In the event the card is lost, stolen or destroyed, the holder thereof may apply for a replacement card with new number by filing a new application with payment of fee in the same manner as for an original, [upon payment of an additional \$4.00 fee and upon making] along with an affidavit as to the loss, theft or destruction of the original card. Every replacement card shall prominently have stamped, typed or otherwise imprinted on the card the word "Duplicate".

(a)

**DIVISION OF CONSUMER AFFAIRS
Practice of Audiology and Speech-Language
Pathology**

**Proposed New Rules: N.J.A.C. 13:44C
Proposed Repeal: N.J.A.C. 13:44C-1.1**

Authorized By: James J. Barry, Director, Division of Consumer Affairs.

Authority: N.J.S.A. 45:3B-24.

Proposal Number: PRN 1987-299.

Submit comments by September 2, 1987 to:
Patricia E. Stuart, Executive Secretary
Advisory Committee on Audiology and
Speech-Language Pathology
1100 Raymond Boulevard, Room 513
Newark, New Jersey 07102

The agency proposal follows:

Summary

The proposed repeal and new rules eliminate the current section on fees and charges and replaces it with new rules, which include a more extensive subchapter on fees. Aside from the subchapter on fees, the proposed new rules are entirely new and govern the licensing of audiologists and speech-language pathologists and the standards for practice of audiology and speech-language pathology. The proposed new rules govern in detail such areas as educational requirements, clinical internships, Continuing Professional Education, unprofessional business conduct, and professional misconduct. These last two areas, set forth in Subchapter 8, comprise record keeping and release, preparation of reports and insurance forms, charges and fees, advertising, posting of licenses, and unnecessary treatment, as well as receipt or payment of kickbacks for patient referrals, use of uncalibrated equipment and receipt of payment for prescribing, recommending, ordering or promoting the sale of devices or services without notifying the patient of such interest.

Since the enactment of the enabling legislation in 1983, the following licenses have been issued: Audiology—177; Speech-Language Pathology—1,157; Both types of licenses—35. Currently, 209 applications are still pending. "Firms" or "group practices" are not required to obtain special licenses, nor are there any special requirements imposed on such practices beyond what applies to the individual licensees. Firms or group practices owned by non-licensees are required to file a statement with the Director of the Division of Consumer Affairs that he/it subjects himself or itself to all provisions of the act or regulations that apply to him or it (N.J.S.A. 45:3B-16).

Social Impact

Those professionals engaged in the private practice of audiology and speech-language pathology will have to be licensed and, for the protection of the public, will be expected to conform with certain standards of professional practice.

Economic Impact

Virtually all of the requirements in the new rules would be part of the professional's regular practice, and if he or she is currently engaged in private practice, they probably do not represent a significant departure from current practice. The licensing fees obviously have an economic impact upon the professional and his or her clients, if the licensing costs are passed on to clients through the professional's fees.

Regulatory Flexibility Statement

The New Jersey Regulatory Flexibility Act defines a small business as "any business which is resident in this State, independently owned and operated and not dominant in its field, and which employs fewer than 100 full-time employees." P.L. 1986, ch. 169, §2. Under this definition, sole practitioners are considered to be "small businesses," and consequently, the proposed new rules impact on small businesses.

The professions of audiology and speech-language pathology are newly regulated and the proposed rules are new. They are based in part on the standards of professional practice developed over the years by professional organizations within these two fields. The record keeping and other compliance requirements are found primarily in subchapter 8 of the proposal.

Licensees must maintain written, contemporaneous treatment records for seven years from the date of last entry (or, for minors, two years beyond the patient's attainment of the age of majority). N.J.A.C. 13:44C-8.1(a). The licensee's current license number must appear on all bills, N.J.A.C. 13:44C-8.1(i). Written reports, records and written fee schedules must be made available upon request N.J.A.C. 13:44C-8.1(b), (c), (h). Equipment must be properly calibrated to nationally recognized standards (A.N.S.I. 1969).

It is impossible to estimate the cost of compliance with the proposed rules, many of the requirements are a part of a professional's regular practice as discussed in the Economic Impact Statement. These requirements are considered by the Advisory Committee to represent the minimum necessary for protection of the health, safety, welfare and professional image of the professions of audiology and speech-language pathology. The timetables set in the rules for record release etc. are reasonable and in line with the requirements of other professions. The obligation of maintaining detailed patient records is vital for protection of public health and should not be modified to suit the individual practitioner. Therefore, no exemption from the rules is feasible.

Full text of the proposed repeal follows.

13:44C-1.1 Fees and charges

- (a) The following fees shall be charged by the Committee:
- | | |
|------------------------------------|----------|
| 1. Application fee | \$ 10.00 |
| 2. License fee for two years | \$100.00 |

Full text of the proposed new rules follows.

CHAPTER 44C
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
ADVISORY COMMITTEE

SUBCHAPTER 1. GENERAL REQUIREMENTS

13:44C-1.1 Change of address or telephone

Every licensed audiologist and speech-language pathologist shall notify the director of the Division of Consumer Affairs (director) in writing within 60 days of any change in office address or office telephone number.

SUBCHAPTER 2. ADMINISTRATION, FEES

13:44C-2.1 Election of officers

The membership of the New Jersey Audiology and Speech-Language Pathology Advisory Committee (Advisory Committee) shall once each year elect a chairman and a secretary-treasurer. The chairman shall have the responsibility to conduct all meetings unless, in his or her discretion, a delegation of that responsibility is made. In the absence of the chairman or an express delegation of responsibility, the vice-chairman shall assume all duties of the chairman.

13:44C-2.2 Fees and charges

- (a) The following fees shall be charged by the Advisory Committee:
- | | |
|--|----------|
| 1. Application fee | \$ 10.00 |
| 2. License fee for two years | \$100.00 |
| 3. Temporary license fee for two years | \$100.00 |
| 4. Reinstatement fee | \$ 10.00 |
| 5. Certification of licensure to other states | \$ 25.00 |
| 6. Duplicate license or wall certificate | \$ 10.00 |
| 7. Replacement of license or wall certificate on account
of name change | \$ 25.00 |

SUBCHAPTER 3. REQUIREMENTS FOR LICENSURE AS
AUDIOLOGIST OR SPEECH-LANGUAGE
PATHOLOGIST

13:44C-3.1 Application forms

(a) Applications for licensure may be obtained at the office of the Advisory Committee, Room 513, 1100 Raymond Boulevard, Newark, New Jersey 07102.

(b) All applications for licensure shall be accompanied by the fee as set forth in N.J.A.C. 13:44C-1.2.

13:44C-3.2 Requirements for licensure

(a) An applicant for licensure shall submit the following to the Advisory Committee:

1. Satisfactory proof of graduation from a master's degree program or its equivalent in the area of audiology, speech-language pathology, or both, at an accredited college or university acceptable to the New Jersey Department of Higher Education.

i. "Equivalency of a master's degree" means holding a bachelor's degree from an accredited college or university and at least 42 post-baccalaureate semester hours acceptable toward a master's degree, of which at least 30 semester hours shall be in the areas of speech-language pathology or audiology. At least 21 of these 42 semester hours shall have been obtained from a single college or university. No more than six semester hours may be in the courses that provide credit for clinical practice obtained during academic training.

2. Transcripts from one or more accredited educational institutions evidencing the completion of a total of 60 semester hours of academic credit that demonstrates that the applicant has obtained a well-integrated program of course study dealing with the normal aspects of human communication, development and disorders thereof and clinical techniques for evaluation and management of such disorders, as follows:

i. Twelve of the 60 semester hours shall be obtained in courses that provide information that pertains to normal development and normal functions of speech, language and hearing processes.

ii. Thirty of the 60 semester hours shall be in courses that provide information relative to communication disorders and information about, and training in, evaluation and management of speech, language and hearing disorders. At least 24 of these 30 semester hours shall be in courses in the professional area (audiology or speech-language pathology) for which the license is requested, and at least six semester hours must be in audiology for the license in speech-language pathology, or in speech-language pathology for the license in audiology. No more than six semester hours may be in courses that provide credit for clinical practice obtained during academic training.

iii. Credit for study of information pertaining to related fields that augment the work of the clinical practitioner of audiology or speech-language pathology may also apply toward the 60 total semester hours.

iv. Thirty of the total 60 semester hours that are required for a license shall be in courses that are acceptable toward a graduate degree by the college or university in which they are taken. Moreover, 21 of those 30 semester hours shall be within the 24 semester hours required in the professional area (audiology or speech-language pathology) for which the license is requested or within the six semester hours required in the other area.

v. A minimum of 300 clock hours of supervised clinical experience with individuals who present a variety of communication disorders, and this experience must have been obtained within the training institution or in one of its cooperating programs.

3. Satisfactory proof of completion of a clinical internship in the professional area for which the license is sought. Clinical internship shall be under the direct supervision of a person licensed to practice audiology or speech-language pathology, as appropriate, by this State or another state which has standards substantially equivalent to those of this State, or a person who holds a Certificate of Clinical Competence (C.C.C.) by the American Speech-Language-Hearing Association (ASHA) or its equivalent. The clinical internship shall comprise of at least nine months of full-time professional employment.

i. "Professional employment" means direct clinical work with patients, consultations, recordkeeping, and any other duties relevant to a bona fide program of clinical work.

ii. At least half of the clinical experience shall be in direct clinical contact with persons who have communication disorders. Time spent in supervision of students, academic teaching and research, as well as administrative activity that does not deal directly with management programs of specific patients or clients will not be counted as professional employment in this context.

iii. Full-time employment is defined as a minimum of 30 clock hours of work per week. This requirement also may be fulfilled by part-time employment as follows:

- (1) Work of 15-19 hours per week over 18 months;
- (2) Work of 20-24 hours per week over 15 months;
- (3) Work of 25-29 hours per week over 12 months.

iv. In the event that part-time employment is used to fulfill a part of the clinical internship, 100 percent of the minimum hours of the weekly part-time work requirement must be spent in direct professional employment as defined in i. above.

v. The clinical internship must be completed within a maximum period of 36 consecutive months. Professional employment of less than 15 hours per week will not fulfill any part of this requirement.

4. Satisfactory proof of having achieved a score of 600 or the 16th or greater percentile on the National Teachers' Examinations in audiology or speech-language pathology, as appropriate, administered by the Educational Testing Service in Princeton, New Jersey. An applicant may substitute a current and valid license to practice audiology or speech-language pathology, as is appropriate, issued by another state with substantially equivalent requirements for licensure, as satisfactory proof of having passed the examination.

13:44C-3.3 Waiver

The director may waive provisions of this subchapter for good cause shown.

SUBCHAPTER 4. PROVISIONAL LICENSURE AS AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST

13:44C-4.1 Applications

(a) Applications for provisional licensure may be obtained at the office of the Advisory Committee, Room 513, 1100 Raymond Boulevard, Newark, New Jersey 07102.

(b) All applications for provisional licensure shall be accompanied by the fee set forth in N.J.A.C. 13:44C-1.2.

13:44C-4.2 Requirements for provisional licensure

(a) An applicant for provisional licensure shall submit satisfactory proof of the following to the Advisory Committee:

1. Graduation from a bachelor's degree program in audiology or speech-language pathology from an accredited college or university acceptable to the New Jersey Department of Higher Education;

2. Having been actively engaged in the practice of audiology or speech-language pathology or both in New Jersey for three of the last five years immediately preceding January 5, 1984;

3. Working toward fulfilling the requirements for licensure as an audiologist or speech-language pathologist;

4. The name and credentials of the supervisor and the applicant's place of employment; and

5. A plan of provisional licensee supervision which meets the requirements of N.J.A.C. 13:44C-3.6.

13:44C-4.3 Supervision plan; forms

The applicant's supervisor must document the supervision plan on a form provided by the director.

13:44C-4.4 Application deadline; renewal

For applicants who applied for license prior to February 12, 1987 and found eligible for provisional license, the provisional license shall be in effect for a period of two years and may be renewed once. No provisional licenses shall be issued after February 12, 1989.

13:44C-4.5 Supervision

(a) A holder of a provisional license may work only under the supervision of an audiologist or speech-language pathologist, as appropriate, who holds a regular license pursuant to N.J.S.A. 45:3B-1 et seq. or is licensed to practice audiology or speech-language pathology, as is appropriate, in a state with licensure requirements substantially equal to those of this State, or holds a Certificate of Clinical Competence from the American Speech-Language-Hearing Association or its equivalent and who shall be responsible for actions of the provisional licensee.

(b) Supervision shall consist of no less than one hour of on-site direct supervision per 20 hours of direct, face-to-face evaluation or therapeutic services and take place not less than once a month.

SUBCHAPTER 5. APPLICANTS FOR TEMPORARY LICENSURE AS AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST

13:44C-5.1 Applications

(a) Applications for temporary licensure may be obtained at the office of the Advisory Committee, Room 513, 1100 Raymond Boulevard, Newark, New Jersey 07102.

(b) All applications for temporary licensure shall be accompanied by the fee set forth in N.J.A.C. 13:44C-1.2.

13:44C-5.2 Requirements for temporary licensure

(a) An applicant for temporary licensure shall submit the following to the Advisory Committee:

1. A notarized statement by the applicant that the applicant has become a resident of New Jersey within the preceding six months;

2. Proof that the applicant holds a current and valid license to practice audiology and/or speech-language pathology in another state.

13:44C-5.3 One year limit on temporary license

A temporary license is valid for one year and cannot be renewed.

SUBCHAPTER 6. CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

13:44C-6.1 License renewal

No license renewal shall be issued by the director until the applicant submits satisfactory proof to the Advisory Committee that during the two calendar years preceding application for renewal he or she has participated in courses of Continuing Professional Education of the types and number of credits hereinafter specified. Such continuing education is a mandatory requirement for license renewal.

13:44C-6.2 Allocation of credit

(a) Evidence of 20 documented hours of Continuing Professional Education shall be required biennially of each applicant for renewal. However, for renewal in November 1987 only seven documented hours shall be required.

(b) Credit for all Continuing Professional Education will be granted as follows for each two-year period:

1. Giving a seminar or lecture or in-service workshop: One hour per contact hour up to a maximum of 10 hours.

i. "Contact hour" means one hour of actual presence in or participation in a course of study.

2. Teaching a new graduate course: six hours for each new course up to a maximum of 12 hours.

3. Publication in a national journal of a copyrighted article in audiology or speech-language pathology: Three hours per publication to a maximum of six hours.

4. Attendance at seminars and conferences: One hour per contact hour.

5. Self-Assessment Home Study courses accompanied by examination and sponsored by a nationally-recognized professional organization in audiology or speech-language pathology: Maximum of 10 hours.

6. Successful completion of graduate course work taken beyond that required for professional license: One hour per contact hour.

(c) "Documented" means that the applicant obtains a certificate of participation, a signed document by the instructor indicating attendance or an official transcript from an accredited college or university.

13:44C-6.3 Excess hours not credited to subsequent renewal period

In the event that a candidate for license renewal shall complete in two years a number of hours in excess of the number required in N.J.A.C.

13:44C-4.1, the documented hours in excess of those required shall not be credited toward license renewal requirements for subsequent years.

13:44C-6.4 Waiver of requirements; appearance

The director may, at his or her discretion, or upon the recommendation of the Advisory Committee, waive any of the requirements of this subchapter for due cause. An appearance before the Advisory Committee may be required.

13:44C-6.5 Subjects; sponsors

(a) Acceptable Continuing Professional Education shall be in any of the following areas: Human physiology; human anatomy; human development; human communication; identification, prevention, diagnosis and treatment of communication disorders; acoustical or electrical science relative to communication disorders; learning theory; health administration relative to communication disorders; and initial preparation of a relevant course of study acceptable to the Department of Higher Education.

(b) The Continuing Professional Education hours must be accredited by the New Jersey Department of Higher Education, or accredited or sponsored by a local, state or national audiology and speech-language pathology professional organization, state or federal education or health agency, or a local, state or national medical, psychological, dental or similar professional organization. Courses accepted for credit by the National Registry on Continuing Education or by the American Speech and Hearing Association will be given credit by the Advisory Committee as set forth in N.J.A.C. 13:44C-5.2.

SUBCHAPTER 7. AUTHORIZED PRACTICE

13:44C-7.1 Business interest of unlicensed persons

(a) An unlicensed individual may have a business interest in a corporation, partnership, trust, association or other like organization that provides audiology or speech-language pathology services or both, if the provision of direct clinical services is done by licensed audiologists or speech-language pathologists, as appropriate. Nothing in this section shall be construed to mean that such unlicensed person may provide direct clinical services.

(b) Such unlicensed person shall file a statement with the director on a form approved by the director.

13:44C-7.2 Exemptions

(a) The following are exempt from the provisions of this Chapter, pursuant to N.J.S.A. 45:3B-17:

1. Any person currently licensed to practice medicine and surgery by this State, provided such a person is not referred to as an audiologist or speech-language pathologist or other similar title.

2. Persons employed by and under the direct supervision of a physician, provided such person is not referred to as an audiologist or speech-language pathologist or other similar title.

3. Persons employed part-time or full-time by the United States government or any agency thereof where the terms and conditions of employment, the standards and practice of audiology or speech-language pathology or the everyday operations and decision-making of the agency are established, supervised and funded by the federal government.

i. The fact that all or part of an agency's funding is derived from federal sources shall not suffice in and of itself to make an agency a "federal agency" for purposes of this exemption.

ii. This exemption applies provided that audiology or speech-language pathology services are being performed as part of the duties of the person's office or position with that agency.

4. Any person certified as a speech correctionist by the State Department of Education. However, such person is not exempt under this section for that portion of his time spent as a private practitioner or providing services for which a fee may be paid by a recipient of the service.

5. Students and trainees in audiology or speech-language pathology matriculated in an accredited college or university, provided that their services constitute part of their course of study and on-site supervision by a licensee is provided in the appropriate area.

6. Persons fulfilling their clinical internship, provided a supervision plan is submitted to and approved by the Audiology and Speech-Language Pathology Advisory Committee, and provided further that such person affirmatively represents himself to patients as an intern and not as a licensee. Persons exempt under this section shall be exempt for no more than 36 months from the date of filing of their Clinical Internship plan.

7. Persons whose services and activities constitute part of an occupation for which they are regulated by their own State registration, certification or license, and do not refer to themselves as audiologists or speech-language pathologists.

8. Persons licensed by this State as a hearing aid dispenser pursuant to P.L. 1973, c. 19 (N.J.S.A. 45:9A-1 *et seq.*) who are engaged in activities and services within the scope of practice of a hearing aid dispenser, provided that such person does not refer to himself as an audiologist or speech-language pathologist.

SUBCHAPTER 8. UNLAWFUL PRACTICES

13:44C-8.1 Business Practices

(a) The following acts or business practices shall be deemed to be unprofessional business conduct:

1. Patient Records: Failure to maintain written, contemporaneous patient records for seven years from date of last entry for patients who have attained age of majority, and for patients who are minors, for two years beyond the patient's attainment of the age of majority. The records shall include:

i. Findings upon initial examination including the patient's significant past history and results of appropriate tests and measures.

ii. A written plan of care indicating the goals of the treatment program, the type of treatment, and the frequency and expected duration of treatment for audiology and speech-language pathology services.

iii. Dated and signed documentation of each treatment rendered.

iv. Dated and signed progress notes.

v. Documentation of any changes in the treatment program.

vi. Documentation of any contact with other health professionals relative to the patient's care.

vii. A discharge summary which includes the reason for discharge and the outcome of services rendered.

viii. Any pertinent legal document such as patient release forms or chart access sheets.

2. Recordkeeping—Calibration log: Failure to document that all equipment is calibrated on a timely basis and meets nationally recognized standards (ANSI, 1969).

3. Record release: Failure to provide, without charge, copies of a patient's record of testing or treatment within 15 days of a written request by the patient or any person whom the patient has designated to receive such records. However, nothing herein should be construed to prohibit a licensed speech-language pathologist or audiologist from charging a reasonable fee to the patient for the cost of reproduction of a record.

4. Preparation of written reports: Failure to prepare within 30 days, upon written request by the patient or any person whom the patient has designated to receive such, a written report embodying information set forth in (a) (i)-(viii) above, except that nothing herein shall preclude a licensee from charging a reasonable fee for the preparation of a written report.

5. Preparation of insurance forms: Requiring a patient or a third party payor to pay a separate fee for the preparation of an insurance claim form.

6. Charges for interest on unpaid accounts: Requiring a patient or a third party payor to pay interest on an unpaid account unless the patient has been notified of this policy in writing prior to the initiation of audiology or speech-language pathology treatment.

7. Charges for unkept appointments: Requiring a patient or a third party payor to pay a full or partial fee for unkept appointments unless the patient has been notified of this policy in writing prior to the initiation of audiology or speech-language pathology treatment.

8. Charges for unrecorded treatment: Requiring a patient or a third party payor to pay for any evaluation, testing, treatment or other services not documented in a patient chart.

9. Disclosure of fees: Failure to make available a written fee schedule which describes charges for each service offered to any interested person upon request.

10. Omission of license number on bills: Failure to include the provider's current license number on all bills submitted to a patient or third party payor.

11. Posting of license: Failure to post in a conspicuous place a copy of a licensee's biennial renewal certificate.

12. Advertising: Use or participation in the use of any form of public communication regarding professional services, via print, electronic media or in-person solicitation, which contains a false, fraudulent, misleading or deceptive statement or claim. A false, fraudulent, misleading or deceptive statement includes but is not limited to any statement or claim which:

i. Contains a misrepresentation of facts;

ii. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;

iii. Contains any personal testimonial or laudatory statement, attesting to the technical quality or technical competence of any service or treatment offered by a licensee;

iv. Is intended or is likely to create a false or unjustified expectation of favorable results;

v. Implies educational attainments or licensing recognition not supported in fact;

vi. States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of audiology or speech-language pathology if this is not the case;

vii. Represents that the professional services can or will be competently performed for a stated fee when this is not the case, or makes a representation with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged;

viii. Uses techniques of communication which in light of the setting and circumstances appear to intimidate or exert undue influence or undue pressure over a prospective patient;

ix. Contains offers of discounts for services without stating the advertiser's usual and customary fee on which the discount will be taken and the period of time during which the offer can be accepted by a prospective patient. If no time limit is specified, such offer shall be deemed to apply for 30 days; or

x. Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to be misled or be deceived;

13. In person solicitation: Engaging in uninvited in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence. This paragraph shall not prohibit the offering of services by a licensee to any bona fide representative of prospective patients including, but not limited to employers, labor union representatives or insurance carriers.

14. Excessive fees: Charging a fee to a patient or a third party payor which is excessive when considered in the light of the following factors:

i. The novelty and difficulty of the professional treatment;

ii. The skill and equipment required to perform the treatment properly;

iii. Any requirements or conditions imposed by the patient or by the circumstances;

iv. The nature and length of the professional relationship with the patient;

v. The experience, reputation and ability of the licensee performing the services; and

vi. The nature and the circumstances under which the services were provided (for example, emergency; home visit).

15. Unnecessary services: Undertaking to render treatment or to conduct testing which in light of the patient's history and findings is unwarranted and unnecessary.

16. Charges for unnecessary services: Charging a fee to a patient or a third party payor for audiology or speech-language pathology services where unwarranted and unnecessary.

13:44C-8.2 Professional practices

(a) The following acts or professional practices shall be deemed to be unprofessional conduct:

1. Offering, agreeing to provide or providing any payment or any other form of remuneration to any person or entity authorized to direct the initiation of speech-language pathology or audiology services for a referral of any specific patient or any number of patients.

2. Accepting any payment or other form of remuneration from any person or entity authorized to direct the initiation of audiology or speech-language pathology services for the referral of any specific patient or any number of patients.

3. Receiving from any person, firm, partnership or corporation a fee, commission, salary, rebate, gift or other form of remuneration for the prescribing, recommending, ordering or promotion of the sale of a device, appliance or other item or service, unless such interest is made known in writing to the person for whom the device or appliance is being ordered, prescribed or recommended, except that nothing herein shall preclude a licensed speech-language pathologist or audiologist from accepting a product or commodity which can be used as a sample by patients, provided that the speech-language pathologist or audiologist does not charge patients for items so obtained.

4. Knowingly using equipment that is not calibrated or has not been calibrated according to the nationally recognized standards (A.N.S.I., 1969).

13:44C-8.3 Scope of practice

(a) The following acts shall be deemed to be outside the scope of speech-language pathology and audiology and, upon proof that a licensee is engaging in such conduct, he or she may be subject to disciplinary action:

1. The representation of speech-language pathology or audiology opinions or services as a medical opinion or as medical services.

SUBCHAPTER 9. UNLICENSED PRACTICE

13:44C-9.1 Acts amounting to unlicensed practice

(a) The following acts or practices shall be deemed to be the unlicensed practice of audiology or speech-language pathology and may warrant the director's initiation of an action in Superior Court for the appropriate injunctive relief as may be authorized by N.J.S.A. 45:3B-15:

1. Offering of any speech-language pathology or audiology services by any person who does not hold the applicable license as a speech-language pathologist or audiologist or is not exempt from licensure as defined in N.J.A.C. 13:44C-7.2;

2. The use of the words speech-language therapy, speech therapy, audiology, speech pathologist, audiologist or such similar words or their related abbreviations in connection with the offering of certain agents and measures which are utilized in the rendition of speech-language pathology and audiology services by any person who does not hold the appropriate license in speech-language pathology or audiology; or

3. Billing any patient or third party payor for "speech-language pathology evaluation" or "speech-language pathology therapy" or "audiologic evaluation" or "audiologic services" or services described by similar words if the individual providing the service does not hold the appropriate license to practice audiology or speech-language pathology or is not a licensed physician.

13:44C-9.2 Aiding and abetting unlicensed practice

It shall be unlawful for a licensee to aid or assist any person in engaging in any of the unlicensed practices identified in N.J.A.C. 13:44C-9.1

SUBCHAPTER 10. DISCIPLINARY ACTIONS

13:44C-10.1 Suspension and revocation of license

(a) The license of any person licensed under the provisions of this chapter may be suspended or revoked, or a civil penalty may be assessed or a reprimand may be issued by the director, upon a finding by the director that the licensee:

1. Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;

2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

3. Has engaged in gross negligence, gross malpractice or gross incompetence;

4. Has engaged in repeated acts of negligence, malpractice or incompetence;

5. Has engaged in business or professional misconduct as may be determined by the director;

6. Has been convicted of any crime involving moral turpitude or any crime relating adversely to the practice of audiology or speech-language pathology. For the purpose of this subsection a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;

7. Has had his authority to engage in the practice of audiology or speech-language pathology revoked or suspended by any other state, agency or authority for reasons consistent with this section;

8. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare; or

9. Has violated or failed to comply with any of the provisions N.J.S.A. 45:3B-1 et seq. or N.J.A.C. 13:44C-1.1 et seq.

(b) The Notice of Proposed Suspension or Revocation shall inform the licensed individual of the right to request a hearing within 10 days. The hearing shall be pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

13:44C-10.2 Reinstatement

The Director, in consultation with the Advisory Committee, may restore a license after one year from the date of its revocation following submission of a new application and a hearing before the Advisory Committee at which the applicant shall demonstrate fitness for reinstatement.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

(a)

BUREAU OF SECURITIES**Securities Rules****Proposed Redoation: N.J.A.C. 13:47A-1.1 through 13:47A-8.1 and 13:47A-11.1 through 11.20.****Proposed Amendments: N.J.A.C. 13:47A-1.1, 1.8, 2.1, 3.1, 5.2, 6.1.**

Authorized By: James McLelland Smith, Chief, Bureau of Securities.

Authority: N.J.S.A. 49:3-67(a).

Proposal Number: PRN 1987-283.

Submit comments by September 2, 1987 to:

James McLelland Smith, Chief
Bureau of Securities
80 Mulberry Street
Newark, New Jersey 07102

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978), N.J.A.C. 13:47A expires on September 6, 1987. The Bureau has reviewed these rules and determined them to be necessary, reasonable and proper for the purpose for which they were originally promulgated.

The Bureau proposes to readopt these rules except for Subchapter 9 dealing with intrastate offerings and Subchapter 10 which restricts the statutory time within which the Bureau may review applications for registration. Senate No. 2715 which effects significant changes in the securities registration requirements of N.J.S.A. 49:3-47 et seq. has eliminated the concept of intrastate registration therefore Subchapter 9 is no longer applicable as written. Because of the expansion of the Bureau and the increased workload, the 15 day restriction in Subchapter 10 is being allowed to lapse thereby giving the Bureau the statutory 30 days to review applications for broker-dealer, agent and investment advisor registration. P.L. 1985, c. 405, effective April 9, 1986 amended the securities law by repealing the provisions concerning real estate syndications. As a result of this statutory amendment, the regulatory provisions of Subchapters 15, 16, 17, 18, 19 and 20, which relate to real estate syndication, are no longer necessary, therefore, are not being readopted. Also, Subchapter 25, which contains rules on corporation takeover bid disclosure is not being readopted because the statutory authority for these rules was declared unconstitutional by the Federal courts.

N.J.A.C. 13:47A-1.1 through 13:47A-8.1 and 13:47A-11.1 through 11.20 are current rules which are being readopted. These rules proposed for readoption contain forms and instructions used by applicants for agent, broker-dealer and investment advisor registration. No changes have been made to the rules being readopted except that fees mentioned in the rules have been changed to reflect statutory changes.

Subchapter 1 contains rules regulating broker-dealers. Subchapter 2 contains rules regulating investment advisors. Subchapter 3 regulates agents. Subchapter 4 contains examination rules. Subchapter 5 contains rules on registration renewal. Subchapter 6 regulates issuers. Subchapter 7 contains miscellaneous rules some of which concern service of process, custody of funds and defining prospectus. A penalty provision is found in Subchapter 8. Subchapter 11 contains various Bureau of Securities forms along with a guide for preparing a registration statement and a customer acknowledgment.

Social Impact

The proposed readoption of the rules will allow the Bureau to continue in full force and effect the forms, procedures and examination requirements for registration of broker-dealers, agents, and investment advisors; the procedure for renewal of such registration; the requirement for expediting such applications and the schedule of penalties for late filings.

The existing rules were adopted to implement the provisions of N.J.S.A. 49:3-47 et seq. and provide guidance to applicants, registrants and their attorneys. The rules have continued to be effective in carrying out their original purpose.

The social impact of the rules on broker-dealers, investment advisors, agents and issuers is beneficial in that they set forth in detail what must be included in the application for registration. The rules are mainly for the convenience of the above groups to facilitate registration and to avoid confusion on their part when they attempt to file applications with the Bureau.

The efficiency of the registration process allows applicants to become registered as quickly as circumstances permit. The existence of application records provides the Bureau with information concerning the registrant. The time saved by having the information readily available can be used by the Bureau to conduct investigations into violations of the law. Therefore, the public is benefitted by the existence and readoption of the rules.

The existing rules as proposed for readoption affect over 1500 registered broker-dealers, 65,000 agents and 450 investment advisors.

If the rules are not readopted, forms and procedures for registration will not exist. This will cause confusion and delay in the registration process and the inability to prevent many unscrupulous persons from being registered. Confusion and delay will harm certain applicants because they will not be able to do business until registered. If the registration of unqualified and unscrupulous applicants occurs because procedural requirements are not enforceable, then the public will be harmed.

Economic Impact

Since the proposed readoption of the rules would only promulgate the existing regulatory program, the Bureau foresees no additional economic impact; however, the present impact on the regulated parties will be continued by readoption.

The above requirements place some small financial and paperwork burden upon the broker-dealers, investment advisors and agents. These requirements are not onerous because the United States Securities and Exchange Commission ("SEC") and the National Association of Securities Dealers, Inc. ("NASD"), an industry association, and all other states have similar requirements.

If the rules are not readopted, the economic burden on the broker-dealer, agent and investment advisor applicant and registrant will be increased because the gathering of information and the scrutiny of applicants and registrants may have to be performed by interviews and subpoena and without the benefit of the forms and procedures provided for by the rules. The economic impact on the public of allowing unscrupulous or unqualified persons to engage in securities transactions involves many millions of investors' dollars.

Regulatory Flexibility Statement

The readoption of the existing rules will impose no significant additional compliance requirements on applicants or registrants which are small businesses. The majority of applicants and registrants are also required to register with other states and with the NASD in order to conduct business in New Jersey. The records that the Bureau requires applicants and registrants to keep involve little or no additional cost because they are the same records required to be kept by the SEC and the NASD.

No exemption from these rules is provided for small businesses because all agents, issuers and broker-dealers need to be regulated uniformly in order to adequately protect the public. Whatever exemptions are available to the regulated are covered by the securities statutes.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:47A.

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

13:47A-1.1 Application for registration

(a) Any person desiring to transact business in the State of New Jersey as a broker-dealer shall file an application with the Bureau of Securities on a form designated N.J. Form SB-1 as set forth in N.J.A.C. 13:47A-11.1 (Broker-dealer application (SB-1)). Such application shall be accompanied by the following:

1. A consent of service of process executed by the applicant;
2. A consent to service of process executed by each officer, director, general partner or limited partner of the applicant who is to act as an agent in the State of New Jersey; and
3. A certified financial statement. The application shall also be accompanied by a check or money order payable to the State of New Jersey, Bureau of Securities, in the amount of [\$125.00] **\$500.00** plus **[\$5.00] \$10.00** for each officer, director or partner doing business in the State of New Jersey.

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

13:47A-1.8 Change of status—Submission of form

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

(c) A registered broker-dealer shall file with the Bureau of Securities a form designated N.J. Form SB-4, as set forth in N.J.A.C. 13:47-11.4, whenever a new officer, director or partner is elected or admitted to the

firm. Such form shall be accompanied by a rider setting forth the home address and [five] ten year business history of the officer, director or partner and a check or money order in the amount of \$5.00 for each individual listed. The form shall be filed no later than 20 days after the occurrence named therein.

(d)-(k) (No change.)

13:47A-2.1 Application for registration

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

(c) The application shall also be accompanied by a check or money order payable to the State of New Jersey, Bureau of Securities, in the amount of [\$50.00] **\$100.00**.

13:47A-3.1 Application for registration

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

(c) A check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of [\$30.00] **\$60.00** must also accompany the application forms.

13:47A-5.2 Application for renewal

(a) A registered broker-dealer desiring to apply for the renewal of its registration shall file on the form designated N.J. Form R-1, as set forth in N.J.A.C. 13:47A-11.14, issued to the registrant by the Bureau of Securities. Such application shall be accompanied by a check or money order payable to the State of New Jersey, Bureau of Securities in the amount of [\$125.00] **\$500.00** plus [\$5.00] **\$10.00** for each partner, officer or director of the applicant doing business in New Jersey.

(b) A registered investment advisor desiring to apply for the renewal of its registration shall file on the form designated N.J. Form R-1A, as set forth in N.J.A.C. 13:47A-11.15, issued to the registrant by the Bureau of Securities. Such application shall be accompanied by a check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of [\$50.00] **\$100.00**.

(c) A registered agent desiring to apply for the renewal of his registration shall file on the form designated N.J. Form R-2, as set forth in N.J.A.C. 13:47A-11.16, issued by the Bureau of Securities in the name and registration number of the agent. Such application shall be accompanied by a check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of [\$30.00] **\$60.00**.

13:47A-6.1 Qualification of issuer

(a) Any issuer of securities desiring to effect its own securities transactions within or from the State of New Jersey through its partner, officer, director or employee who is required to be registered as an agent shall file with the Bureau of Securities an issuer qualification application designated N.J. Form SB-9 which application shall be accompanied by:

1. A consent to service of process executed by the applicant;
2. A copy of the prospectus or offering circular of the issuer;
3. A check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of [\$50.00] **\$100.00**; and
4. The completed application for registration of an agent.

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

NEW JERSEY RACING COMMISSION

The following proposals are authorized by Charles K. Bradley, Deputy Director, New Jersey Racing Commission.

Submit comments by September 2, 1987 to:
Charles K. Bradley, Deputy Director
New Jersey Racing Commission
Justice Complex
CN 088
Trenton, New Jersey 08625

(a)

Thoroughbred Rules Horsemen Associations

Proposed New Rule: N.J.A.C. 13:70-1.30

Authority: N.J.S.A. 5:5-30.
Proposal Number: PRN 1987-274.
The agency proposal follows:

Summary

The proposed new rule establishes guidelines for the horsemen's associations which represent the individual horsemen racing in the State of New Jersey and the funds allocated to these associations by N.J.S.A. 5:5-66.

Social Impact

The social impact of this rule is a positive one, as it will insure that statutorily allocated money administered by the horsemen's organizations are used to finance benevolent programs, such as pension plans and health and life insurance plans, to benefit all New Jersey horsemen regardless of whether individual horsemen are members of that association or not.

Economic Impact

The economic impact of the proposed new rule is positive. The new rule will mandate that administrative and overhead costs relevant to the benevolent programs are reasonably related to such programs. The majority of the funds provided by the statutory allocations must be used for providing benevolent programs to the horsemen.

Regulatory Flexibility Statement

There are no compliance requirements imposed on small businesses by this proposal since it affects horsemen organizations which are not independently owned or operated, and are dominant in their respective fields. A regulatory flexibility analysis is, therefore, not required.

Full text of the proposed new rule follows:

13:70-1.30 Horsemen associations

(a) It shall be the intent of this rule to establish guidelines that ensure that funds allocated to the Horsemen's Benevolent and Protective Association and the Standardbred Breeders' and Owners' Association by statute (N.J.S.A. 5:5-66) are used to finance programs to benefit all New Jersey horsemen and that administrative and overhead costs are reasonably related to such programs.

(b) Funds allocated to the Horsemen's Benevolent and Protective Association and the Standardbred Breeders' and Owners' Association by statute must be used to benefit all New Jersey horsemen. Membership in the Horsemen's Benevolent and Protective Association or the Standardbred Breeders' and Owners' Association shall not be a condition for receiving benefits.

(c) Amounts collected as voluntary dues from members of the Horsemen's Benevolent and Protective Association and the Standardbred Breeders' and Owners' Association are excluded from this rule. However, funds acquired from sources other than the statutory allocation must be kept separate and apart from funds obtained from the statutory allocation.

(d) The Horsemen's Benevolent and Protective Association and the Standardbred Breeders' and Owners' Association shall maintain adequate records concerning receipt of and distribution of funds allocated to them by statute. The New Jersey Racing Commission shall have access to all records maintained by the Horsemen's Benevolent and Protective Association and the Standardbred Breeders' and Owners' Association which relate directly or indirectly to funds allocated by statute.

(e) The Horsemen's Benevolent and Protective Association and the Standardbred Breeders' and Owners' Association shall submit detailed budgets to the Racing Commission by December 15 of each year, identifying the source and use of funds, as well as any surplus or deficit that may result. The budget must also include the actual prior year's expenses in each category for comparison purposes. In addition, quarterly budget reports must be filed with the Commission 45 days after the close of each quarter. These reports must reflect actual income and expenses to date, as well as projected income and expenses for the remainder of the year.

(f) The Horsemen's Benevolent and Protective Association and the Standardbred Breeders' and Owners' Association shall file audited financial statements, including balance sheet, income statement and source and use of funds, prepared by a certified public accountant of New Jersey, with the Commission by February 28 for the preceding calendar year.

(g) Funding for benevolent programs, including but not limited to pension plans and health and life insurance plans, is considered reasonable if the funding is at least 65 percent of the total statutory allocation. Whether or not a program will be considered a benevolent program will be decided upon application to the Racing Commission. Funding below 65 percent of the total statutory allocation requires justification satisfactory to the Commission. The administrative costs and overhead of administering these specific benevolent programs may not exceed 15 percent of the total dedicated to such programs.

(h) General administration and overhead expenses are considered reasonable if they are less than 15 percent of the statutory allocation. Funding above 15 percent of the total statutory allocation requires justification satisfactory to the Commission. Within this category, expenses for travel, entertainment, meals and lodging are considered reasonable if they

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

conform to the New Jersey State Travel Regulations. For expenses in excess of amounts allowed under New Jersey State Travel Regulations, the Racing Commission may require special justification and/or prior approval.

(i) Payments to national programs are allowed only to the extent that the New Jersey Horsemen's Benevolent and Protective Association and the Standardbred Breeders' and Owners' Association can clearly show that the payments benefit all New Jersey horsemen, not just members of these organizations.

(j) If a surplus results at the end of a calendar year, the entire surplus must be applied to funds dedicated to benevolent programs in following years, as may be approved by the Commission.

(k) Violation of these rules may subject the organization to a fine not to exceed \$1,000 per violation.

(a)

Thoroughbred Rules Open Claiming

Proposed New Rule: N.J.A.C. 13:70-12.37 Proposed Amendment: N.J.A.C. 13:70-12.1

Authority: N.J.S.A. 5:5-30.
Proposal Number: PRN 1987-284.
The agency proposal follows:

Summary

The proposed new rule allows for new prospective owners to claim horses out of claiming races. N.J.A.C. 13:70-12.1, which mandates that one must own a horse and have started a horse at a race meeting in order to have claiming privileges, is amended to cross-reference to the proposed new rule N.J.A.C. 13:70-12.37, which sets forth the conditions for open claiming under which a new owner can receive claiming privileges.

Social Impact

The proposed new rule will allow individuals who do not own race horses the opportunity to become owners by claiming horses out of claiming races. This will give the public a greater opportunity to become involved in the ownership of race horses since the only means at present for someone not involved in the racing industry to become an owner is to purchase a horse at either a public or private sale.

Economic Impact

The economic impact of the proposal will be positive as it will allow greater participation by the public in the ownership of racing horses. Also, the State of New Jersey will receive increased sales tax as a result of an anticipated increase in claims of horses being made, since all horses purchased out of claiming races are subject to New Jersey sales tax.

Regulatory Flexibility Statement

No compliance requirements are imposed by this proposal upon small businesses as defined in the Regulatory Flexibility Act, as the rule deals with horses being claimed out of claiming races at New Jersey racetracks.

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

13:70-12.1 Claiming races on the flat

In claiming races on the flat, **other than open claiming pursuant to N.J.A.C. 13:71-14.36**, any horse is subject to claim for its entered price by any owner who has started a horse on the flat at the meeting at which the claim is made and who also has been assigned stalls on a permanent basis on the premises of a licensed New Jersey racetrack, or who has been assigned stabling at an approved farm in the State of New Jersey.

13:70-12.37 Open claiming

(a) A new owner who does not have claiming privileges pursuant to N.J.A.C. 13:70-12.1 may claim a horse by obtaining an open claiming license pursuant to (b) below.

1. A new owner is defined as an individual, partnership, corporation, or any other authorized racing interest that has not held an owner's license in any racing jurisdiction during the prior calendar year.

(b) A new owner may obtain an open claiming license by complying with the following procedures:

1. The applicant shall file a completed license application on the form prescribed by the New Jersey Racing Commission and will be required to be fingerprinted and photographed at the discretion of the Commission. The

applicant must pay for the cost of the fingerprint card checks consistent with the charge set by the reviewing agency which provides the fingerprint card checks according to the type of investigation requested.

2. The applicant shall deposit, with the horsemen's bookkeeper, an amount no less than the minimum claiming price, plus sales tax and any other application charges required at that race meet. Such amount shall remain on account until a claim is made. In the event the funds are withdrawn or withdrawn prior to completion of a claim, any license issued will be automatically revoked and terminated.

3. The applicant shall declare a trainer, currently licensed by the New Jersey Racing Commission, who will represent the new owner once a claim is made.

(c) Claiming privileges executed under this section shall be limited to one time during a race meet.

(d) Unless approval has been granted by the stewards to the contrary, the claimed horse must race back at that race meet.

(b)

Harness Rules Open Claiming

Proposed New Rule: N.J.A.C. 13:71-14.36 Proposed Amendment: N.J.A.C. 13:71-14.1

Authority: N.J.S.A. 5:5-30.
Proposal Number: PRN 1987-282.
The agency proposal follows:

Summary

The proposed new rule will allow for new prospective owners to claim horses out of claiming races. N.J.A.C. 13:71-14.1, which mandates that one must own a horse and have started a horse at a race meeting in order to have claiming privileges is amended to cross-reference to proposed new rule N.J.A.C. 13:71-14.36, which sets forth the conditions for open claiming, under which a new owner can receive claiming privileges.

Social Impact

The proposed new rule will allow individuals who do not own race horses the opportunity to become owners by claiming horses out of claiming races. This will give the public a greater opportunity to become involved in the ownership of race horses since the only means at present for someone not involved in the racing industry to become an owner is to purchase a horse at either a public or private sale.

Economic Impact

The economic impact of the proposal will be positive as it will allow greater participation by the public in the ownership of racing horses. Also, the State of New Jersey will receive increased sales tax as a result of an anticipated increase in claims of horses being made, since horses purchased out of claiming races are subject to New Jersey sales tax.

Regulatory Flexibility Statement

No compliance requirements are imposed by this proposal upon small businesses as defined in the Regulatory Flexibility Act, as the rule deals with horses being claimed out of claiming races at New Jersey racetracks.

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

13:71-14.1 Restrictions: Claiming privileges

Claiming privileges, **other than open claiming pursuant to N.J.A.C. 13:70-12.37**, are restricted to those owners who have started a horse at the race meeting. Any licensed owner who has an interest in any starter shall thereafter be eligible to claim individually.

13:71-14.36 Open claiming

(a) A new owner who does not have claiming privileges pursuant to N.J.A.C. 13:71-14.1 may claim a horse by obtaining an open claiming license pursuant to (b) below.

1. A new owner is defined as an individual, partnership, corporation, or any other authorized racing interest that has not held an owner's license in any racing jurisdiction during the prior calendar year.

(b) A new owner may obtain an open claiming license by complying with the following procedures:

1. The applicant shall file a completed license application on the form prescribed by the New Jersey Racing Commission and will be required to be fingerprinted and photographed at the discretion of the Commission. The

applicant must pay for the cost of the fingerprint card checks consistent with the charge set by the reviewing agency which provides the fingerprint card checks, according to the type of investigation requested.

2. The applicant shall deposit, with the horsemen's bookkeeper, an amount no less than the minimum claiming price, plus sales tax and any other application charges required at that race meet. Such amount shall remain on account until a claim is made. In the event the funds are withdrawn or withdrawn prior to completion of a claim, any license issued will be automatically revoked and terminated.

3. The applicant shall declare a trainer, currently licensed by the New Jersey Racing Commission, who will represent the new owner once a claim is made.

(c) Claiming privileges executed under this section shall be limited to one time during a race meet.

(d) Unless approval has been granted by the judges to the contrary, the claimed horse must race back at that race meet.

TRANSPORTATION

TRANSPORTATION OPERATIONS

The following proposals are authorized by Hazel Frank Gluck, Commissioner, Department of Transportation.

Submit comments by September 2, 1987 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

(a)

Restricted Parking and Stopping Route 17 in Bergen County

Proposed Amendment: N.J.A.C. 16:28A-1.9

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-138(G) and 39:4-199.

Proposal Number: PRN 1987-276.

The agency proposal follows.

Summary

The proposed amendment will establish "no parking" and "time limit parking" zones along Route 17 in Rutherford Borough and Lyndhurst Township, Bergen County, for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace.

The local officials of Rutherford Borough and Lyndhurst Township met with representatives of the Department to discuss parking problems within the communities, triggered by commuters parking in the residential areas, which precluded the residents' guests from parking during visitations. As a result of this meeting, the local officials requested and the Department agreed that "no parking" and "time limit parking" zones be established in view of the added congestion.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.9 based upon the agreement with the local officials.

Social Impact

The proposed amendment will establish "no parking" and "time limit parking" zones along Route 17 in Rutherford Borough and Lyndhurst Township, Bergen County, for the safe and efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for mileage, personnel and equipment requirements. The local officers will bear the costs for the "time limit parking" zones signs and the Department will bear the costs for "no parking" zones signs. Motorists who violate the rules will be assessed the appropriate fine.

Regulatory Flexibility Statement

The proposed amendment to N.J.A.C. 16:28A-1.9 does not affect small businesses because it does not impose reporting, recordkeeping or other requirements on small businesses. The proposed amendment primarily affects the motoring public.

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

16:28A-1.9 Route 17

(a) The certain parts of State highway Route 17 described in [(a) of] this subsection are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-5. (No change.)

6. **No stopping or standing in Rutherford Borough and Lyndhurst Township, Bergen County:**

i. **Along both sides:**

(1) **From the easterly curb line of Orient Way to the Rutherford Borough/East Rutherford Borough corporate line including all ramps and connections which are under the jurisdiction of the Commissioner of Transportation.**

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

(d) **The certain parts of State highway Route 17 described in the subsection shall be designated and established as "time limit parking" zones where parking is prohibited at all times except in the areas designated below. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established time limit parking zones:**

1. **Three hour time limit parking in Rutherford Borough and Lyndhurst Township, Bergen County:**

i. **Along both sides of Rutherford Avenue: Beginning at the easterly curb line of Ridge Road to the westerly curb line of Orient Way, a three-hour time limit parking, between the hours of 6:00 A.M. to 6:00 P.M. except Sundays and holidays. The area is also designated as a tow-away zone.**

(b)

No Passing Zones

Route U.S. 130 in Salem and Gloucester Counties

Proposed New Rule: N.J.A.C. 16:29-1.67

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-201.1.

Proposal Number: PRN 1987-278.

The agency proposal follows.

Summary

The proposed new rule will establish "no passing" zones along Route U.S. 130 in the Townships of Pennsville, Carney's Point, and Oldman's and the Borough of Penns Grove, Salem County and Logan Township, Gloucester County, for the safe and efficient flow of traffic, the enhancement of safety, and the well-being of the populace.

Based upon requests from local officials, the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "no passing" zones in the areas designated were warranted.

The Department therefore proposes new rule N.J.A.C. 16:29-1.67 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed new rule will establish "no passing" zones along Route U.S. 130 in the Townships of Pennsville, Carney's Point, and Oldman's and the Borough of Penns Grove, Salem County and Logan Township, Gloucester County, for the safe and efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "no passing" zone signs. Motorists who violate the rules will be assessed the appropriate fine.

Regulatory Flexibility Statement

The proposed new rule does not impose any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined in the Regulatory Flexibility Act, P.L. 1986, c.169. Therefore, a regulatory flexibility analysis is not required. The rule primarily affects the motoring public.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

Full text of the proposed new rule follows.

16:29-1.67 Route U.S. 130

(a) The following certain part of State highway Route U.S. 130 shall be designated and established as "No Passing" zones.

1. That part within the Townships of Pennsville, Carney's Point, and Oldman's and the Borough of Penns Grove, Salem County and Logan Township, Gloucester County and described in drawing number HNPZ-109 dated October 29, 1986.

OAL NOTE: A copy of the referenced drawing number HNPZ-109 is on file with the Office of Administrative Law and is available for inspection at Quakerbridge Plaza, Building 9, Trenton, New Jersey.

(a)

**Mid-block Crosswalk
Route 29 in Hunterdon County
Proposed New Rule: N.J.A.C. 16:30-10.5**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-34.
Proposal Number: PRN 1987-277.

The agency proposal follows:

Summary

The proposed new rule will establish a mid-block crosswalk along Route 29 in Stockton Borough, Hunterdon County for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace, and establishes a designated area for pedestrians to safely cross the roadway at other than an area which is controlled and directed by a police officer or a traffic control device.

Based upon a request from local officials, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of a mid-block crosswalk was warranted.

The Department therefore proposes new rule N.J.A.C. 16:30-10.5 based upon the request from local officials and the traffic investigation.

Social Impact

The proposed new rule will establish a mid-block crosswalk along Route 29 in Stockton Borough, Hunterdon County for the safe and efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Additionally, this rule establishes a designated area for pedestrians to safely cross a roadway at other than an area which is controlled and directed by a police officer or a traffic control device. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the appropriate striping along the roadway. Motorists who violate the rules will be assessed the appropriate fine.

Regulatory Flexibility Statement

Since the proposed new rule does not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, P.L. 1986, c.169, a regulatory flexibility analysis is not required. The rule primarily affects the motoring public.

Full text of the proposed new rule follows:

16:30-10.5 Route 29

(a) Under the provisions of N.J.S.A. 39:4-34, the certain parts of State highway Route 29 described in this section shall be designated as a mid-block crosswalk.

1. In Stockton Borough, Hunterdon County:

i. From a point 670 feet south of the southerly curb line of Bridge Street to a point 10 feet southerly therefrom.

(b)

**THE COMMISSIONER
Miscellaneous Traffic Rules
Exclusive Bus Lane on Routes 3 and 495**

**Notice of Pre-Proposal to Supplement and Amend:
N.J.A.C. 16:30.**

Authorized By: Hazel Frank Gluck, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5 and 27:1A-44.

Submit comments, in writing, by November 30, 1987 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
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 1987-2.

The agency pre-proposal follows:

Summary

Under the provisions of N.J.S.A. 27:1A-5 and 27:1A-44, the Department of Transportation intends to propose amendments to N.J.A.C. 16:30 to restrict the use of certain lanes of Routes 3 and 495 between approximately 6:00 A.M. and approximately 10:30 A.M. weekdays. The specific restrictions proposed are as follows:

(1) The westbound lane of Route 3 closest to the median barrier from its junction with Route 495 on the east to the Sports Complex on the west would be restricted to all vehicles except motorbuses. Motorbuses would be permitted to use this lane in the eastbound direction, meaning that they would operate in a "reverse flow" direction.

(2) The eastbound lane of Route 495 closest to the median barrier would be restricted for its entire length to all vehicles except motorbuses and other vehicles with three or more occupants. All permitted vehicles would use this lane in the eastbound direction, meaning that they would operate in a "with flow" direction.

These prospective restrictions (see Figure 1) are intended to facilitate the movement of motorbuses and high occupancy vehicles bound for Manhattan in the morning peak period, supplementing the existing Exclusive Bus Lane (hereafter referred to as the XBL) along Route 495.

This pre-proposal is the end result of studies over the past year concerning the operation of the XBL. These studies, conducted by the New Jersey Department of Transportation (NJDOT) with the support of the New Jersey Turnpike Authority, the Port Authority of New York and New Jersey, the State Police, NJ TRANSIT, and the private bus carriers, considered a wide range of relief measures to alleviate the XBL problems. Based on these studies, the Department of Transportation has concluded that the restrictions described in this pre-proposal are the most effective interim means of ameliorating operating problems on the XBL.

This pre-proposal describes the public policy objectives relating to establishment of the XBL; the operating problems of the XBL; the relief measures considered by the NJDOT and the probable effects of these relief measures; and the basis for the NJDOT's conclusions and proposed course of action.

The proposed course of action would create a second bus lane for Lincoln Tunnel-bound travelers (hereafter referred to as XBL II), which high occupancy vehicles other than buses would also be permitted to use in the "with flow" section (that is, along Route 495). The proposal is an interim measure which would remain in effect until such time as permanent relief plans as described in the pre-proposal have been implemented.

Background

The XBL was initiated in 1971 to promote the use of buses to mid-town Manhattan by offering buses using the Lincoln Tunnel a significant time-saving. The "reverse flow" lane, or "contraflow lane" as it is sometimes called, runs from the eastern leg of the Turnpike to the Lincoln Tunnel toll plaza and is dedicated to buses during the morning peak period on weekdays (see Figure 2). The lane is accessible from the Turnpike and Route 3.

The XBL has been an extraordinary success as evidenced by the dramatic growth in bus usage. Initial use (by more than 700 buses carrying 25,000-30,000 commuters each day) has more than doubled with present counts indicating that nearly 1,700 buses transport nearly 65,000 commuters daily.

The importance of the XBL is clearly demonstrated by its people-carrying capacity. This "reverse flow" single lane carries nearly nine times as many people each morning as each of the three "with flow" lanes of Route 495. It is hard to imagine what traffic conditions would be like without the XBL given the pervasive traffic congestion which exists even with the XBL in operation. Encouraging mass transit use to Manhattan (and other high density employment destinations) is critical if New Jersey is to accommodate the growth in trip demand without exacerbating traffic congestion and air pollution problems.

Bus transportation plays a central role in providing mid-town Manhattan access, given the existence of the Port Authority Bus Terminal (PABT). But if bus transportation is to sustain the substantial market share of mid-town travel it now has, it must continue to offer significant advantages over other modes in both time savings and reliability.

The operating problems which the XBL has experienced over the past two years are a source of concern. These problems have become far more pronounced within the past few months and are expected to intensify as the amount of bus and other traffic in the area continues to grow.

Bus commuters now regularly experience delays of 15 to 30 minutes compared to the significant time savings they used to enjoy. Many of the bus commuters using the XBL have contacted elected officials and public agencies urging governmental action and suggesting a variety of relief measures.

The bus industry itself has begun pressing for governmental action, suffering as it is from disgruntled riders, falling ridership, and increased operating expense because buses cannot be turned around quickly enough to make "second runs" in the peak period.

More recently, the Turnpike Authority has registered its own XBL concerns. The growth in bus traffic (and Secaucus-bound regular traffic using Route 3 and Turnpike Interchanges 16E and 17E) is now straining the Turnpike's ability to carry traffic and threatening mainline traffic tie-ups.

Based on projections of bus traffic to mid-town Manhattan, the NJDOT and NJ TRANSIT have initiated two projects as part of Hudson River waterfront transportation plans (see figure 3). The first of these, the so-called "South Busway," will enable buses originating from points south of the XBL to be routed to the Lincoln Tunnel via the Turnpike's Hudson County extension and a rail freight right-of-way along the waterfront—the Conrail River Line—which NJ TRANSIT intends to acquire from Conrail.

The second project, known as the "North Busway," will enable buses originating from points north of the XBL to be routed to the Lincoln Tunnel via the Conrail Weehawken Tunnel and River Line, after Conrail freight operations now using this tunnel have been relocated. The Tunnel will also be used by light rail trains serving waterfront destinations.

The Tunnel is part of NJ TRANSIT's contemplated River Line acquisition but, because Conrail freight operations have to be relocated and the tunnel rehabilitated before the Weehawken Tunnel busway can be built, this project will take several years to implement.

Although these projects will offer permanent XBL relief, they are years away from implementation. Present plans call for the South Busway to be implemented by 1991 while the Weehawken Tunnel Busway is not expected to be completed before 1996.

During the period preceding the implementation of permanent improvements, the XBL's problems will persist and intensify. Recognizing this, Transportation Commissioner Gluck met with representatives of the affected agencies and the State's bus industry in the summer of 1986 to solicit their views. As a result of those discussions, two task forces were established to examine interim relief measures. This pre-proposal is based on the results of these task force efforts.

The Problems

As peak period traffic exiting the 16E and 17E toll plazas of the Turnpike and bus traffic using the XBL has increased, a number of problems relating to the XBL operation have developed. The XBL operation is affected not only by the traffic problems, but also by other factors relating to the users of the lane, the lane geometry and "environmental" conditions as summarized below:

(1) Unconstrained bus demand runs as high as 850 buses per hour, even though the XBL can accommodate no more than 775 buses per hour under optimum traffic conditions.

(2) The XBL frequently carries less than 775 buses per hour even when actual demand is greater because of factors affecting the flow of buses into and off of the lane, including:

—Traffic queues at the 16E and 17E toll plazas which prevent buses from entering the XBL.

—The need for State Police to detain buses so Secaucus-bound traffic from 16E and 17E can safely cross the XBL-bound bus stream; and

—Lincoln Tunnel disruptions (for example, oversized vehicles that have to be turned around between the tunnel toll plaza and the tunnel entrance).

(3) Factors intrinsic to the lane also limit lane capacity, including:

—Older buses (which are forced into service by demand in the peak periods) lack propulsion power to climb the grade on Ramp J and the Route 1/9 bridge approaches as quickly as the newer buses using the XBL.

—Removing disabled buses from the XBL is difficult and time-consuming; and

—Sun glare at certain times of the year blinds bus drivers, forcing reductions in operating speed.

(4) Projections indicate that the approximately 1700 buses now in the XBL during the morning peak period will grow to approximately 1900 by 1990. Coupled with traffic growth anticipated by the Turnpike Authority and the NJDOT as a result of new Meadowlands and waterfront development, this means longer delays in both distance and duration for buses accessing the XBL.

Possible Near Term Relief Measures

Introduction:

Even if all the problems external to the XBL proper were eliminated, the XBL as presently constructed can carry no more than 775 buses per hour. Projections of peak bus demands in the near future are significantly greater than 775 buses per hour. Since major physical improvements would be necessary to increase the capacity of the XBL, and since such improvements would take years to construct (assuming they are feasible), it is apparent that the only way to provide additional bus capacity to meet demand in the near term is to reserve a second lane for peak period bus use along Route 495.

Other possible relief measures as set forth below were identified by the task forces but none of them appear capable of completely ameliorating the XBL problems, individually or collectively, for reasons described later in this pre-proposal. Only a second bus lane offers the hope of complete amelioration, so the feasibility of dedicating a second lane became the prime focus of the study efforts.

Possible near-term relief measures identified can be grouped into four categories:

(1) **Demand management actions**, which control the users and/or the extent of the use of the existing XBL and/or adjoining lanes;

(2) **Rerouting schemes**, which conceivably could better balance bus or other traffic flows, reduce queues, and/or mitigate the delays;

(3) **Traffic engineering/flow enhancement** schemes designed to alleviate external factors which limit bus flow rates; and

(4) **Expanded bus capacity** which only XBL II can accomplish.

Findings concerning these possibilities follow:

(1) Demand Management Actions:

The problems associated with the XBL stem from excessive bus and other vehicular traffic. "Managing" demand can mean either fewer buses permitted to use the XBL or fewer autos and trucks using the Hudson River crossings.

Several ways to reduce demand were examined:

(a) Spreading arrivals by changing bus schedules so that fewer buses seek access to the XBL during the peak hour.

Discussions with bus carriers and bus counts indicate that a certain amount of spreading has already occurred, partly because the buses can no longer arrive as punctually as they once did and partly because commuters have begun to adjust to delays by taking earlier morning buses. Bus carriers have responded to changing commuter departure times by scheduling more buses in the hour preceding the peak hour, so that differences in hourly bus volumes during the three-hour morning peak (7:00 A.M.-10:00 A.M.) are less pronounced than before.

Bus carriers assert, however, that further adaptation is unrealistic and several carriers report significant declines in ridership over the past few months. There is evidence to suggest that commuters would rather shift to other modes of travel than change their commuting times.

While spreading has resolved the XBL problems to some degree, the potential for further resolution is very limited or non-existent.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

(b) Controlling more strictly the use of the XBL to bar: charter buses and buses "deadheading" into Manhattan in the morning; buses carrying fewer than a prescribed number of passengers; buses which operate "in competition" with passenger rail service; buses which originate outside New Jersey; and/or buses which lack adequate propulsion power to negotiate the XBL inclines.

NJDOT made visual observations of buses using the lane to confirm who the users are (that is, points of origin, scheduled services vs. charter or deadhead buses, etc.). From these observations, it appears that there are virtually no non-scheduled buses in the XBL.

Theoretically, a number of the scheduled buses could be routed across the George Washington bridge (GWB) or through the Holland Tunnel (HT). In practice, however, both of these facilities are also experiencing pronounced traffic congestion, and bus carriers have been understandably reluctant to use them, fearing even longer trips resulting in higher operating costs and lost ridership.

It is also conceivable that other scheduled buses could be curtailed because the commuters they serve have commuter rail alternatives. However, examination of the relevant routes and rail lines revealed that there are serious obstacles to realizing the limited potential this option offers. Capacity to absorb additional passengers on the rail lines is limited and there is little real overlap between areas served by bus and areas served by rail. Moreover, interstate bus deregulation would make it difficult to exploit the little potential that remains.

Other possible XBL use controls identified, such as restricting buses with fewer than a prescribed number of passengers, buses originating outside New Jersey or buses with deficient propulsion capabilities, are each impractical or inappropriate.

Passengers cannot be seen from outside the buses and stopping the buses to confirm the numbers of passengers would be self-defeating since this would impede the flow of buses.

Restricting buses which originate outside New Jersey (for example, on Staten Island) would be highly controversial and would raise serious interstate commerce-related legal issues.

Restricting buses with deficient propulsion capabilities would deny bus service to certain commuters since these buses have been pressed into service because demand exceeds the capacity of "first line" buses. Bus carriers report that these buses are used only as a last resort. While NJ TRANSIT is continuing to purchase new buses on its own behalf and on behalf of private bus carriers, financial limitations and procurement lead times are controlling factors governing the replacement timetable. In short, the buses with deficient propulsion capabilities will have to be used over the next several years to accommodate passenger demands.

(c) Raising Lincoln Tunnel (or all Hudson River bridge and tunnel crossings) tolls to curtail total traffic. Conceivably, tolls could be raised only in the peak travel hours ("congestion pricing") or only for certain classes of vehicles (for example, single occupant cars).

Proponents of toll increases suggest that higher tolls could discourage auto use across the Hudson River and encourage transit use instead.

Survey of trans-Hudson commuters conducted by the Port Authority reveal that nearly 50 percent of all auto commuters to the Manhattan central business district are subsidized in one form or another (for example, free car, free parking, reimbursement for out of pocket expenses etc.). Therefore, this segment of commuters is unlikely to be unaffected by toll increases.

The data strongly suggests that a substantial toll increase would be necessary to prompt a significant shift from private auto to mass transit. The Port Authority suggests that an auto toll of \$8.00 would prompt a 10 percent shift.

NJDOT considers the size of the toll increase necessary to cause a significant auto diversion too large to be seriously considered. Moreover, any congestion relief caused by a substantial toll increase would likely be short-lived since it is expected that 5000 more commuters annually will commute from New Jersey to downtown Manhattan.

Evidence to support this expectation can be found in analyses of traffic growth over the past several years. Auto traffic has grown by 1,600 vehicles (three percent), in the three hour morning peak, with no growth in the peak hour which is already at saturation. During this same period, trans-Hudson transit use has grown by 20,000 (13 percent), meaning that transit has captured over 90 percent of all the peak period growth in trans-Hudson trip-making over the past three years. There is strong evidence to suggest that traffic congestion has contributed significantly to the increase in transit use.

(d) Restricting certain classes of vehicles (for example, trucks and single occupant cars) from using the tunnel (or all the crossings) during peak travel hours.

Truck and single occupant cars are the two groups most frequently targeted by proponents of peak hour travel restrictions. It is argued that single occupant cars take up a disproportionate amount of road space from a people-carrying standpoint and that trucks do not need to travel during peak traffic hours.

While the inefficiency of single occupant auto travel to Manhattan is undeniable, there are serious practical and public policy problems with a single occupant auto prohibition. From a practical standpoint, the logistics of denying single occupant cars access to the river crossings are formidable. From a public policy perspective, the fact that some auto travelers are truly unable to carpool (or use transit) because of their destination, irregular work hours, etc., makes it difficult, if not impossible, to single out this segment of the traveling public for special restrictions.

With respect to truck restrictions, a recent commodities survey conducted by the Port Authority reveals that a substantial majority of the trucks using the Hudson River crossings during peak periods are traveling when they do because they must. A majority of these trucks are serving industries (for example, food service industries) that rely on pick-ups and deliveries during peak times. Changing the hours of pick-up and delivery would require profound operational changes in the industries and businesses served.

For all of the foregoing reasons, NJDOT believes that neither toll pricing nor specific vehicle restrictions are appropriate or will prove effective as near-term congestion relief measures.

(2) Rerouting Schemes:

Because the severity of traffic congestion problems varies with the river crossing and the approach road taken to each crossing, it may be assumed that rerouting schemes could alleviate some of the congestion. Several possibilities have been identified and some have been tried, or are in effect, with mixed results.

(a) Encourage the use of the GWB, the least congested of the river crossings.

The GWB is the least congested Hudson River crossing because access by auto to the Manhattan central business district via the GWB is relatively poor. Commuters heading downtown generally avoid the GWB, and it would be difficult to entice them to do otherwise.

Because there is reasonable transit access to downtown via the GWB, the Port Authority, NJ TRANSIT, and the Metropolitan Transit Authority (MTA) have launched a major promotional effort to encourage commuter use of such transit services. The public response to this promotion has been encouraging, though expectations remain modest.

(b) Encourage buses to use the western leg of the Turnpike so that more buses enter the XBL via Route 3 than via Turnpike Interchanges 16E and 17E.

Diversions to the western leg of the turnpike would actually lengthen travel time for bus commuters. Recognizing this, bus carriers have expressed strong objections to such diversions.

(c) Divert buses coming through 17E to Paterson Plank Road and Route 3 when congestion problems arise at the western end of the XBL to prevent back-ups on the Turnpike mainline.

Rerouting via Paterson Plank Road and Route 3 was tried in 1986 but brought strong objections from commuters and bus carriers alike. Both protested to the holding pattern-like diversion because of added delays, and because they felt it was unfair to be "forced to the back of the line." The practice has since been discontinued.

With respect to bus diversions without an XBL II, schemes (b) and (c) have serious drawbacks which create new problems or exacerbate existing ones. The remaining rerouting scheme has promise and is being pursued. It is apparent, however, that rerouting can never provide more than minor congestion relief.

(3) Traffic Engineering/Flow Enhancement Schemes:

To remedy the XBL entry problems buses are experiencing, a number of traffic engineering/flow enhancement schemes have been considered, several of which appear to have some merit.

(a) Bus toll lanes at Interchanges 16E and 17E.

(b) Bus toll bypasses at the same two interchanges.

(c) Bus priority lanes on approaches to the same two interchanges.

(d) Roadway design and signing changes in the vicinity of the same two interchanges to help separate Secaucus bound traffic and bus traffic.

The first three proposals are all intended to facilitate bus access to the XBL so that the XBL flows at its maximum capacity for longer durations.

The Turnpike Authority is amenable to bus toll lanes early in the peak period when Secaucus bound traffic is relatively light, and has this proposal under study. A bus toll lane at both 16E and 17E is already in operation. Toll bypasses appear to be either impossible (for example,

at 17E where physical constraints preclude an acceptable bypass) or costly and time-consuming to implement (at 16E). The concept of a bypass is not promising as a near-term relief measure.

The Turnpike Authority has expressed strong objections to bus priority lanes on the grounds that such lanes would back up other traffic exiting at 16E and 17E far enough to encumber mainline flows and create serious safety hazards. Roadway design and signing changes near 16E and 17E are presently under study by the Turnpike Authority and may hold some promises. The changes are intended to direct Secaucus bound traffic and bus traffic to specific groups of toll lanes, so that weaving maneuvers between these two traffic streams are minimized.

(4) Expanded Bus Capacity:

The only way to significantly expand bus capacity to accommodate near-term projected growth in bus traffic from New Jersey to mid-town Manhattan is to institute a second bus lane. Without a second bus lane, bus traffic will be restrained by the capacity of the existing lane.

The question of whether a second bus lane is feasible is a complicated one, depending as it does on the extent of the negative effect a second bus lane would have on the balance of traffic, and how these negative effects measure up in relation to the positive effects bus commuters stand to realize.

To examine the probable magnitude of positive and negative effects, NJDOT and NJ TRANSIT performed a simulation analysis assuming a second bus lane were implemented. Three options were considered, two in depth. The options are described below. Simulation analysis results are summarized in this pre-proposal; more detailed documentation is available from the NJDOT on request.

Option 1—"With Flow" along Route 3 and Route 495

A full "with-flow" lane on the innermost eastbound lane on Route 3, Ramp J (where Route 3 merges with Route 495) and Route 495 from a point east of the Route 3—Meadowlands Parkway interchange to the Lincoln Tunnel.

Option 2—"Reverse-Flow" to "With-Flow"

An eastbound "reverse-flow" lane operating from the vicinity of the Sports Complex, linked to a "with-flow" bus and carpool lane on Ramp J and on Route 495 to the Lincoln Tunnel toll plaza.

Option 3—Full "Reverse-Flow" Lane along Routes 3 and 495

An eastbound "reverse-flow" lane operating on the westbound roadway of Route 3 from the vicinity of the Hackensack River bridge, flowing into a second "reverse-flow" lane adjacent the existing XBL on Route 495.

Option 3 was rejected by NJDOT and NJ TRANSIT staff, without quantitative analysis of queuing, for the following reasons:

—The remaining westbound lane on Route 495 would be inadequate to handle traffic flows to New Jersey.

—Traffic flow in the remaining lane would be overly sensitive to disruptions from breakdowns and accidents.

—Westbound traffic delays would prevent bus operators from scheduling second runs, adding to fleet requirements, bus storage difficulties and operating costs (estimated at \$10 million annually).

The "with-flow" option (Option 1) has certain inherent operating advantages over the "reverse-flow" option (Option 2), making the "with-flow" option the option of choice if both options were judged to be feasible. The "with-flow" advantages are:

(1) While "reverse-flow" lanes have been successfully and safely instituted in many locations (including the existing XBL), the risk of accidents is greater with a "reverse-flow" than with a "with-flow" operation because the opposing traffic streams are not separated by a physical barrier in the "reverse-flow" case.

(2) Unlike "reverse-flow" lanes, "with-flow" lanes can be more easily shared by buses and carpools, thereby offering time-saving benefits to a larger share of the commuting public.

(3) "With-flow" is easier for drivers to comprehend than "reverse-flow."

If the "with-flow" option proves to be infeasible because of unacceptably long traffic queues, the "reverse-flow" option could be a reasonable alternative, since queue lengths would be shorter than in the "with flow" case.

Before describing the expected effects of a second lane, several initial observations are called for. Delays in the peak period on approaches to the Lincoln Tunnel are already a daily occurrence. Comparing "free flow" travel times with constricted flow travel times from the vicinity of the eastern leg of the Turnpike to the Lincoln Tunnel, motorists presently encounter delays amounting to five to 20 minutes over the peak period (6:30 A.M.-9:30 A.M.) with more significant delays (10 to 40 minutes)

in the peak hour. These delays are without a second bus lane. Associated traffic back-ups extend about one and one-third miles west of the Lincoln Tunnel toll plaza on "normal" days.

Table 1 summarizes the estimated additional delay which would result on each of the roadway approaches if a second bus lane were implemented. The time savings which can be realized by bus commuters and carpools are substantially greater than the delays other travelers would experience in the aggregate (see Table 2). Aggregate time saved for bus commuters alone exceeds aggregate time lost by all other persons by 120 percent. This simplified calculation assumes (conservatively) that all auto commuters are adversely affected by XBL II. Since auto commuters in high-occupancy vehicles also stand to benefit from XBL II, this simplified calculation overstates auto delays and understates time savings. Moreover, this calculation does not account for anticipated traffic growth, which will increase net time savings.

With respect to traffic queues, the simulation analysis results are summarized in Table 3. They confirm that queues on Route 3 are significantly longer for Option 1 than for Option 2 (that is, approximately 0.85 miles difference). The two options differ little for the turnpike approaches.

Evaluation:

The final step in the assessment of traffic queues is to examine where the ends of the estimated queues are and the probable effects of same. It can be seen that the "with-flow" XBL II option causes the ends of the queues to extend well beyond a number of key highway interchanges and access points serving New Jersey destinations, thereby delaying not only Manhattan-bound traffic but growing Meadowlands and waterfront traffic as well. Faced with this prospect, the NJDOT believes the "with-flow" XBL II option (Option 1) would be ill-advised.

Turning now to the "reverse-flow" to "with-flow" XBL II option (Option 2), its travel time benefits are not appreciably less than the with-flow option, while its adverse effects in terms of queue lengths are substantially less.

Several key interchanges or access points could be encumbered:

—The Route 3 eastbound split to Routes 495 and Route 1 and 9;

—The Route 3 eastbound—Route 1 and 9 ramp; and

—The Turnpike 16E and 17E toll plazas.

On closer inspection, however, it appears that the two Turnpike toll plaza problems can be remedied. The 17E toll plaza problem will be alleviated in part by the diversion of most of the Turnpike southbound buses from the eastern leg of the Turnpike to the western leg (as envisioned with an XBL II lane), a fact not accounted for in the simulation analysis. Moreover, traffic engineering/flow enhancement measures relating to the 17E toll plaza which were referred to earlier could further ease the movement of Secaucus bound traffic.

Turning to the 16E toll plaza, this problem stems from the mixing of Secaucus bound traffic and buses, a problem which will not be alleviated by bus rerouting. A possible traffic engineering/flow enhancement solution referred to earlier holds promise, however.

The foregoing discussion of traffic impacts was confined to Routes 3, 495 and the New Jersey Turnpike—the principal roads feeding the Lincoln Tunnel. These were the roads specifically analyzed. Lesser roads in the area were not explicitly analyzed because the methodology used for measuring impacts does not lend itself to network-wide impact assessment; these roads may also experience traffic impacts, though impacts on such roads (for example, Paterson Plank Road) are by their nature localized.

Conclusions:

The substantial net time savings promised by an XBL II facility is a powerful argument for its implementation. While auto and truck traffic would experience significant added delay, the magnitude of this delay does not appear to be prohibitive. Projected growth in mid-town Manhattan trans-Hudson travel is an important reinforcing argument for implementation, since there is essentially no auto capacity to absorb this growth, and since other XBL relief measures are years from fruition.

Recommended Course of Action:

NJDOT proposes to institute XBL II—Option 2—by the fall of 1988. Some design and minor construction is necessary to implement XBL II as proposed. Plans for incident response, enforcement, bus rerouting, use of the Turnpike exit into the Sports Complex and the Sports Complex roadways must be finalized.

Public comment on this proposal and companion actions described below are invited, and at least one public hearing will be held at the end of the comment period so NJDOT can report on comments received while inviting further comment.

XBL II as proposed would be a "reverse-flow" lane along Route 3 from the Sports Complex to the junction with Route 495, where XBL

II would become a "with-flow" lane. It would operate from approximately 6:00 A.M. to 10:30 A.M. requiring daily set-up and shut-down by traffic maintenance personnel.

The Department of Transportation further proposes that the "reverse-flow" portion of XBL II be reserved exclusively for buses during this time period, and that the "with-flow" portion of the lane be reserved for buses and other vehicles with **three** or more occupants. This occupancy criterion is proposed based upon an analysis of a "two or more person" criterion, which showed that the lane would function no better than the remaining lanes, thereby negating the advantages sought.

NJDOT further proposes that NJ TRANSIT and the private bus carriers negotiate a bus rerouting strategy which:

Balances bus loads between XBL and XBL II; and

Promotes the continued use of the existing XBL by buses now using Turnpike Interchange 16E, and the diversion of most other buses to XBL II.

Buses seeking XBL II access would be able to do so by exiting the Turnpike at the "Sports Complex only" exit proceeding to Route 20 and then to XBL II via a new ramp as shown in Figure 4.

From Route 3, two possible means of XBL II access are possible: a direct crossover ramp in the vicinity of the Sports Complex from the eastbound lane closest to the median barrier to the westbound inside lane closest to the median barrier, or by exiting Route 3 eastbound and entering the Sports Complex to make the Route 20 maneuver described previously. A final decision on the preferred means of access from Route 3 will require further study.

To complement XBL II, the Department of Transportation further proposes that:

(1) The traffic engineering/flow enhancement measures at Turnpike Interchanges 16E and 17E described earlier be pursued by the Turnpike Authority, including proposed advance signing to steer traffic to the appropriate toll lanes and thereby minimize weaving maneuvers;

(2) The Port Authority promote the use of XBL II by vehicles with three or more occupants, broadening the present monthly ticketing promotional effort to encourage such pooling; and

(3) The Turnpike Authority dedicate a second toll lane for buses only at 16E.

Comments from the public on these proposals are invited. Comments will be received until November 30, 1987.

TABLE 1: XBL II RELATED DELAY ESTIMATES

Approach Road	Travel Time Today (minutes)		Added Delays (minutes)			
	pk. period	pk. hour	Option 1		Option 2	
			pk. period*	pk. hour	pk. period*	pk. hour
Turnpike Southbound (17E)	23.3	28.1	Slightly less than Option 2.		9.6	13.4
Turnpike Northbound (16E)	23.6	29.8	11.9	14.2	11.9	14.2
Route 3 Eastbound	22.6	29.9	13.4	14.1	6.4	7.1

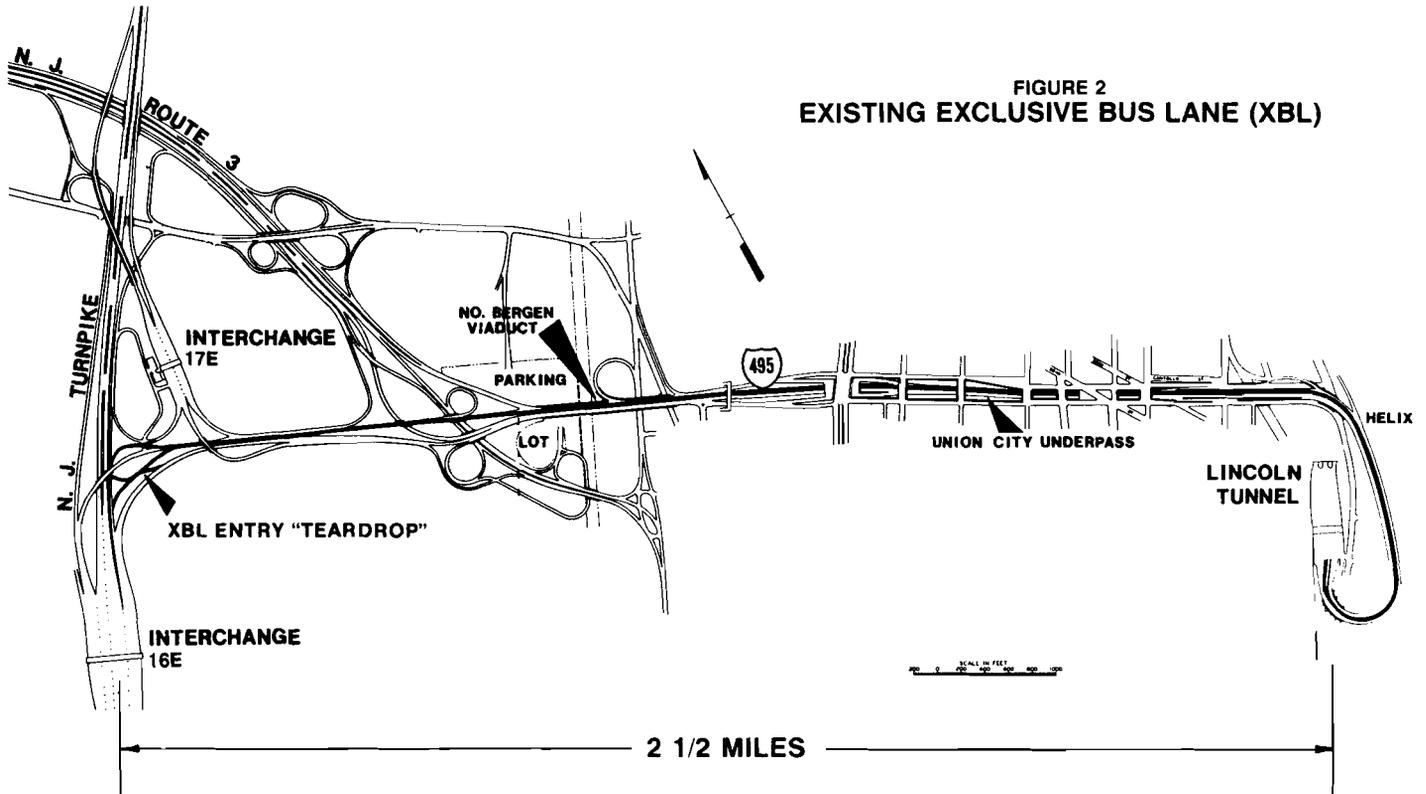
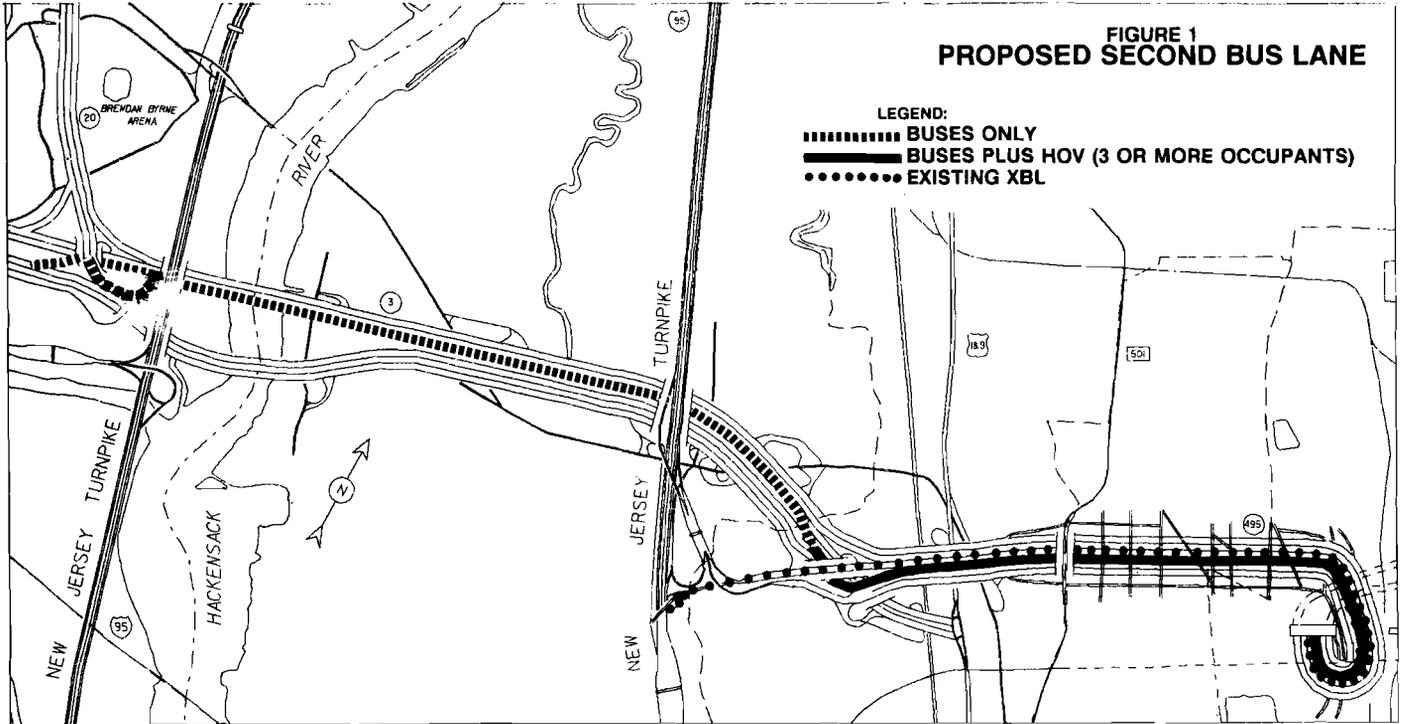
*6:30 A.M.-9:30 A.M.

TABLE 2: XBL II—OVERALL TRAVEL TIME IMPACTS

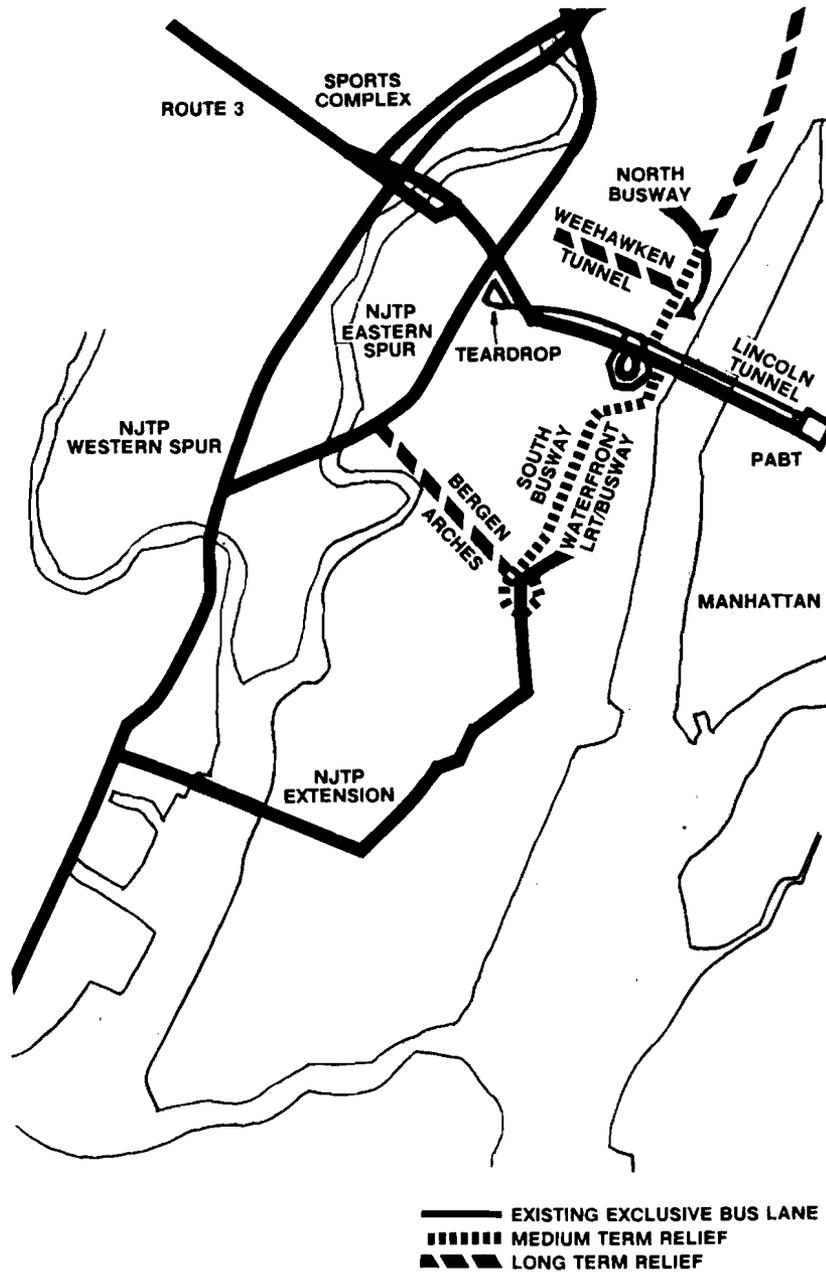
<u>Time Savings</u>	<u>Number of Users</u>	<u>Total Time (minutes)</u>
Peak Hour Bus Users each saving 10 minutes	30,000	300,000
Other Peak Period Bus Users each savings 5 minutes (on average)	35,000	175,000
Total Time Savings		475,000 minutes
Time Losses		
Peak Period Auto/Truck Users each losing 12 minutes (on average)	18,000	216,000
Total Time Losses		216,000 minutes
Ratio of Time Saved/time Lost	$\frac{475,000}{216,000}$	= 2.2

TABLE 3: ESTIMATED TRAFFIC QUEUES

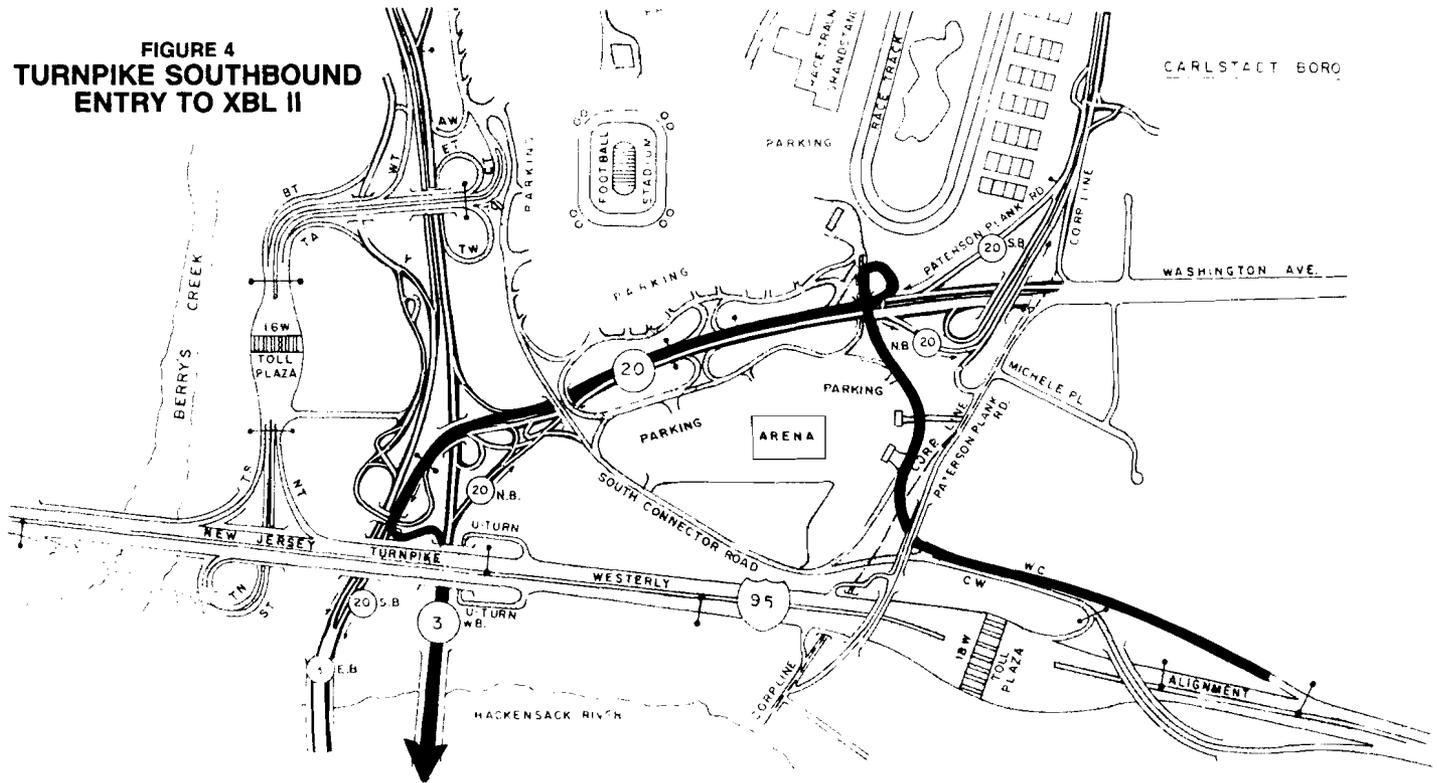
	APPROACH ROAD		
<u>OPTION</u>	<u>Route 3</u>	<u>Turnpike Toll Plaza 17E</u>	<u>Turnpike Toll Plaza 16E</u>
OPTION 1	Traffic backs up to a point 1900 feet east of Meadowlands Parkway entrance ramp.	Traffic backs up to toll plaza.	Traffic backs up to a point 300 feet beyond toll plaza.
OPTION 2	Traffic backs up to a point 1800 feet east of the Harmon Meadow Boulevard exit.	Traffic backs up 300-400 feet further than in Option 1.	Same as Option 1.



**FIGURE 3
XBL PERMANENT RELIEF PLAN**



**FIGURE 4
TURNPIKE SOUTHBOUND
ENTRY TO XBL II**



OTHER AGENCIES

**NEW JERSEY HIGHWAY AUTHORITY
GARDEN STATE PARKWAY**

The following proposals are authorized by the New Jersey Highway Authority, George P. Zilocchi, Executive Director.

Submitted comments by September 2, 1987 to:
George P. Zilocchi, Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

(a)

**General provisions
Copy Charges**

Proposed Amendment: N.J.A.C. 19:8-7.1

Authority: N.J.S.A. 27:12B-5(j) and (s), 27:12B-18 and 27:12B-24.
Proposal Number: PRN 1987-289.

The agency proposal follows:

Summary

The proposed amendment will increase the charges for copies of the public records of the New Jersey Highway Authority. The proposed increased charges are as follows:

Documents up to 8½ by 13 inches, per page, from \$0.50 to \$1.00; documents larger than 8½ by 13 inches, per page, from \$1.00 to \$2.00; drawings, maps and plan sheets, per page, from \$1.00 to \$2.00; microfilm, per page or sheet, from \$1.00 to \$3.00; photographs up to 8 by 10 inches, black and white glossy, per picture, from \$3.00 to \$10.00; photographs up to 8 by 10 inches, color glossy, per picture, from \$6.00 to \$15.00; slides, 35 millimeter, per slide, from \$1.00 to \$10.00.

Social Impact

The allowance of the indicated increase will permit the Authority to recover some of the costs incurred in reproducing the documents for public distribution. Since the increased cost is an attempt to recover a portion of the cost to the Authority for reproducing records, there will be little or no significant negative social impact.

Economic Impact

While the proposed amendment increasing charges for public records will have an economic impact in that it increases the cost to those seeking public records, the impact should not be unduly burdensome for the most part since the fees remain nominal sums and the increase represents an attempt to recover costs by the Authority on charges which presently reflect the cost structure established as appropriate in 1963 by P.L. 1953, c.73, section 2.

Regulatory Flexibility Statement

The proposed amendment to N.J.A.C. 19:8-7.1 does not affect small businesses since it does not impose reporting, record keeping or other compliance requirements on small businesses, beyond the nominal fees charged all persons seeking copies of Authority records.

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

19:8-7.1 General provisions

(a) (No change.)

(b) Except as otherwise specified herein, copies of such records may be obtained by written request accompanied by a check or money order made payable to the New Jersey Highway Authority in accordance with the following fee schedule:

1. Documents up to 8½ by 13 inches, per page \$[0.50] **1.00;**
 2. Documents larger than 8½ by 13 inches,
per page \$[1.00] **2.00;**
 3. Drawings, maps and plan sheets, per page \$[1.00] **2.00;**
 4. Microfilm, per page or sheet \$[1.00] **3.00;**
 5. Photographs up to 8 by 10 inches, black and white glossy,
per picture \$[6.00] **10.00;**
 6. Photographs up to 8 by 10 inches, color glossy,
per picture \$[6.00] **15.00;**
 7. Slides, 35 millimeter, per slide \$[1.00] **10.00;**
- (c)-(d) (No change.)

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

(a)

**New Jersey State Police Reports
Copy Charges**

Proposed Amendment: N.J.A.C. 19:8-7.3

Authority: N.J.S.A. 27:12B-5(j) and (s), 27:12B-18, and
27:12B-24, and 53:2-3.

Proposal Number: PRN 1987-288.

The agency proposal follows:

Summary

The proposed amendment will increase the charges for copies of New Jersey State Police accident reports of Troop "E" on the Garden State Parkway from the present charge of \$5.00 per accident report to a charge of \$10.00 regardless of the number of pages.

Social Impact

The allowance of the indicated increase will permit the Authority to recover some of the costs incurred in reproducing the documents for public distribution. Since the increased cost is an attempt to recover a portion of the cost to the Authority for reproducing records, there will be little or no significant negative social impact.

Economic Impact

While the proposed amendment increasing charges for police reports will have an economic impact in that it increases the cost to those seeking police reports, the impact should not be unduly burdensome for the most part since it is a nominal sum and represents an attempt to recover costs by the Authority. The increase in charges for copying of police reports for Troop "E" brings that fee in line with fees charged by other State Police units for similar documents pursuant to N.J.S.A. 53:2-3.

Regulatory Flexibility Statement

The proposed amendment to N.J.A.C. 19:8-7.3 does not affect small businesses since it does not impose reporting, record keeping or other compliance requirements on small businesses, beyond the nominal fee charged all persons wishing to obtain accident report copies.

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

19:8-7.3 New Jersey State Police reports

(a) (No change.)

(b) All requests must be accompanied by a check or money order payable to the New Jersey Highway Authority in accordance with the following schedule:

1. All accident reports regardless of the number of pages, \$[5.00] **10.00**.

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

(b)

Fee for Special Permits for Oversize Vehicles

Proposed Amendment: N.J.A.C. 19:8-8.4

Authority: N.J.S.A. 27:12B-5(j) and (s), 27:12B-18, and
27:12B-24.

Proposal Number: PRN 1987-287.

The agency proposal follows:

Summary

The proposed amendment will increase the fee for obtaining special permits allowing oversize vehicles to use the Garden State Parkway from \$5.00 per trip to \$10.00 per trip.

Social Impact

The increased fee is an attempt to recover costs to process permits for oversize vehicles on the Garden State Parkway. Consequently, there will be little or no significant negative social impact.

Economic Impact

The proposed fee increase will have a minimal economic impact since the fee as amended is a nominal sum and provides for the assigning of costs for processing special permits for oversize vehicles on the Garden State Parkway to applicants.

Regulatory Flexibility Statement

The proposed amendment to N.J.A.C. 19:8-8.4 does not affect small businesses by imposing reporting, record keeping or other compliance requirements. However, all businesses, regardless of size, applying for oversize special vehicle permits will be required to pay the same fee as proposed. As the application fee is a nominal sum, and the cost of application processing does not vary according to the size of the applicant, a bifurcated fee schedule for small businesses and non-small business applicants is not justifiable.

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

19:8-8.4 Fee

(a) The fee for each permit shall be \$[5.00] **10.00**.

(b) (No change.)

RULE ADOPTIONS

COMMUNITY AFFAIRS

(a)

DIVISION ON AGING

Congregate Housing Services Program

Readoption with Amendments: N.J.A.C. 5:70

Proposed: May 4, 1987 at 19 N.J.R. 678(a).

Adopted: July 1, 1987 by Leonard S. Coleman, Jr.,

Commissioner, Department of Community Affairs.

Filed: July 9, 1987 as R.1987 d.315 with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 52:27D-184.

Effective Date: July 9, 1987 for Readoption; August 3, 1987 for Amendments.

Expiration Date: July 9, 1992.

Summary of Public Comments and Agency Responses:

Written comments were submitted by the Monmouth County Office on Aging indicating support for the changes because they "help clarify the regulations" and "should decrease misinterpretations and create more effective administrative conditions".

The changes made to the disposable income amounts in N.J.A.C. 5:70-6.3(e)1 and 2 correct typographical errors in the proposed amendment. The change in N.J.A.C. 5:70-4.3(c) clarifies that the menus will be reviewed by the housing services staff.

Full text of the readoption appears in New Jersey Administrative Code as N.J.A.C. 5:70.

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

5:70-1.2 Purpose

The purpose of the Congregate Housing Services Program is to provide a supportive environment for persons of low income or suffering economic hardships through the provision of selected services in order to avoid premature institutionalization in nursing homes or similar medically oriented facilities.

5:70-2.1 Definitions

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

...
"Congregate meals" shall mean at least one hot or other nutritious meal served in a community dining room and conforming to the standards established in N.J.A.C. 5:70-4.3.

...
"Facility" shall mean any specially designed subsidized housing for the elderly and handicapped.

...
"R.D.A." shall mean Recommended Dietary Allowance.

5:70-3.3 Grant application and approval

(a) As a precondition to approving a grant application for the implementation of a congregate housing services program, or the continuation of a program, the following information shall be submitted to the Division on Aging:

1. Description of services to be provided and the relationship of each service to the needs and characteristics of the project residents who are to receive the services, source of each service, and method of delivery;
2.-4. (No change.)

5. The projected starting date of supportive services once the application has been approved;

6. Availability and adequacy of local social services in assisting project residents to maintain independent living and avoid unnecessary institutionalization.

5:70-4.1 General requirements

(a) The provision of Congregate Housing Services under the Act shall include a program of supportive services including the provision of meals, housekeeping assistance and personal care assistance. However, if one or more of these supportive services is provided at an eligible facility by another agency or program, the Division may, upon application of the program sponsor, waive the aforesaid requirement that the sponsor provide such service or services as part of the sponsor's congregate housing services program.

(b)-(d) (No change.)

5:70-4.2 Administration

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

(c) The responsibilities of the Congregate Services Coordinator shall include, but not be limited to:

1.-11. (No change.)

12. Regularly attend the periodic training sessions sponsored by the Division on Aging.

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

5:70-4.3 Meals

(a) At least one hot or other nutritious meal will be available.

(b) (No change.)

(c) Weekly/monthly cycle menus must be approved by a qualified nutritionist. Menus must be submitted with the proposal application. Copies of the menu must be kept on file for ***review by*** housing services staff.

(d) (No change.)

(e) At least one meal shall be served in a community setting, such as a dining room, preferably at tables seating four to six people, unless a waiver has been granted by the Division on Aging. If meals are served cafeteria style, provisions must be made for those participants requiring assistance in carrying food to the table.

(f)-(g) (No change.)

(h) If suitable on-site food preparation facilities are not available, or their use would not be economically feasible, alternatives to food preparation by the sponsor may include contracting for the delivery of congregate meals from other sources, pending approval of the menus by a qualified nutritionist. Such meals, their preparation and delivery, must meet the provisions of this subchapter and of all State and local health and sanitation codes.

5:70-4.4 Housekeeping and personal services

(a) (No change.)

(b) Personal services shall be available for a minimum number of hours per month as determined by the project with the approval of the Division on Aging. Such services may include:

1.-4. (No change.)

5. Delivery of meals to living units on a limited basis when necessary because of temporary incapacity due to illness or injury.

(c) (No change.)

5:70-5.1 Program costs

(a) (No change.)

(b) A portion of the coordinator's salary will be charged as a separate line item in the budget. The amount shall be determined by the Division on Aging on an annual basis.

(c) Other additional direct costs including the remainder of the Coordinator's salary which are related to the delivery of services may be included in determining participant costs with the approval of the Division on Aging.

5:70-6.1 General

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

(d) No individual shall receive a service subsidy in excess of that provided in N.J.A.C. 5:70-6.3(e) unless permission is obtained from the Director, Division on Aging.

(e) (No change.)

5:70-6.3 Income, program costs, and service subsidy formula

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

(e) Service subsidies for eligible program participants will be provided in accordance with the following formula:

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

STEP I

NET INCOME — RENT = DISPOSABLE INCOME
(N.I.) (R) (D.I.)

1. The following STEP II shall be operative until December 31, 1987:
STEP II

D.I. of \$0.00-\$159.00: Service Subsidy = 95 percent of Program Cost
D.I. of \$160.00-\$224.00: Service Subsidy = 75 percent of Program Cost
D.I. of \$225.00-*\$269.00* *\$369.00*: Service Subsidy = 60 percent of Program Cost

D.I. of \$370.00-\$506.00: Service Subsidy = 20 percent of Program Cost

2. The following formula shall become operative on January 1, 1988:

STEP II

D.I. of \$0.00 to \$159.00: Service Subsidy = 95 percent of Program Cost

D.I. of \$160.00 to \$268.00: Service Subsidy = 80 percent of Program Cost

D.I. of \$269.00 to \$377.00: Service Subsidy = 60 percent of Program Cost

D.I. of \$378.00 to *\$468.00* *\$486.00*: Service Subsidy = 40 percent of Program Cost

D.I. of \$487.00 to \$595.00: Service Subsidy = 20 percent of Program Cost

(f) The categories of disposable income set forth in 2 above, for example, \$0.00 to \$159.00, for use in determining percentage levels of program service subsidies shall be adjusted annually on January 1. The adjustment shall be made on the basis of the percentage increase in Social Security benefits given to Social Security recipients pursuant to 42 U.S.C.A. 415 for the immediately preceding calendar year. Each income category set forth above will be multiplied by such percentage increase. The Division on Aging shall ensure that appropriate notification of each such annual adjustment is properly made.

5:70-7.1 Establishment of the Professional Assessment Committee (PAC)

(a) The PAC shall be utilized in the determination of participant eligibility for the Congregate Housing Service Program.

1.-2. (No change.)

3. The PAC shall:

i. (No change.)

ii. To the extent possible, evaluate and assess the remaining resident population and establish written procedures for maintaining a waiting list of potential participants for the program.

iii. When feasible evaluate and assess new applicants who apply for admission to the housing project to determine their immediate needs.

4.-7. (No change.)

5:70-7.3 Residents Ineligible for Service Subsidy

Residents ineligible for service subsidy under N.J.A.C. 5:70-6.3(e) may receive the available services by paying the total program costs.

5:70-9.2 Reports

(a) Monthly and Quarterly Report Forms will be supplied to each project at the inception of the contract period.

(b) Monthly reports shall be submitted by the 15th of the month. A copy must be maintained at the project for use in determining at the time of final audit by the Division on Aging of the validity of the subsidies.

(c) Quarterly performance reports shall be submitted within 15 days of the end of each quarter in order to facilitate payment.

(d) Additional reports, as required, shall be submitted in accordance with a schedule determined by the Division on Aging.

(e) The Division may terminate the grant agreement if the sponsor has not delivered congregate housing services to eligible recipients of services within six months after funding approval is granted, or if the sponsor has failed to submit two consecutive quarterly financial reports.

5:70-9.3 (Reserved)

(a)

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

Substantive Rules: Drastic Alteration Adopted Amendment: N.J.A.C. 5:92-7.1

Proposed: May 18, 1987 at 19 N.J.R. 806(a).

Adopted: July 6, 1987 by the Council on Affordable Housing, Arthur R. Kondrup, Chairman.

Filed: July 8, 1987 as R.1987 d.314, **without change.**

Authority: N.J.S.A. 52:27D-301 et seq., specifically 52:27D-307.

Effective Date: August 3, 1987.

Expiration Date: June 16, 1991.

Summary of Public Comments and Agency Responses:

COMMENT: The proposal to enable municipalities to reduce their present and prospective fair share to 1000 will have a negative impact on the actual number of low and moderate income housing units produced throughout the state without in any way reducing the actual need for this housing.

RESPONSE: The proposed rule will not have a negative impact on the actual number of low and moderate income housing units produced during the period of substantive certification, since the Council's rules only require 1000 units to be created in any given community during the six year certification period. In addition, the State Planning Commission is developing a new plan which probably will result in designations of growth and non-growth areas that differ from the State Development Guide Plan. The Council feels that it would be poor comprehensive planning to require long-term land use commitments that may be contrary to the goals and implementation of the State Plan.

COMMENT: The Council should not adopt the proposed rule. However, if it does adopt the rule, the proposed 1000 cap should be structured to include new construction only. Municipalities should be responsible for their indigenous need in addition to the 1000 units.

RESPONSE: If the Council restructured the proposed rule as suggested, the effect would be to recognize the dramatic impact of extremely high fair share numbers in a handful of suburban areas; and, yet, ignore this impact in distressed urban aid cities that have an indigenous need greatly exceeding 1000. The Council feels that this rule should treat all New Jersey municipalities equally.

COMMENT: The proposed rule is inequitable because it results in dramatic reductions in some municipalities and insignificant reductions in others.

RESPONSE: It is true that this rule will result in larger reductions in some communities than others. However, the intent of this rule is to set a standard for the drastic alteration of a community; it is not intended to result in a dramatic impact to the Statewide obligation. If this 1000 cap still exceeds a municipality's capacity to create low and moderate income housing, a municipality can adjust its fair share by utilizing N.J.A.C. 5:92-8 to reflect conditions peculiar to that particular community.

COMMENT: Municipal fair share should be reduced proportionately for all municipalities. The cap of 1000 is arbitrary, capricious and irrational because it has no bearing to how much housing can reasonably be built in a municipality. All municipal fair shares should be reduced by 50 percent to produce more manageable housing targets for the state and its municipalities.

RESPONSE: The Council feels that a fair share number exceeding 1000 is sufficiently high that it will constitute a drastic alteration of the established pattern of development in New Jersey municipalities. Further, the phasing rules only require 1000 units to be created in a municipality during the six year period.

While it is true that the 1000 number may not relate to the housing capacity of a given municipality, the adjustment process outlined in N.J.A.C. 5:92-8 is sensitive to each municipality's land and infrastructure capacity. Thus, no community will be forced to provide housing in excess of their ability to do so. To arbitrarily reduce all municipal fair share numbers by 50 percent would still have no bearing on how much housing can reasonably be built, but would preclude the possibility of thousands of units being constructed in communities that have the capacity to do so.

Full text of the adoption follows.

5:92-7.1 Drastic alteration

(a) After receiving the crediting provided in N.J.A.C. 5:92-6, Credits, where a municipality's present and prospective fair share exceeds 20 percent of its total occupied housing stock as estimated as of July 1, 1987, the municipality may adjust its fair share to 20 percent of its estimated 1987 occupied housing stock.

(b) After receiving the crediting provided in N.J.A.C. 5:92-6, Credits, where a municipality's present and prospective fair share exceeds 1,000 low and moderate income housing units, the municipality may adjust its fair share to 1,000.

EDUCATION**(a)****STATE BOARD OF EDUCATION****Vocational Education Safety Standards
General Provisions****Readoption with Amendments: N.J.A.C. 6:53-1, 2, 3,
8 and 9****Adopted Repeals: N.J.A.C. 6:53-4, 5, 6 and 7**

Proposed: April 6, 1987 at 19 N.J.R. 485(b).

Adopted: July 7, 1987 by Saul Cooperman, Commissioner, Department of Education; and Secretary, State Board of Education.

Filed: July 7, 1987 as R.1987 d.313 with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18A:1-1, 4-15, 33-1 et seq., 40-12.1 and 12.2.

Effective Date: July 7, 1987 for Readoption; August 3, 1987 for Amendments.

Expiration Date: July 7, 1992.

**Summary of Public Comments and Agency Responses:
No comments received.**

Full text of the readoption may be found in the New Jersey Administrative Code N.J.A.C. 6:53.

Full text of the repealed rules may be found in the New Jersey Administrative Code at N.J.A.C. 6:53-4 through 6:53-7.

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

CHAPTER 53

VOCATIONAL EDUCATION SAFETY STANDARDS

SUBCHAPTER 1. GENERAL PROVISIONS

6:53-1.1 Scope and purpose

The rules in this chapter prescribed and approved by the State Board of Education pursuant to N.J.S.A. 18A:1-1, 18A:4-15, 18A:33-1 et seq., 18A:40-12.1, 18A:40-12.2 and 18A:54-1 et seq. provide safety standards to govern the use of tools, machines, equipment and protective devices in vocational education programs and courses.

6:53-1.2 Adoption by reference

(a) The standards contained in N.J.A.C. 12:100, Safety and Health Standards for Public Employees, are adopted as safety and health standards for vocational education programs and courses.

(b) The standards are available for review at the Department of Education, Division of Vocational Education, 225 West State Street, CN 500, Trenton, New Jersey 08625 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, CN 301, Trenton, New Jersey 08625.

6:53-1.3 Definitions

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

...
"Hazardous substances" means any substance or substance contained in a mixture, included on the workplace hazardous substance list developed by the Department of Health pursuant to N.J.S.A. 34:5A-5, introduced by an employer to be used, studied, produced or otherwise handled at a facility.

...
"Vocational education program and/or course" means any program and/or course in any school under the regulatory authority and jurisdiction of the Department of Education.

SUBCHAPTER 2. STANDARDS IMPLEMENTATION

6:53-2.1 (No change.)

6:53-2.2 Safety program

(a) All district boards of education operating vocational education programs and/or courses shall organize, adopt and implement a vocational education safety program. A copy of the program, indicating district board of education approval, shall be retained on file by the local education agency and made available, upon request, to the Department of Education.

(b) The safety education*[a]* program shall contain, as a minimum, the following sections:

1. through 6. (No change.)

7. Methods to be used to provide safety education to pupils; and

8. (No change.)

6:53-2.3 Reporting requirements

(a) Accidents involving vocational education pupils, staff or others shall be reported to the Commissioner of Education on the accident reporting form supplied by the Department of Education within five working days of the occurrence.

(b) (No change.)

SUBCHAPTER 3. GENERAL REQUIREMENTS FOR ALL MACHINES

6:53-3.1 Securing machines and equipment

(a) (No change in text.)

(b) (No change in text.)

6:53-3.2 (No change in text.)

6:53-3.3 Machine controls and equipment

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

(c) Power controls and operating controls shall be located within easy reach of the operator while he or she is at the regular work location, thereby making it unnecessary to reach over the point of operation to make adjustments.

(d) (No change.)

(e) Push-type emergency cut-out switches shall be provided at appropriate locations within shops to de-energize the electrical supply to machinery in accordance with N.J.A.C. 6:22-2.4(a)9.

(f) Power tools and machines in shops which generate dust shall be provided with dust collecting equipment in accordance with N.J.A.C. 6:22-2.4(a)12.

6:53-3.7 (Reserved)

SUBCHAPTER 4. HAZARDOUS SUBSTANCES

6:53-4.1 Storage of flammable and combustible materials

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

(d) Flammable or combustible liquids shall be stored in accordance with the requirements as specified in NJPA 30-1976, "Flammable and Combustible Liquids Code", which, with all subsequent amendments and supplements, is hereby adopted as a rule.

1. This document is available for review at the Department of Education, Division of Vocational Education, 225 West State Street, CN 500, Trenton, New Jersey 08625 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, CN 301, Trenton, New Jersey 08625.

2. (No change.)

6:53-4.2 Hazardous substances

(a) Hazardous substances shall be stored, handled and used in accordance with N.J.A.C. 8:59, Worker and Community Right to Know Act, promulgated pursuant to the authority of the Worker and Community Right to Know Act, L.1983, c.315, N.J.S.A. 34:54-1 et seq.

1. These rules are available for review at the Department of Education, Division of Vocational Education, 225 West State Street, CN 500, Trenton, New Jersey 08625 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, CN 301, Trenton, New Jersey 08625.

2. The rules may be requested from the State of New Jersey, Department of Health, John Fitch Plaza, CN 360, Trenton, New Jersey 08625.

SUBCHAPTER 5. PERSONAL PROTECTION

6:53-5.1 Foundry operations

(a) Individuals engaged in the melting of metal to be cast or the pouring of molten metals shall be protected by the wearing of the following:

- 1.-2. (No change.)
 - 3. Inhibited asbestos or fireproof duckbib-type apron that extends below the top of leggings or equivalent;
 - 4.-5. (No change.)
 - 6. Inhibited asbestos gloves; and
 - 7. (No change.)
- (b) No change.)

6:53-5.2 Protection of personnel

Individuals using hand and power tools who are exposed to hazards of falling, flying, abrasive and splashing materials or harmful dusts, fumes, mists, vapors or gases shall be provided with the particular personal protective equipment necessary to protect them from potential hazards in accordance with N.J.A.C. 6:3-1.14.

6:53-9.3 (Reserved)

6:53-9.4 (Reserved)

6:53-9.5 (Reserved)

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

**Surface Water Quality Standards
Delaware River Basin**

Adopted Amendment: N.J.A.C. 7:9-4.14

Proposed: July 21, 1986 at 18 N.J.R. 1435(a)

Adopted: July 13, 1987 by Richard T. Dewling, Commissioner,
Department of Environmental Protection.

Filed: July 13, 1987 as R.1987 d.320, **with technical changes** not requiring additional public notice and comment. (See N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq. and 58:11A-1 et seq.

DEP Docket Number: 030-86-06

Effective Date: August 3, 1987.

Operative Date: October 1, 1987.

Expiration Date: January 21, 1991.

Summary of Public Comments and Agency Responses:

The proposed amendment to the Surface Water Quality Standards to temporarily suspend the Surface Water Quality Criteria for bacterial quality contained in N.J.A.C. 7:9-4.14(c) and (d) as they relate to the Mainstem Delaware River Zones 2, 3, 4 and tidal tributaries (from their mouth to a distance of one-half mile upstream) entering this portion of the Mainstem Delaware River was published in the New Jersey Register at 18 N.J.R. 1435(a) on July 21, 1986 as DEP Docket No. 030-86-06. Approximately 150 copies of the Public Notice were mailed to interested parties, including municipalities along the affected waterways, affected dischargers and selected environmental groups.

A public hearing was held on this proposal on August 5, 1986 at the Cherry Hill Township Municipal Building from 5:00 P.M. until 6:30 P.M. Comments received at the hearing and during the comment period (July 21, 1986 through August 20, 1986) became part of the official record of the administrative proceeding.

In response to the proposed amendment, comments were received from:

- Township of East Brunswick
- Public Service Electric and Gas Company
- The Camden County Municipal Utilities Authority
- Middlesex County Water Company
- Delaware River Basin Commission

The Department has carefully reviewed the comments made at the public hearing and submitted during the comment period. This document includes statements of the issues raised, the Department's response, and, where necessary, a discussion of the response.

COMMENT: Any relaxation of disinfection requirements would create potential microbial contamination of public water supplies, thereby posing a threat to public health.

RESPONSE: New Jersey's rules (See N.J.A.C. 7:9-4.14(d)3ii(2) and (3)) require all public water supplies to be disinfected prior to distribution. Disinfection provided in accordance with the Department's rules will prevent any threat to public health.

COMMENT: The City of Camden is discharging undisinfected effluent that has received only primary treatment for decades with no detrimental effect on public health. Seasonal disinfection, relative to the Camden County Municipal Utilities Authority Facilities, would not represent a cessation of disinfection for these facilities, only an extension of past practice.

RESPONSE: The Department is not aware of any definitive epidemiological studies to either confirm or rebut Camden's contention that their discharges of treated, undisinfected wastewater has had no adverse impact on public health. State and Federal regulations require the promulgation and adherence to water quality criteria that will protect the existing and designated uses. This has required disinfection of treated wastewaters prior to their discharge to waters of the State. One of the things that will have to be examined, during and after the proposed study, is the ambient bacterial levels resulting from suspension of disinfection.

COMMENT: The text of the proposed amendment to N.J.A.C. 7:9-4.14(d) mistakenly refers to the "Delaware River Basin Commission's Seasonal Disinfection Study". The proper reference would be to the "Delaware River Basin Commission's Seasonal Disinfection Study".

RESPONSE: The commentor is correct, and the erroneous study title in N.J.A.C. 7:9-4.14(d)3ii(5) has been changed accordingly.

COMMENT: A sentence should be added to both N.J.A.C. 7:9-4.14(c) and (d) that reads, "This paragraph shall expire on May 1, 1988".

RESPONSE: New Jersey is currently in the process of starting its triennial review of the Surface Water Quality Standards. This review should be completed and revised Surface Water Quality Standards adopted during the summer of 1988. The Department intends to delete the portions of the bacterial water quality criteria suspending the application of the bacterial criteria on certain waters within the Delaware River Basin prior to proposing the Surface Water Quality Standards for adoption in 1988. Therefore, no additional language is needed in this amendment.

COMMENT: The public notice indicated that the disinfection requirement for the Camden County Municipal Utilities Authority (CCMUA) Delaware No. 1 facility would be suspended from January 1, 1988 to April 30, 1988. However, the disinfection requirement for this facility should be suspended for the same period applicable to the other facilities listed, that is, from October 1, 1987 to April 30, 1988.

RESPONSE: The actual language in the public notice should have been "Additionally, the Camden County MUA—Delaware No. 1 facility will not be required to disinfect from January 1, 1988 (anticipated date of operation) to April 30, 1988." (The word "to" was mistakenly replaced by "and".) The reason Camden County's disinfection requirement for its Delaware No. 1 facility is not suspended until January 1, 1988 is because this facility is not expected to be in operation until January 1, 1988. Accordingly, there is no change needed to the proposed amendment.

COMMENT: There are many year-round activities which result in primary contact. Maintenance work on boats, piers and other waterfront structures is ongoing. In the power generation business, condenser cleanings are performed at a frequency of one or two times a week per condenser. The above are intended to be representative of the activities which involve primary contact year-round due to business, maintenance, and emergency needs.

RESPONSE: The Delaware River Basin Commission provided the Department with a copy of a letter, from Edmund M. Notzon, Director, Criteria and Standards Division, U.S. Environmental Protection Agency, Washington, D.C., which addressed the issues raised by the commentor concerning condenser cleaning and intake structure maintenance at electric power generation plants. In that letter, Mr. Notzon states,

"Primary contact recreation includes those activities pursued with a significant likelihood of ingestion of water, as exemplified by swimming, wind-surfing, and water skiing. Our bacteriological recommendation is based upon minimizing the risk of contracting gastroenteritis by ingestion of water, not simply by water contact. Normal boating and fishing activities, wading, etc., where total immersion is not typical are viewed as secondary contact recreation. There are many other water related recreational pursuits that we haven't named, but the basic distinction between primary and secondary contact is the reasonable likelihood of immersion and consequential ingestion of water."

Specifically, condenser cleaning is not, in our view, subject to any water quality standards related protection because it is an offstream use."

Therefore, no change has been made to the proposed amendment.

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

7:9-4.14 Surface water quality criteria

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

(c) Surface Water Quality Criteria for FW2, SE and SC Waters:

1. Bacterial Quality
(counts/100 ml)

i. (No change.)

ii. Fecal Coliforms:

(1)-(5) (No change.)

(6) The criteria in (2), (3) and (4) above do not apply on tidal tributaries to the Mainstem Delaware River Zones 2, 3 and 4, from their mouth to one-half mile upstream, inclusive, during the period October 1, 1987 to April 30, 1988, unless reinstated earlier by the Commissioner due to elevated bacterial levels which may impair or interfere with existing water uses, or due to cancellation or postponement of the Delaware River Basin Commission's Seasonal Disinfection Study.

2.-15. (No change.)

(d) Surface Water Quality Criteria for the Mainstream Delaware River and Delaware Bay—Zones IC through 6:

1.-2. (No change.)

3. Bacterial Quality

i. (No change.)

ii. Fecal Coliforms:

(1)-(4) (No change.)

(5) The criteria in (2) and (3) above do not apply during the period from October 1, 1987 to April 30, 1988, unless reinstated earlier by the Commissioner due to elevations in bacterial levels which may impair or interfere with existing water uses, or due to cancellation or postponement of the Delaware River Basin Commission's Seasonal *Discharge* *Disinfection* Study.

4.-15. (No change.)

DIVISION OF FISH, GAME AND WILDLIFE

(a)

Fish and Game Council 1987-88 Game Code

Adopted Amendments: N.J.A.C. 7:25-5

Proposed: May 18, 1987 at 19 N.J.R. 808(a).

Adopted: July 10, 1987 by the Fish and Game Council, George McCloskey, Acting Chairman.

Filed: July 13, 1987 as R.1987 d.321, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3(c)).

Authority: N.J.S.A. 13:1B-29 et seq., specifically 13:1B-30, and 23:1-1 et seq.

DEP Docket Number: 018-87-04.

Effective Date: August 3, 1987.

Expiration Date: February 18, 1991.

Summary of Public Comments and Agency Responses:

The public comment period ended on June 17, 1987. Five written comments, one of which contained 11 affidavits, were received during this period. A public hearing was held by the Fish and Game Council (hereinafter "the Council") on June 9, 1987. Twenty-five commentors testified. Some of the commentors delivered multiple comments and supplemented their oral testimony with written submissions. A number of the comments received were not relevant to the proposed amendments.

Six comments in support of the proposed amended bow permit allocations and one comment in support of the proposed amended turkey season dates were received. Four comments acknowledged the adequacy of the amended deer permit quotas for hunting deer of either sex. Three comments received were supportive of the proposed amendments in their entirety. The Council appreciates these comments in support of the proposal.

COMMENT: Three comments either stated general opposition to hunting or trapping, or both, or opposed the proposed amendments in their entirety. Specific reference was made to trapping at the Great Swamp National Wildlife Refuge by one commentor.

RESPONSE: The rights of individuals and organizations to be philosophically opposed to hunting and trapping is recognized by the Council. The Council is legally mandated to manage wildlife throughout the State of New Jersey, including on the Great Swamp National Wildlife Refuge, as a renewable natural resource and to maximize the benefits to be derived from this resource while minimizing its negative impacts. Only through annual promulgation of amendments to the Game Code can these responsibilities be met. The Council has considered the best scientific information available in establishing season, bag limits, and methods of take.

COMMENT: One commentor opposed the amendment requiring that beaver and otter trap tags be placed above the waterline and exposed to view.

RESPONSE: The requirement that beaver and otter trap tags be placed above the waterline and exposed to view will enable law enforcement personnel to distinguish, without disturbing the sets, those traps legally set by holders of special permits from those set illegally. Since all traps must be tagged, the Council could not discern any additional imposition upon trappers as a result of this requirement.

COMMENT: One commentor requested changing the closing date of the pheasant season from the proposed date of January 3, 1988 to February 15, 1988 to coincide with the closing of the rabbit and squirrel season.

RESPONSE: The Council determined an extension of the pheasant season to February 15, 1988 on a Statewide basis could not be biologically justified since it could negatively impact on the pheasant population in much of the State's primary pheasant range. The Council found no biological reason, however, not to extend the pheasant season to February 15, 1988 in that portion of the State outside the primary or native pheasant range. Therefore, the Council amended N.J.A.C. 7:25-5.2(d) to close the pheasant season on February 15, 1988 in the portion of the State described in that subsection.

COMMENT: Two commentors requested additional bow permit zones for deer hunting in the southern part of the State.

RESPONSE: The Council had previously reviewed the bow permit zones for 1987-88. The proposed amendments provide for six additional bow permit zones. The inclusion of additional zones, however, cannot be justified at this time since either-sex deer harvest objectives are already being achieved through existing seasons.

COMMENT: Three commentors objected to the proposed amendment which expands the designated steel shot area for waterfowl hunting in New Jersey.

RESPONSE: The United States Fish and Wildlife Service (hereinafter "the Services"), as the Federal agency responsible for migratory game bird regulations, has established a five-year program to phase out the use of all lead shot in waterfowl hunting, beginning this year. The proposal is in compliance with the Service's steel shot conversion schedule. Failure to comply could result in Federal closure of New Jersey's 1987-88 waterfowl hunting season. The Council also recognizes the need to expand the steel shot program when necessary to further resolve the problem of lead poisoning in waterfowl.

COMMENT: Two organizations and five individuals expressed a need to harvest more deer citing deer related damage as the reason. Two of the comments specifically mentioned deer zone no. 12.

RESPONSE: The amendments proposed adequately address and provide for expanded deer hunting seasons with increases in shotgun and muzzleloader permit allocations and bag limits. Zone no. 12, in particular, has 1,056 more deer permits allocated for 1987 with a three-day, three-deer shotgun permit season and 10-day muzzleloader season.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

COMMENT: The Council received five comments from three animal rights organizations and two individuals opposing snares in general and questioning their legality. One comment from an organization contained eleven affidavits from various individuals. One comment from a trapper opposed the proposal as too restrictive, claiming that he would be unable to use the same snare for beaver and otter as he uses for other furbearers.

RESPONSE: Body gripping restraining snares have been a legal device and a useful management tool in New Jersey since 1928. Most people are unaware of its use and its role in furbearer management. Legislation prohibiting use of steel-jaw leghold type traps has resulted in increased use of the body-gripping restraining snare. Since the use of body-gripping snares is new to some trappers the restrictions provided in the proposed Code, including a requirement for all trappers to be trained in their use, are designed to ensure that the snare will continue to be used properly as a restraining device. As such, body gripping restraining snares will continue to be an effective and acceptable management tool. The Council, while recognizing the rights of groups and individuals to oppose trapping of wild furbearers, as well as those who opposed restrictions on trapping and trapping devices, determined that the proposed restrictions are in the best interest of managing the furbearer resource. The Council voted to retain the section of the proposed Code referring to body-gripping restraining snares.

The amendment provides for one additional equipment modification or restriction in the use of body gripping restraining snares. Since the Code currently limits setting the body gripping restraining snare to a maximum loop diameter average of eight inches, the proposed requirement for an additional stop imposes no additional legal impediment on the use of this snare.

COMMENT: Other comments received addressed restitution for deer damage to crops, crop damage caused by geese, padded jaw traps, crossbows and the use of bait in trapping.

RESPONSE: The comments provided were not relevant to the proposed amendments.

Agency-Initiated Changes: The Council amended N.J.A.C. 7:25-5.13(i) to include a special swan permit provision as required by the Service prior to the Service's establishment and approval of any future special swan season for New Jersey. In addition, the Council has provided the description, delineation, and designation of the special sea duck hunting area at N.J.A.C. 7:25-5.13(p) as provided and required by Service regulations.

Various typographical errors were corrected by the Council. Specifically, the muzzleloader permit quotas for zones 23 and 24 that were inadvertently omitted from N.J.A.C. 7:25-5.28(k) were included, the first three words missing from N.J.A.C. 7:25-5.29(a) were added so as to read the same as last year, the misspelled word "filed" was changed to "filled" at N.J.A.C. 7:25-5.29(h)3, and the closing date for the white-tailed deer bow and arrow permit season was corrected from December 6 to December 5 at N.J.A.C. 7:25-5.30(d).

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

SUBCHAPTER 5. 1987-88 GAME CODE

7:25-5.1 General provisions

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

(c) This Code, when adopted and when effective, shall supersede the provisions of 1986-87 Game Code.

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

7:25-5.2 Pheasant—Chinese ringneck (*Phasianus colchicus torquatus*), English or blackneck (*P.c. colchicus*), Mongolian (*P.c. mongolicus*), Japanese green (*phasianus versicolor*); including mutants and crosses of above

(a) The duration for the male pheasant season is November 7, to December 5, 1987, inclusive, and December 14, 1987 through January 2, 1988, excluding December 16, 17 and 18 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit deer season day(s) if declared open.

(b) The duration for the male pheasant season for properly licensed persons engaged in falconry is September 1, to December 5, 1987, inclusive, and December 14, 1987 through March 31, 1988, excluding November 6 and December 16, 17 and 18, 1987 in those management zones in which a shotgun deer permit season is authorized and also excluding any extra permit deer season day(s) if declared open.

(c) (No change.)

(d) The duration of the season for pheasants of either sex in the area described as Warren County north of Route 80, Morris County north of Route 80, Ocean County south of Route 70 and the counties of Sussex,

Passaic, Bergen, Hudson, Essex, Camden, Atlantic and Cape May is November 7 to December 5, 1987, inclusive, and December 14, 1987 through February *[6]* *15*, 1988, excluding December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit deer season day(s) if declared open. Except for those wildlife management areas located within the above described area, the pheasant season on wildlife management areas shall close on January 2, 1988.

(e) The hours for hunting pheasants on November 7, 1987 are 8:00 A.M. to 1/2 hour after sunset. All other days on which the hunting for pheasants is legal, the hours are sunrise to 1/2 hour after sunset.

(f) (No change.)

(g) The opening of the season on semi-wild preserves coincides with the listed statewide opening of November 7, 1987.

(h) (No change.)

7:25-5.3 Cottontail rabbit (*Sylvilagus floridanus*), black-tailed jack rabbit (*Lepus californicus*), white-tailed jack rabbit (*Lepus townsendii*), European *[harre]* *hare* (*Lepus *[europeua]* *europeus**), chukar partridge (*Alectoris graeca*), and quail (*Colinus virginianus*)

(a) The duration of the season for hunting of chukar partridge and quail is November 7 through December 5, 1987, inclusive, and December 14, 1987 to February 6, 1988, excluding December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit deer season day(s) if declared open.

(b) The duration of the season for the hunting of cottontail rabbit, white-tailed jack rabbit, black-tailed jack rabbit and European hare is November 7 through December 5, 1987, inclusive, and December 14, 1987 to February 15, 1988, excluding December 16; 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit deer season day(s) if declared open.

(c) The duration of the season for the hunting of the animals enumerated by this section for properly licensed persons engaged in falconry is September 1 to December 5, 1987, inclusive, and December 14, 1987 through March 31, 1988, excluding November 6 and December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit deer season day(s) if declared open.

(d) The bobwhite quail season as described in (a) above is closed within the area described as that portion of Hunterdon County lying within a continuous line beginning at the intersection of Rt. 519 and Rt. 12; then east on Rt. 12 to its intersection with Rt. 579; then south along Rt. 579 to its intersection with Rt. 523; then southwest along Rt. 523 to its intersection with Rt. 604 at Sergeantsville; then west along Rt. 604 to its intersection with Rt. 519; then north along Rt. 519 to the point of beginning and that portion of Sussex County lying within a continuous line beginning at the intersection of Rt. 519 and Rt. 618; then south and east along Rt. 618 to its intersection with Rt. 206; then south along Rt. 206 to its intersection with Rt. 517 at Andover; then south and west along Rt. 517 to its intersection with Rt. 611 at Tranquility; then north and west along Rt. 611 to its intersection with Henry Road; then north and west along Henry Rd. to its intersection with Hibler Rd.; then west along Hibler Road to its intersection with Rt. 519; then northeast along Rt. 519 to the point of beginning. This closure does not preclude the hunting of bobwhite quail on commercial shooting preserves located within the closed area, provided they are licensed for quail.

(e) (No change.)

(f) The hunting hours for the animals enumerated in this section are as follows: November 7, 1987, 8:00 A.M. to 1/2 hour after sunset. On all other days for which hunting for these animals is legal, the hours are sunrise to 1/2 hour after sunset.

(g) (No change.)

7:25-5.4 Ruffed grouse (*Bonasa umbellus*)

(a) The duration of the season for the hunting of grouse in that portion of the State situated north of Rt. 70 from Pt. Pleasant west to Camden is October 10 through December 5, 1987, inclusive, and December 14, 1987 to February 6, 1988, excluding December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and excluding any extra deer permit season day(s) that is declared open.

(b) The duration of the season for the hunting of grouse in that portion of the State situated south of Rt. 70 from Pt. Pleasant west to Camden is October 17 through December 5, 1987, inclusive, and December 14,

(CITE 19 N.J.R. 1436)

ENVIRONMENTAL PROTECTION

ADOPTIONS

1987 to February 6, 1988, excluding December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra deer permit season day(s) that is declared open.

(c) (No change.)

(d) The hunting hours for ruffed grouse are sunrise to 1/2 hour after sunset, with the exception of November 7, 1987 when legal hunting hours are 8:00 A.M. to 1/2 hour after sunset.

(e) (No change.)

7:25-5.5 Eastern gray squirrel (*Sciurus carolinensis*)

(a) The duration of the season for the hunting of squirrels in that portion of the State situated north of Route 70 from Pt. Pleasant west to Camden is October 10 through December 5, 1987, inclusive, and December 14, 1987 to February 15, 1988, excluding December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit season day(s) if declared open.

(b) The duration of the season for hunting squirrels in that portion of the State situated south of Rt. 70 from Pt. Pleasant west to Camden is October 17 through December 5, 1987, inclusive, and December 14, 1987 to February 15, 1988, excluding December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra deer season day(s) that is declared open.

(c) The duration of the season for the hunting of squirrels for properly licensed persons engaged in falconry is September 1 to December 5, 1987, inclusive, and December 14, 1987 through March 31, 1988, excluding December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit deer season day(s) if declared open.

(d) (No change.)

(e) Hunting hours for squirrels are sunrise to 1/2 hour after sunset, with the exception of November 7, 1987 when legal hunting hours are 8:00 A.M. to 1/2 hour after sunset.

(f) (No change.)

7:25-5.6 Black bear (*Ursus americanus*), bobcat (*Felis rufus*)

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

7:25-5.7 Wild turkey (*Meleagris gallapavo*)

(a) The duration of the Spring Wild Turkey Gobbler hunting season includes five separate hunting periods of three, five or ten days each. The hunting periods for all hunting areas shall be:

1. Monday, April 25, 1988—Friday, April 29, 1988
2. Monday, May 2, 1988—Friday, May 6, 1988
3. Monday, May 9, 1988—Friday, May 13, 1988
4. Monday, May 16, 1988—Friday May 20, 1988 and Monday, May 23, 1988—Friday, May 27, 1988
5. Saturday, April 30, 1988; Saturday, May 7, 1988; Saturday, May 14, 1988

(b) Bag limit: One male wild turkey may be taken with each special wild turkey hunting permit. Only one turkey may be taken in a given day.

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

(f) Method: The taking of one male wild turkey per special turkey permit with firearm or bow and arrow is permitted in any designated turkey hunting areas by holders of a special wild turkey permit.

1. Special wild turkey permits will be issued on an individual basis to holders of valid and current firearm or archery hunting licenses. Only one application per person may be submitted for the spring wild turkey season during the initial application period.

(g) (No change.)

(h) Wild Turkey Hunting Permits shall be applied for as follows:

1. Only holders of valid and current firearm or archery hunting licenses, including juvenile licenses, may apply by detaching from the hunting license the stub marked "Special Spring Turkey", signing as provided on the back, and sending the stub together with an application form which has been properly completed in accordance with instructions. Application forms may be obtained from:

i.-iii. (No change.)

2. (No change.)

3. The application form shall be filled in to include: Name, address, 1988 firearm or archery hunting license number, turkey hunting areas applied for, hunting periods applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of February 1-15, 1988, inclusive. Applications received after February 15 will not be considered for the initial drawing. Selection of permits will be by random drawing.

i. If a fall turkey hunting season is authorized for 1988, application shall be made in conjunction with the spring season application procedures in a form as prescribed by the Division.

4. Unless otherwise indicated, a permit fee of \$12.00 per applicant, in the form of a check or money order made payable to "Division of Fish, Game and Wildlife," must accompany the completed application form.

5. Unsuccessful applicants will be notified by return of permit fees less a \$2.00 application fee. Any permit obtained by fraud is void.

6. Nothing contained herein shall preclude the Division from issuing unfilled permits on a first come-first served basis to any properly licensed bow and arrow hunter, firearm hunter or qualified farmer after the regular permit selection day.

(i) Special Farmer Spring Turkey Permits shall be applied for as follows:

1.-2. (No change.)

3. The application form shall be filled in to include: Name, age, address and any other information requested thereon. **THIS APPLICATION MUST BE NOTARIZED.** Properly completed application forms will be accepted in the Trenton office only during the period of February 1-15, 1988. There is no fee required and all qualified applicants will receive a Special Farmer Spring Turkey Permit delivered by mail.

4. Only one application may be submitted per individual during the initial application period.

(j) Spring Turkey Hunting Permits and Special Farmer Spring Turkey Permits shall be used as follows:

1.-2. (No change.)

(k) The Turkey Hunting Area Map is on file at the Office of Administrative Law and is available from that agency or the Division. The 1988 Spring Turkey Hunting Season Permit Quotas are as follows:

1988 SPRING TURKEY HUNTING SEASON PERMIT QUOTAS

Turkey Hunting Area Number	Weekly Permit Quota*	Season Total	Portions of Counties Involved
1	100	500	Sussex
2	120	600	Sussex, Warren
3	80	400	Sussex, Warren
4	100	500	Sussex, Warren, Morris
5	100	500	Sussex
6	150	750	Sussex, Passaic, Bergen
7	150	750	Sussex, Morris, Passaic
8	50	250	Warren, Hunterdon
9	50	250	Warren, Hunterdon, Morris
10	25	125	Essex, Middlesex, Morris, Somerset, Union
11	25	125	Middlesex, Mercer, Hunterdon, Somerset
13	50	250	Burlington, Mercer, Monmouth, Ocean
14	50	250	Burlington, Ocean
15	50	250	Burlington, Camden, Atlantic
16	100	500	Burlington, Atlantic
17	50	250	Burlington, Ocean
18	50	250	Atlantic, Cape May, Cumberland
20	50	250	Cumberland, Salem
21	50	250	Atlantic, Cumberland, Salem
22	100	500	Atlantic, Cape May, Cumberland
	<u>1500</u>	<u>7500</u>	

*Applied to each of the five hunting periods (A,B,C,D,E) in all areas:

- A. Monday, April 25, 1988—Friday, April 29, 1988
- B. Monday, May 2, 1988—Friday, May 6, 1988
- C. Monday, May 9, 1988—Friday, May 13, 1988
- D. Monday, May 16, 1988—Friday, May 20, 1988 and Monday, May 23, 1988—Friday, May 27, 1988
- E. Saturday, April 30, 1988; Saturday, May 7, 1988; Saturday, May 14, 1988

(l) (No change.)

(m) Turkey Hunting Areas are located as follows:

1.-9. (No change.)

10. Turkey Hunting Area No. 10: That portion of Essex, Middlesex, Morris, Somerset, and Union Counties lying within a continuous line beginning at the intersection of Routes 206 and 80; then east along Route 80 to its intersection with Route 287; then north along Route 287 to its intersection with Route 202; then north and east along Route 202 to its intersection with Route 23; then south and east along Route 23 to its intersection with Route 46; then east along Route 46 to its intersection with the Garden State Parkway; then south along the Garden State Parkway to its intersection with Route 287; then north along Route 287 to its intersection with Route 206; then north along Route 206 to the point of beginning.

11. Turkey Hunting Area No. 11: That portion of Hunterdon, Mercer, Middlesex and Somerset Counties lying within a continuous line beginning at the intersection of Route 12 and the Delaware River at Frenchtown; then east along Route 202 to its intersection with Route 287; then south and east along Route 287 to its intersection with Route 1; then south and west along Route 1 to its intersection with the Delaware River at Trenton; then north along the east bank of the Delaware River to the point of beginning, the islands of Skyhawks, Rush, Bull, Treasure and Eagle are included in this area.

12. Turkey Hunting Area No. 13: That portion of Burlington, Mercer, Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Route 1 and the Delaware River; then east along Route 1 to its intersection with Route 206; then south along Route 206 to its intersection with Route 524; then east along Route 524 to its intersection with Route 195; then east along Route 195 to its intersection with Route 571; then south along Route 571 to its intersection with Route 70; then west along Route 70 to its intersection with Route 73; then north and west along Route 73 to its intersection with the Delaware River; then north along the east bank of the Delaware River to the point of beginning.

13. (No change in text.)

14. (No change in text.)

15. (No change in text.)

16. (No change in text.)

17. (No change in text.)

18. (No change in text.)

19. Turkey Hunting Area No. 21: That portion of Atlantic, Cumberland, Gloucester and Salem Counties lying within a continuous line beginning at the intersection of Routes 40 and 553; then east along Route 40 to Lincoln Ave., in Buena Vista; then south along Lincoln Ave. to its intersection with Route 55 in Vineland; then south along Route 55 to its intersection with Route 49; then west along Route 49 to the Maurice River; then south along the west bank of the Maurice River to its confluence with Delaware Bay; then west along the Delaware Bay shore to the Cohansy River; then north along the east bank of the Cohansy River to its intersection with Route 49 at Bridgeton; then east along Route 49 to its intersection with Route 553; then north along Route 553 to the point of beginning.

20. Turkey Hunting Area No. 22: That portion of Atlantic, Cape May and Cumberland Counties lying within a continuous line beginning at the intersection of Rt. 55 and Rt. 552 spur; then east along Rt. 552 spur to its intersection with Rt. 552; then east along Rt. 552 to its intersection with Rt. 557; then southeast along Rt. 557 to its intersection with Rt. 50; then southeast along Rt. 50 to its intersection with Rt. 9 at Seaville; then south along Rt. 9 to its intersection with Sea Isle Boulevard; then east along Sea Isle Boulevard to the Atlantic Ocean at Sea Isle City; then south along the Atlantic Coast to the Delaware Bay shore then north and west along the shore of Delaware Bay to its intersection with the Maurice River; then north along the east bank of the Maurice River to its intersection with Rt. 49 at Millville; then east along Rt. 49 to its intersection with Rt. 55; then north along Rt. 55 to the point of beginning.

7:25-5.8 Mink (*Mustela vison*), muskrat (*Ondatra zibethicus*) and nutria (*Myocaster coypus*) trapping only

(a) (No change.)

(b) The duration of the mink, muskrat and nutria trapping season is as follows:

1. Northern Zone: 6:00 A.M. on November 15, 1987 through March 15, 1988, inclusive, except on State Fish and Wildlife Management Areas.

2. Southern Zone: 6:00 A.M. on December 1, 1987 through March 15, 1988, inclusive, except on State Fish and Wildlife Management Areas.

3. (No change.)

4. On State Fish and Wildlife Management Areas: 6:00 A.M. on January 1 through March 15, 1988, inclusive.

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

7:25-5.9 Beaver (*Castor canadensis*) trapping

(a) (No change.)

(b) The duration of the trapping season for beaver shall be February 1 through February 29, 1988, inclusive.

(c) Special Permit: A special \$7.00 permit obtained from the Division of Fish, Game and Wildlife shall be required to trap beaver. (If the number of applications received in the Trenton office exceeds the quotas listed, a random drawing will be held to determine permit holders.) Applications shall be received in the Trenton office during the period December 1, 1987—December 25, 1987. Applicants may apply for only one beaver trapping permit and shall provide their 1987 trapping license number. Permits will be allotted on a zone basis as follows: Zone 1—8, Zone 2—9, Zone 3—2, Zone 4—4, Zone 5—4, Zone 6—7, Zone 7—2, Zone 8—5, Zone 9—5, Zone 10—11, Zone 11—5, Zone 12—7, Zone 13—0, Zone 14—1, Zone 15—0. Total 70. Successful applicants shall provide their 1988 trapping license numbers to the Division before a permit will be issued.

(d) (No change.)

(e) A "beaver transportation tag" provided by the Division shall be affixed to each beaver taken immediately upon removal from the trap, and all beaver shall be taken to a designated beaver checking station at the times and dates specified on the beaver permit and, in any case, no later than March 5, 1988.

(f) Each beaver trapper shall be restricted to a maximum of five traps and each trap shall be tagged pursuant to N.J.A.C. 7:25-5.12 with the tag clearly visible above the level of the water or ice. The Division, in its discretion, may designate and suitably post certain beaver colonies and prohibit all trapping within their dams, or within 500 feet thereof, during the beaver trapping season as indicated in this section.

(g) (No change.)

7:25-5.10 River otter (*Lutra canadensis*) trapping

(a) (No change.)

(b) The duration of the trapping season for otter shall be February 1 through February 29, 1988, inclusive.

(c) Special Permit: A special \$7.00 permit obtained from the Division of Fish, Game and Wildlife shall be required to trap otter. (If the number of applications received in the Trenton office exceeds the quotas listed, a random drawing will be held to determine permit holders.) Beaver permit holders will be given first opportunity for otter permits in their respective zones. Applications shall be received in the Trenton office during the period December 1, 1987—December 25, 1987. Only one application per person may be submitted for trapping otter and applicants shall provide their 1987 trapping license number. Permits will be allotted on a zone basis as follows: Zone 1—5, Zone 2—5, Zone 3—2, Zone 4—4, Zone 5—4, Zone 6—4, Zone 7—3, Zone 8—6, Zone 9—3, Zone 10—7, Zone 11—5, Zone 12—9, Zone 13—14, Zone 14—5, Zone 15—10. Total 86. Successful applicants shall provide their 1988 trapping license numbers to the Division before a permit will be issued.

(d) (No change.)

(e) The "otter transportation tag" provided by the Division must be affixed to each otter taken immediately upon removal from the trap. All otter pelts and carcasses shall be taken to a beaver-otter check station at dates specified on the otter permit and, in any case, no later than March 5, 1988, where a pelt tag will be affixed and the carcass surrendered.

(f) Any person trapping an otter must notify one of the regional law enforcement offices within 24 hours.

(g) Each otter trapper is restricted to a maximum of three traps and each trap must be tagged pursuant to N.J.A.C. 7:25-5.12 with the tag clearly visible above the level of the water or ice.

(h) (No change.)

(i) Beaver and Otter Zones are described as follows:

1. Zone 1: That portion of Sussex County lying within a continuous line beginning at the intersection of the New York-New Jersey state line with Rt. 519, then south on Rt. 519 to its intersection with Rt. 23, then south on Rt. 23 to its intersection with Rt. 519 at Colesville, then south on Rt. 519 to its intersection with County Rt. 636 above Branchville, then west on 636 to its intersection with Rt. 206, then south on Rt. 206 to Rt. 521, then southwest on 521 to its intersection with County Rt. 617, then south on Rt. 617 to its intersection with Rt. 624 near Fairview Lake, then northwest on Rt. 624 to its intersection with Rt. 615, and then west on 615 to the Delaware River, then north along the Delaware River to the state line and south along the state line to Rt. 519, the point of beginning.

2. Zone 2: That portion of Sussex County lying within a continuous line beginning at the intersection of the New York-New Jersey state line with Rt. 519, then south on Rt. 519 to its intersection with Rt. 3, then south on Rt. 23 to its intersection with Rt. 519 at Colesville, then south on Rt. 519 to its intersection with County Rt. 636 above Branchville, then west on County Rt. 636 to its intersection with Rt. 206, then southeast on Rt. 206 to its intersection with Rt. 15 at Ross Corner, then

south on Rt. 15 to its intersection with Rt. 517 at Sparta, then north on Rt. 517 to its intersection with Rt. 23, then east on Rt. 23 to its intersection with Rt. 515 at Stockholm, then north on Rt. 515 to its intersection with Rt. 94 at Vernon, then north on Rt. 94 to the state line, then west along the state line to its intersection with Rt. 519, the point of beginning.

3. Zone 3: That portion of Sussex, Passaic and Bergen Counties lying within a continuous line beginning at the intersection of the state line and Rt. 94, then south on Rt. 94 to its intersection with Rt. 515 at Vernon, then south on Rt. 515 to its intersection with Rt. 23 at Stockholm then east on Rt. 23 to its intersection with Rt. 202 near Wayne, then north on Rt. 202 to the state line at Suffern, then west along the state line to its intersection with Rt. 94, the point of beginning.

4. Zone 4: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 615 and the Delaware River at Flatbrookville, then east along 615 to its intersection with Rt. 624, then south on Rt. 624 to its intersection with Rt. 617, then north on 617 to its intersection with Rt. 521, then northeast on Rt. 521 to its intersection with Rt. 206, then south on Rt. 206 to its intersection with Rt. 94 at Newton, then south on Rt. 94 to its intersection with Rt. 608 at Marksboro, then south on Rt. 608 to its intersection with Rt. 521, then south on Rt. 521 to its intersection with Rt. 80 near Hope, then west on Rt. 80 to the Delaware River near Columbia, then north and northeast along the Delaware River to its intersection with Rt. 615, the point of beginning.

5. Zone 5: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of the Delaware River and Rt. 80 at Columbia, then east on Rt. 80 to its intersection with Rt. 521 near Hope, then north on Rt. 521 to its intersection with Rt. 608, then northeast on Rt. 608 to its intersection with Rt. 94 at Marksboro, then north and east on Rt. 94 to its intersection with Rt. 206 at Newton, then north on Rt. 206 to its intersection with Rt. 15 at Ross Corner, then south on Rt. 15 to its intersection with Rt. 517 at Sparta, then southwest on Rt. 517 to its intersection with Rt. 46 at Hackettstown, then west on Rt. 46 to the Delaware River, then north on the Delaware River to Rt. 80 at Columbia, the point of beginning.

6. Zone 6: That portion of Warren, Morris, Sussex and Passaic Counties lying within a continuous line beginning at the intersection of Rt. 46 and Rt. 517 in Hackettstown, then north on Rt. 517 to its intersection with Rt. 23 at Franklin, then south on Rt. 23 to its intersection with Rt. 699 (Berkshire Valley Rd.) at Oak Ridge, then south on Rt. 699 to its intersection with Rt. 15, then south on Rt. 15 to its intersection with Rt. 80, then west on Rt. 80 to its intersection with Rt. 10 near Ledgewood, then east on Rt. 10 to its intersection with Rt. 513, then west on Rt. 513 to its intersection with Rt. 517 at Long Valley, then north on Rt. 517 to its intersection with Rt. 182, then north on Rt. 182 to its intersection with Rt. 46, then northwest on Rt. 46 to its intersection with Rt. 517 at Hackettstown, the point of beginning.

7. Zone 7: That portion of Morris, Passaic and Essex Counties lying within a continuous line beginning at the intersection of Rt. 699 (Berkshire Valley Rd.) and Rt. 23 at Oak Ridge, then southeast on Rt. 23 to its intersection with Rt. 80 near Singac, then west on Rt. 80 to its intersection with Rt. 287, then south on Rt. 287 to its intersection with Rt. 10 near Whippany, then west on Rt. 10 to its intersection with Rt. 80 at Ledgewood, then east on Rt. 80 to its intersection with Rt. 15, then north on Rt. 15 to its intersection with Rt. 699 at Mt. Hope, then north on Rt. 699 to its intersection with Rt. 23 at Oak Ridge, the point of beginning.

8. Zone 8: That portion of Ocean County lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 539 at Hornerstown, then south on Rt. 539 to its intersection with Rt. 72 near Howardsville, then east on Rt. 72 to its intersection with Rt. 532, then east on Rt. 532 to the Atlantic Ocean, then north along the Atlantic Ocean to its intersection with Rt. 528 at Mantoloking, then west along Rt. 528 (527/528) to its intersection with Rt. 195 near Jackson Mills, then west along Rt. 195 to its intersection with Rt. 537 near Holmeson, then southwest along Rt. 537 to its intersection with Rt. 539 at Hornerstown, the point of beginning.

9. Zone 9: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 539 at Hornerstown, then south on Rt. 539 to its intersection with Rt. 72 near Howardsville, then northwest on Rt. 72 to its intersection with Rt. 532, then west on Rt. 532 to its intersection with Rt. 206 near Tabernacle, then north on Rt. 206 to its intersection with Rt. 537 at Chambers Corner, then east on Rt. 537 to its intersection with Rt. 539 at Hornerstown, the point of beginning.

10. Zone 10: That portion of Burlington, Camden and Atlantic Counties lying within a continuous line beginning at the intersection of Rt. 623 (Taunton Rd.) and Rt. 541 near Medford, then southeast on Rt. 541 to its intersection with Rt. 532, then east on Rt. 532 to its intersection with Rt. 563 at Chatsworth, then south on Rt. 563 to its intersection with Rt. 30 at Egg Harbor, then northwest on Rt. 30 to its intersection with Rt. 561 near Hammonton, then northwest on Rt. 561 to its intersection with Rt. 73 at Blue Anchor, then north on Rt. 73 to its intersection with Spur 536 (Taunton-Hopewell Rd.) near Tansboro, then north on Spur 536 to its intersection with Rt. 623 near Taunton Lake, then north on Rt. 623 to its intersection with Rt. 541 near Medford, the point of beginning.

11. Zone 11: That portion of Ocean, Burlington and Atlantic Counties lying within a continuous line beginning at the intersection of Rt. 563 and Rt. 532 at Chatsworth, then east on Rt. 532 to its intersection with Rt. 72, then southeast on Rt. 72 to its intersection with Rt. 532 near Howardsville, then east on Rt. 532 to the Atlantic Ocean, then south along the Atlantic Ocean to the Absecon Lighthouse in Atlantic City, then northwest on Rt. 30 to its intersection with Rt. 563 in Egg Harbor, then north on Rt. 563 to its intersection with Rt. 532 at Chatsworth, the point of beginning.

12. Zone 12: That portion of Atlantic, Gloucester, Camden and Cape May Counties lying within a continuous line beginning at the intersection of Rt. 322 and Spur 536 at Williamstown, then northeast on Spur 536 to its intersection with Rt. 73 near Tansboro, then south on Rt. 73 to its intersection with Rt. 561 at Blue Anchor, then southeast on Rt. 561 to its intersection with Rt. 30 near Hammonton, then southeast on Rt. 30 to the Absecon Lighthouse in Atlantic City, then south along the Atlantic Ocean to Sea Isle Boulevard (Rt. 625) in Sea Isle, then west on Sea Isle Boulevard to its intersection with Rt. 50 at Seaville, then northwest on Rt. 50 to its intersection with Rt. 557 near Buck Hill, then northwest on 557/555 to its intersection with Rt. 322 near Williamstown, then east on Rt. 322 to its intersection with Spur 536 at Williamstown, the point of beginning.

13. Zone 13: That portion of Cape May, Atlantic and Cumberland Counties lying within a continuous line beginning at the intersection of Rt. 557 and County Rt. 671 at Buena, then southeast on Rt. 557 to its intersection with Rt. 50 near Buck Hill, then south on Rt. 50 to its intersection with Rt. 9 at Seaville, and south on Rt. 9 to its intersection with Sea Isle Boulevard (Rt. 625) at Ocean View, then east on Sea Isle Boulevard to the Atlantic Ocean, then south along the Atlantic Ocean, then north along the Delaware Bay to its intersection with East Point Rd. in Heislerville Management Area, then north on East Point Rd. to its intersection with Rt. 616 (Dorchester-Heislerville Rd.), then north on Rt. 616 to its intersection with Rt. 740, then northeast on Rt. 740 to its intersection with Rt. 47, then north on Rt. 47 to its intersection with Rt. 646 (Cumberland-Port Elizabeth Rd.) near Port Elizabeth, then north on Rt. 646 to its intersection with Rt. 49 near Cumberland, then west on Rt. 49 to its intersection with Rt. 671 (Union Rd), then north on Rt. 671/71 to its intersection with Rt. 557 near Buena, the point of beginning.

14. Zone 14: That portion of Cumberland, Salem, Gloucester and Atlantic Counties lying within a continuous line beginning at the intersection of Delaware Bay and the west bank of the Maurice River, then north along the west bank of the Maurice River to Rt. 631, then north along Rt. 631 to its intersection with Rt. 553, then north along Rt. 553 to its intersection with Rt. 536/322 at Glassboro, then east along Rt. 322/536 to its intersection with Rt. 555 near Williamstown, then south along Rt. 555/557 to its intersection with Rt. 71 (Union Rd.) near Buena, then south on Rt. 71/671 to its intersection with Rt. 49 at Cumberland, then east on Rt. 49 to its intersection with Rt. 646 (Cumberland-Port Elizabeth Rd.), then south on Rt. 646 to its intersection with Rt. 47 at Port Elizabeth, then south on Rt. 47 to its intersection with Rt. 740, then southwest on Rt. 740 to Rt. 616 (Dorchester-Heislerville Rd.), then south on Rt. 616 to East Point Rd. in Heislerville Management Area, then south on East Point Rd. to the Delaware Bay, then west along the Delaware Bay to its intersection with the west bank of the Maurice River, the point of beginning.

7:25-5.11 Raccoon (*Procyon lotor*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), long-tailed weasel (*Mustela frenata*), short-tailed weasel (*Mustela erminea*), and coyote (*Canis latrans*) trapping only

(a) The trapping of raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tailed weasel, short-tailed weasel and coyote shall be permitted as fur bearing animals under the authority of a proper and valid trapping license.

(b) The duration of the regular raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tailed weasel, short-tailed weasel and coyote trapping season is 6:00 A.M. on November 15, 1987 to March 15, 1988, inclusive, except on State Fish and Wildlife Management Areas.

(c) The duration for trapping on State Fish and Wildlife Management Areas is 6:00 A.M. on January 1, 1987 to March 15, 1988, inclusive.

(d)-(f) (No change.)

(g) Any person including a farmer trapping a coyote shall notify one of the regional law enforcement offices within 24 hours.

(h) (No change.)

7:25-5.12 General trapping

(a) (No change.)

(b) No trap of any kind shall be permitted to remain set on any property at the close of the trapping season. It shall be illegal to possess, in the woods or fields of this State any conibear or killer type trap with a jaw spread greater than six inches except under permit for the trapping of beaver or otter.

(c) (No change.)

(d) No conibear or killer-type traps with a jaw spread larger than six inches shall be used or set in this State except for the trapping of beaver or otter. No conibear or killer-type traps with a jaw spread larger than 10 inches shall be used, set or maintained at any time in this State for the purpose of trapping any animal. Jaw spread shall be measured across the trigger of a set trap to the outer edges of the jaws.

(e) (No change.)

(f) Body gripping restraining snares shall be subject to the following requirements:

1.-4. (No change.)

5. Except when submerged underwater, no body gripping snare shall be set, used, or maintained unless it is equipped with a stop six inches from the end to restrict loop closure to no less than six inches in circumference and a stop to restrict the average (arithmetic mean) diameter of the loop opening to no greater than eight inches.

(g)-(j) (No change.)

7:25-5.13 Migratory birds

(a) Should any open season on migratory game birds, including waterfowl, be set by Federal regulation which would include the date of November 7, 1987, the starting time on such date will be 8:00 A.M. to coincide with the opening of the small game season on that date. However, this shall not preclude the hunting of migratory game birds, including waterfowl, on the tidal marshes of the State as regularly prescribed throughout the season by Federal regulations.

(b) (No change.)

(c) No person shall take, attempt to take, hunt for or have in possession, any migratory game birds, including waterfowl, except at the time and in the manner prescribed in the Code of Federal Regulations by the U.S. Department of the Interior, U.S. Fish and Wildlife Service, for the 1987-88 hunting season. The species of migratory game birds, including waterfowl, that may be taken or possessed and, unless otherwise provided, the daily bag limits shall be the same as those prescribed by the U.S. Department of the Interior, U.S. Fish and Wildlife Service, for the 1987-88 hunting season.

(d) Herring Island: There shall be no open season for hunting any game birds or animals, including migratory waterfowl, in the following designated area of Barnegat Bay including all of Herring Island in the Township of Brick and that portion of Barnegat Bay lying between the northern and southern tips of Herring Island easterly to the adjacent shoreline of the Borough of Mantaloking in the County of Ocean.

(e) Shark River: There shall be no open season for hunting any game birds or animals, including migratory waterfowl, on the Shark River in Monmouth County, or the shores thereof.

(f)-(h) (No change from proposal.)

(i) A special canvasback permit shall be required to hunt canvasback ducks*, and a special swan permit shall be required to hunt swans,* if *[a]* *the appropriate* prescribed special season is established by Federal regulations.

(j)-(l) (No change.)

(m) A person shall not take or attempt to take migratory game birds:

1. (No change.)

2. With a trap, net, snare, crossbow, rifle, pistol, shotgun larger than 10 gauge, fish hook, poison, drug or explosive.

3.-8. (No change.)

9. By the aid of baiting (placing feed seeds such as corn, wheat, salt, or other feed to constitute a lure or enticement) in or over any baited area, with or without knowledge that the area is baited. The prohibition

contained in this paragraph does not apply to crows (*Corvus* spp.). A baited area is considered to be baited for 10 days after the removal of the bait.

10. (No change.)

11. Before 8:00 A.M. on November 7, 1987. However, this shall not preclude the hunting of migratory game birds on tidal waters or tidal marshes of the State.

12.-13. (No change.)

14. Except at the time and manner prescribed by the State or Federal regulation, or by the 1987-88 Game Code.

15. With shotgun shells loaded with pellets larger than No. 4 fine shot except those persons engaged in hunting waterfowl may use nothing larger than No. 2 lead fine shot or FF (.230 inch) steel shot.

16.-19. (No change.)

(n) Seasons and Bag Limits are as follows:

1. Mourning dove (*Zenaidura macroura*) are protected. There will be no open season on these birds during 1987-88.

2. Rail and gallinule season and bag limits are as follows:

i. The duration of the season for hunting clapper rail (*Rallus longirostris*), Virginia rail (*Rallus limicola*), sora rail (*Porzana carolina*) and common gallinule or moorhen (*Gallinula chloropus*) is September 1 through November 7, 1987, inclusive.

ii. (No change.)

(o) Woodcock Zones and hunting hours are as follows:

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

3. Hunting hours for woodcock are sunrise to sunset except on November 7, when the hunting hours are 8:00 A.M. to sunset.

(p) The special sea duck hunting area for New Jersey is defined as any waters of the Atlantic Ocean and, in addition, any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, or emergent vegetation.

[(o)]*[(p)]**[(q)]* (No change in text.)

7:25-5.14 Special regulation limiting use of shotguns and shotgun shells containing lead pellets

(a) No person shall have in possession or use in hunting waterfowl and coot or any snipe, rail or gallinules after the season for hunting waterfowl commences any shotgun shell containing lead shot or lead pellets or have in possession or use any shotgun containing lead shot in the following designated area of New Jersey.

1. The State designated steel shot area for waterfowl hunting includes the counties of Atlantic, Cape May, Cumberland, Middlesex, Monmouth, Ocean, Salem and that portion of Burlington County lying to the south and east of the New Jersey Transit Railroad which runs from Atsion to Woodmansie.

2. Only shotgun shells containing steel pellets and only shotguns containing steel pellets shall be used for hunting waterfowl in the designated steel shot area.

(b) A person found in the designated steel shot area, in possession of any of the following items at 1 to 3 below, while hunting for, pursuing, taking, or attempting to take waterfowl, coot or any snipe, rail or gallinule after the waterfowl season commences is in violation of this section. Each violation shall constitute an additional, separate and distinct offense subjecting the person to a penalty of \$20.00 for each offense.

1. Each shotgun shell containing lead shot or pellets;

2. Each shotgun loaded with lead shot or pellets; or

3. Any lead shot or any pellets or each cartridge or each charge containing lead shot or pellets.

(c) (No change.)

7:25-5.15 Crow (*Corvus* spp.)

(a) Duration for the season for hunting the crow shall be Monday, Thursday, Friday and Saturday from August 17, 1987 through March 26, 1988, inclusive, excluding December 7-12 and December 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized.

(b) (No change.)

(c) The hours for hunting crows shall be sunrise to 1/2 hour after sunset, except on November 7, 1987 when the hours are 8:00 A.M. to 1/2 hour after sunset.

(d) (No change.)

7:25-5.16 General falconry rules

(a) The following rules govern the taking, possession, training, transfer, marking and housing facilities of raptors, the classification of permittees and the use of raptors for falconry, to take, kill, or pursue wild birds or wild animals.

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

i.-xiii. (No change in text.)

2. Classes of permits are as follows:

i. Apprentice: Permittee shall be at least 14 years of age.

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

(3) Permittee shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*).

ii. General: Permittee shall be at least 18 years of age.

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

(3) Permittee may not take, transport or possess any golden eagle (*Aquila chrysaetos*) or any species listed as endangered or threatened by the U.S. Department of the Interior or the N.J. Division of Fish, Game and Wildlife provided, however, that captive bred Cooper's hawks (*Accipiter cooperi*), or one legally acquired from the wild from states outside New Jersey where it is not classified as endangered or threatened, may be possessed. Notwithstanding the above, passage or captive bred red-shouldered hawks (*Buteo lineatus*) or goshawks (*Accipiter gentilis*) may be possessed. Eyass birds or nestlings of threatened or endangered raptors may not be taken.

(4) (No change in text.)

iii. Master: Permittee shall have at least five years of falconry experience in the practice of falconry at the general class. A raptor shall have been in possession for no less than 36 months during this time.

(1) (No change in text.)

(2) A permittee may not take, transport or possess any species listed as endangered on a U.S. Department of Interior or N.J. Division of Fish, Game and Wildlife list, provided, however, that captive bred birds, when legally acquired and possessed in compliance with Federal authorization may be used. Captive bred Cooper's hawks or Cooper's hawks legally acquired from the wild from outside New Jersey where it is not classified as endangered or threatened may be possessed. Notwithstanding the above, passage or captive bred red-shouldered hawks or goshawks may also be possessed. Eyass birds or nestlings of threatened or endangered species may not be taken.

(3) Permittee may not take, transport or possess any golden eagle for falconry purposes unless authorized in writing by both the U.S. Fish and Wildlife Service and the N.J. Division of Fish, Game and Wildlife.

(4)-(5) (No change in text.)

3. The examination and assignment of class of falconry permit holders are as follows:

i.-iii. (No change in text.)

4. Facilities and equipment: Falconry equipment shall be inspected and certified by a representative of the Division as meeting the following standards:

i. Facilities: The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators or undue disturbance. The applicant shall have the following facilities:

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

ii. Equipment: The following items shall be in the possession of the applicant before he can obtain a permit or license:

(1) Jesses: At least one pair of Aylmeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. This flying jess should have no slits, only one hole no longer than 0.1 inch in diameter. Traditional one piece jesses may be used on raptors when not being flown.

(2)-(7) (No change in text.)

iii. Maintenance: All facilities and equipment shall be kept at or above the preceding standards at all times.

iv. (No change in text.)

v. Veterinary care: The falconer shall prove to the satisfaction of the Division that he has on call consultation for medical care of the raptor. (Name and telephone number of veterinarian shall be supplied on application.)

5. Restrictions on taking raptors are as follows:

i. No person shall take, possess, transport or obtain a raptor unless they are in possession of a current falconry permit, nongame permit as described in N.J.A.C. 7:25-4.2(a) or endangered species permit as described in N.J.A.C. 7:25-4.10(b).

ii. Young birds not yet capable of flight (eyasses) may only be taken by a general or master falconer and only during the period April 15 to June 29 inclusive. No more than two eyasses may be taken by the same permittee during the specified period. No more than one eyass per nest may be taken, leaving at least one eyass in the nest. A three foot metal

flashing painted a dark color must be fastened completely around the nest tree at least four feet from the base of the tree. The flashing shall be removed after the nestlings have fledged.

iii.-vi. (No change in text.)

vii. Bal-Chatri type live traps, other live traps and nets may be used for taking raptors providing they are used in such a manner which would minimize any danger of injuring the raptor.

viii. (No change in text.)

6. Marking of raptors shall be as follows:

i. (No change in text.)

ii. No raptors may be acquired for falconry purposes unless the person acquiring the raptor first obtains a numbered, non-reusable marker supplied by the U.S. Fish and Wildlife Service to the N.J. Division of Fish, Game and Wildlife. The marker may be obtained by direct written request to the Trenton office. This marker must be attached to the raptor immediately upon capture. Markers are not transferable.

iii.-v. (No change in text.)

7. Hunting with raptors shall be as follows:

i.-iii. (No change in text.)

8. Rules for non-resident falconers are as follows:

i. (No change in text.)

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

ii. (No change in text.)

(1) (No change in text.)

9. Miscellaneous rules are as follows:

i.-iii. (No change in text.)

iv. Whoever, while engaged in the sport of falconry, should unintentionally kill any wildlife for which there is no open season, shall leave the killed specimen at the site and notify a Regional Law Enforcement Office or the Trenton Office of the Division of Fish, Game and Wildlife, within 12 hours of such killing.

v.-vii. (No change in text.)

viii. A person who possesses a lawfully acquired raptor acquired before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors provided facility requirements at 4 above are met and a permit is obtained pursuant to N.J.A.C. 7:25-4. All such birds shall be identified with markers supplied by the U.S. Fish and Wildlife Service and cannot be replaced if death loss, release, or escape occurs. These raptors may not be used for falconry.

ix. A person who lawfully possesses raptors before the enactment of these regulations, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors provided facility requirements are met and the birds are included on the falconry permit. All such birds shall be identified with markers supplied by the U.S. Fish and Wildlife Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

x.-xi. (No change in text.)

10. (No change in text.)

11. Penal Provisions: It shall be unlawful to hunt for, take, possess, transfer any raptor, or practice falconry contrary to the rules and regulations adopted by the Division or to make a false statement on any required report or document. Any person who violates any provision of N.J.S.A. 23:1-1 et seq., N.J.A.C. 7:25-6, or this chapter, is subject to the revocation of any permits issued pursuant to this section and any other penalties prescribed by law.

12. (No change in text.)

7:25-5.17 Raccoon (*Procyon lotor*) and Virginia opossum (*Didelphis virginiana*) hunting

(a) The duration for the season of hunting raccoons and Virginia opossum is one hour after sunset on October 1, 1987 to one hour before sunrise on March 1, 1988. The hours for hunting are one hour after sunset to one hour before sunrise.

(b) (No change.)

(c) A person shall not hunt for raccoon or opossum with dogs and firearms or weapons of any kind on December 7-12 and on December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and including any extra permit deer season day(s).

(d) A person shall not train a raccoon or opossum dog other than during the period of September 1 to October 1, 1987 and from March 1 to May 1, 1988. The training hours are one hour after sunset to one hour before sunrise.

(e) (No change.)

7:25-5.18 Woodchuck (*Marmota monax*) hunting

(a) Duration for the hunting of woodchucks with a rifle in this State is March 13—September 23, 1988. Licensed hunters may also take woodchuck with shotgun or long bow and arrow or by means of falconry during the regular woodchuck rifle season and during the upland game season established in N.J.A.C. 7:25-5.3.

(b)-(f) (No change.)

7:25-5.19 Red fox (*Vulpes vulpes*) and gray fox (*Urocyon cinereoargenteus*) hunting

(a) The duration of the red fox and gray fox hunting season is as follows:

1. Northern Zone: Bow and Arrow Only—September 26 through November 6, 1987; Firearm or Bow and Arrow—November 7, 1987 through February 27, 1988, inclusive, excluding December 7-12 and December 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit deer season day(s), if declared open.

2. Southern Zone: Bow and Arrow Only—September 26 through November 6, 1987; Firearm or Bow and Arrow—November 7, 1987 through February 27, 1988, excluding December 7-12, 16, 17 and 18, 1987 in those deer management zones in which a shotgun permit deer season is authorized and also excluding any extra permit deer season day(s), if declared open.

(b) The use of dogs shall not be allowed for fox hunting during the Statewide bow and arrow only season of September 26—November 6, 1987 and during the period of February 8—February 27, 1988 in the Southern Zone. There shall be no fox hunting during the firearm deer season, except that a person hunting deer during the firearm deer season may kill fox if the fox is encountered before said person kills a deer. However, after a person has killed a deer he must cease all hunting immediately.

(c) (No change.)

(d) The hours for hunting fox are 8:00 A.M. to 1/2 hour after sunset on November 7, 1987 and on other days from sunrise to 1/2 hour after sunset.

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

7:25-5.20 Dogs

(a) A person shall not exercise or train dogs on State Fish and Wildlife Management Areas from May 1 to August 31, inclusive, except on portions of various wildlife management areas designated as dog training areas, and there shall be no exercising or training of dogs on any Wildlife Management Area on November 6 and on Clinton, Flatbrook, Black River, Assunpink and Whittingham Wildlife Management Areas on the following Sundays: November 8, 15, 22, 29, 1987.

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

7:25-5.21 Squirrel (*Sciurus* spp.), raccoon (*Procyon lotor*), opossum (*Didelphis virginianus*), skunk (*Mephitis mephitis*), weasel (*Mustela* spp.) woodchuck (*Marmota monax*) and coyote (*Canis latrans*) damage

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

(c) Farmers or their agents may control coyotes by lawful procedures at any time when found destroying livestock, crops or poultry, subject to State law and local ordinances and must notify one of the Regional Law Enforcement Offices within 24 hours.

(d) (No change.)

7:25-5.22 Wild birds or mammals; possession, killing

(a) (No change.)

(b) This section shall not apply to the taking of English sparrows, European starlings, or blackbirds that are doing damage to crops or property; nor shall it apply to the taking of household pests such as Norway rats and house mice.

1. (No change.)

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

7:25-5.23 Firearms and missiles, etc.

(a) Except when legally engaged in deer hunting during the prescribed firearm deer seasons no person shall have in his possession in the woods, fields, marshlands or on the water any shell or cartridge with missiles of any kind larger than No. 4 fine shot. This shall not preclude a properly licensed person from hunting woodchuck with a rifle during the woodchuck season. Also excepted is the use of a muzzleloader rifle, .36 caliber or smaller, loaded with a single projectile during the late squirrel season in designated areas. Waterfowl hunters may possess and use shotgun shells loaded with FF (.230 inch) steel fine shot or No. 2 or smaller lead fine shot and properly licensed persons hunting for raccoon or opossum with hounds or engaged in trapping for furbearing animals may possess

and use a .22 caliber rifle and .22 short caliber cartridge only for the purpose of killing raccoon, or opossum or legally trapped furbearing animals other than muskrat.

(b)-(d) (No change.)

(e) Within the areas described as portions of Passaic, Mercer, Hunterdon, Warren and Sussex Counties lying within a continuous line beginning at the intersection of Rt. 513 and the New York State line; then south along Rt. 513 to its intersection with the Morris-Passaic County line; then west along the Morris-Passaic County line to the Sussex County line; then south along the Morris-Sussex County line to the Warren County line; then southwest along the Morris-Warren County line to the Hunterdon County line; then southeast along the Morris-Hunterdon County line to the Somerset County line; then south along the Somerset-Hunterdon County line to its intersection with the Mercer County line; then west and south along the Hunterdon-Mercer County line to its intersection with Rt. 31; then south along Rt. 31 to its intersection with Rt. 546; then west along Rt. 546 to the Delaware River; then north along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to the point of beginning at Lakeside; and in that portion of Salem, Gloucester, Camden, Burlington, Mercer, Monmouth, Ocean, Atlantic, Cape May and Cumberland counties lying within a continuous line beginning at the intersection of Rt. 295 and the Delaware River; then east along Rt. 295 to its intersection with the New Jersey Turnpike; then east along the New Jersey Turnpike to its intersection with Rt. 40; then east along Rt. 40 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Rt. 536; then east along Rt. 536 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 571; then southeast along Rt. 571 to its intersection with the Garden State Parkway; then south along the Garden State Parkway to its intersection with Rt. 9 at Somers Point; then south along Rt. 9 to its intersection with Rt. 83; then west along Rt. 83 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Dennis Creek; then south along the west bank of Dennis Creek to its intersection with Delaware Bay; then northwest along the east shore of Delaware Bay and the Delaware River to the point of beginning; persons holding a valid and proper rifle permit in addition to their 1987 firearm hunting license may hunt for squirrels between January 19 and February 15, 1988 using a .36 caliber or smaller muzzleloading rifle loaded with a single projectile.

(f) Except as specifically provided below for waterfowl hunters, semi-wild and commercial preserves, muzzleloader deer hunters and trappers, from December 7-12, 1987, inclusive, it shall be illegal to use any firearm of any kind other than a shotgun. Nothing herein contained shall prohibit the use of a shotgun not smaller than 20 gauge nor larger than 10 gauge with a rifled bore for deer hunting only. Persons hunting deer shall use a shotgun not smaller than 20 gauge or larger than 10 gauge with the lead or lead alloy rifled slug or slug shotgun shell only or a shotgun not smaller than 12 gauge nor larger than 10 gauge with the buckshot shell. It shall be illegal to have in possession any firearm missile except the 20, 16, 12 or 10 gauge lead or lead alloy rifled slug or hollow base slug shotgun shell or the 12 or 10 gauge buckshot shell. (This does not preclude a person legally engaged in hunting on semi-wild or commercial preserves for the species under license from being possessed solely of a shotgun(s) and nothing larger than No. 4 fine shot, nor a person engaged in hunting waterfowl only from being possessed solely of shotgun and nothing larger than No. 2 lead fine shot or FF (.230 inch) steel shot.) A legally licensed trapper possessing a valid rifle permit may possess and use a .22 rifle and short rimfire cartridge only while tending his trap line.

1. Persons who are properly licensed may hunt for deer with a muzzleloader rifle during the 1987 six day firearm deer season and the permit muzzleloader rifle deer season.

2. Muzzleloader rifles used for hunting deer are restricted to single-shot single barreled weapons with flintlock or percussion actions, shall not be less than .44 caliber and shall fire a single missile or projectile. Only open iron sights and peep sights shall be attached or affixed to the muzzleloader rifle while engaged in hunting for deer. Only one muzzleloader rifle may be possessed while hunting. Double barrel and other types of muzzleloader rifles capable of firing more than one shot without reloading or holding more than one charge are prohibited. Persons who are properly licensed may hunt for deer with a smoothbore muzzleloader during the permit muzzleloader rifle season. Smoothbore muzzleloaders are restricted to single-shot, single barreled weapons with flintlock or percussion actions, shall not be smaller than 20 gauge or larger than 10 gauge, and shall fire a single missile or projectile. No telescopic sights shall be attached or affixed to the smoothbore

muzzleloader while engaged in hunting for deer. Only one muzzleloader rifle or smoothbore muzzleloader may be possessed while deer hunting. Double barrel and other types of smoothbore muzzleloaders capable of firing more than one shot without reloading or holding more than one charge are prohibited.

3. Properly licensed persons 14 years of age and older engaged in hunting with a muzzleloader rifle must have in possession a proper and valid rifle permit. Properly licensed persons 14 years of age or older, hunting during the muzzleloader rifle permit deer season with a smoothbore muzzleloader must also have in possession a proper and valid rifle permit. Rifle permits for 14 to 17-year olds will be valid for muzzleloader deer hunting, muzzleloader squirrel hunting and woodchuck hunting.

(g)-(l) (No change.)

(m) The Division may issue special permits without fee, to shoot or hunt from a standing vehicle that is parked off the road, to licensed hunters who, after investigations, are found to be paraplegics. Permittees are subject to all applicable New Jersey Fish and Game laws and regulations.

(n) No person shall have both a firearm and a bow and arrow in his possession or under his control in the woods or fields or on the water while hunting any wild bird or mammal. This does not apply to duly constituted law enforcement officers.

(o) (No change.)

7:25-5.24 Bow and arrow, general provisions

(a) (No change.)

(b) No person shall use a bow and arrow for hunting, on December 16, 17 and 18, 1987 in those deer management zones in which a permit shotgun deer season is authorized, on any additional permit deer season day(s) if declared open, during the Six Day Firearm Deer Season, or between 1/2 hour after sunset and sunrise during other seasons. Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof.

(c) During the seasons for taking deer or turkey with bow and arrow (as listed elsewhere in this subchapter), all arrows used for taking deer or turkey must be fitted with the edged head of the following specifications:

1.-5. (No change.)

(d) (No change in text.)

(e) (No change in text.)

7:25-5.25 White-tailed deer (*Odocoileus virginianus*) fall bow season (either sex)

(a) Deer of either sex and any age may be taken by bow and arrow exclusively from September 26—November 6, 1987, inclusive. Legal hunting hours shall be 1/2 hour before sunrise to 1/2 hour after sunset.

(b) Bag Limit: Two deer of either sex. Only one deer may be taken in a given day. Deer shall be tagged immediately with completely filled in "transportation tag" and shall be transported to a deer checking station before 8:00 P.M. E.S.T. on the day killed. Upon completion of registration of first deer, one valid and proper "New Jersey Second Deer Permit And Transportation Tag" (second tag) will be issued which will allow this person to continue hunting and take one additional deer of either sex during the current fall bow deer season. The second tag shall not be valid on the day of issuance and all registration requirements apply.

1. Any legally killed deer which is recovered too late to be brought to the deer check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded, said deer must be taken to a regular deer checking station on the following weekday to receive a legal possession tag.

(c) This season shall be open only to holders of a valid and current bow and arrow hunting license which contains an attached fall bow and arrow deer "transportation tag" or a proper and valid second tag. If the anticipated harvest of deer has not been accomplished during this season, additional days of bow and arrow deer hunting may be authorized by the Director. Such authorization and dates thereof shall be announced by press and radio. Handicapped individuals hunting with a modified bow must have a valid Special Bow Use Permit on their person while hunting in addition to a valid Bow and Arrow Hunting License.

(d) (No change.)

7:25-5.26 White-tailed deer winter bow season (either-sex)

(a) Deer of either sex and any age may be taken by bow and arrow exclusively from 1/2 hour before sunrise on January 2 to 1/2 hour after sunset on January 18, 1988. Legal hunting hours shall be 1/2 hour before sunrise to 1/2 hour after sunset.

(b) Bag Limit: Two deer of either-sex. Only one deer may be taken in a given day. Deer shall be tagged immediately with the "transportation tag" appropriate for the season, completely filled in, and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit And Transportation Tag" (second tag) will be issued which will allow that person to continue hunting and take one additional deer of either sex during the current winter bow deer season. The second tag shall not be valid in the day of issuance and all registration requirements apply. Any legally killed deer which is recovered too late to be brought to a check station by closing time shall be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. This deer shall be brought to a checking station on the next open day to receive a legal "possession tag." If the season has concluded, this deer shall be taken to a regular deer checking station on the following weekday to receive a legal "possession tag."

(c) This season will be open only to holders of a valid and current bow and arrow hunting license which contains an attached winter bow season "transportation tag" or a proper and valid second tag, in addition to the regular fall bow season "transportation tag". If the anticipated harvest of deer has not been accomplished during this season, additional days of special winter bow and arrow deer hunting may be authorized by the Director. Such authorization and dates thereof shall be announced by press and radio. Handicapped individuals hunting with a modified bow must have a valid Special Bow Use Permit on their person while hunting in addition to a valid Bow and Arrow Hunting License.

(d) (No change.)

7:25-5.27 White-tailed deer six day firearm season

(a) Duration for this season will be December 7-12, 1987, inclusive, with shotgun or muzzleloader rifle, exclusively.

(b) Bag Limit: Two deer, with antler at least three inches long, except in those areas designated as "hunters choice" indicated in (d) below, where the bag limit is two deer of either sex. Only one deer may be taken in a given day. Deer shall be tagged immediately with the "transportation tag" appropriate for the season, completely filled in and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit and Transportation Tag" (second tag) will be issued which will allow that person to continue hunting and take one additional deer with antler at least three inches long or one additional deer of either sex in the "hunters choice" area, exclusively, during the current, six-day firearm season. The second tag shall not be valid on the day of issuance and all registration requirements apply. Any legally killed deer which is recovered too late to be brought to a check station by closing time shall be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. This deer shall be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded, this deer shall be taken to a regular deer checking station on the following weekday to receive a legal "possession tag."

(c) This season shall be open only to holders of a valid and current firearm hunting license which contains an attached six-day firearm season transportation tag or a proper and valid second tag. If the anticipated harvest of deer has not been accomplished during this season, additional days of deer hunting may be authorized by the Director, with the approval of the Council. Such authorization and dates thereof shall be announced by press and radio.

(d) (No change.)

(e) Hunting Hours: December 7—December 12, 1987, inclusive, 7:00 A.M. E.S.T. to 5:00 P.M. E.S.T., with shotgun or muzzleloader rifle.

(f)-(g) (No change.)

7:25-5.28 White-tailed deer muzzleloader rifle permit season (either sex)

(a) The Director with the approval of the Council may authorize the issuance of permits for the taking of deer with a muzzleloader rifle or smoothbore muzzleloader loaded with a single projectile anywhere within this State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, additional days of muzzleloader rifle permit deer hunting may be authorized by the Director. Such authorization and the date thereof shall be announced by press and radio.

(c) Bag Limit: Two deer of either sex per permit. Only one deer may be taken in a given day. Deer shall be tagged immediately with the muzzleloader rifle permit season permit "transportation tag" completely filled in, and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit And Transportation Tag" (second tag) will be issued which will allow the person to continue hunting and take one additional deer of either sex during the current muzzleloader rifle permit season. The second tag shall not be valid on the day of issuance and all registration requirements apply. Any legally killed deer which is recovered too late to be brought to a check station by closing time shall be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. This deer shall be brought to a checking station on the next open day to receive a legal "possession tag." If the season has concluded, this deer shall be taken to a regular deer checking station on the following weekday to receive a legal "possession tag". It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted.

(d) Duration of the muzzleloader rifle permit season is from 7:00 A.M. E.S.T. to 5:00 P.M. E.S.T. on December 14, 15, 19, 21, 22, 23, 26, 28, 29, and 30, 1987 or any other time as determined by the Director.

(e) Permits for muzzleloader rifle permit season are valid only in the designated deer management zones or other designated areas and are not transferrable.

(f) Method: The taking of two deer of either sex is authorized to holders of valid permits for muzzleloader rifle permit season in designated deer management zones. Only one deer may be taken in a given day. The taking of two deer of either sex is authorized to holders of valid farmer permits for muzzleloader rifle permit season only on the farm occupied and designated on the permit application. Only one deer may be taken in a given day.

1. Permits for muzzleloader rifle permit season will be issued on an individual basis to holders of valid and current firearm licenses and qualified farmers. Only one application per regular firearm license holder may be submitted, whether for muzzleloader rifle or shotgun permit seasons, during the initial application period. Duplicate or multiple applications will cause all applications to be void.

(g) Permits for muzzleloader rifle permit season consist of back display which includes a "deer transportation tag" or proper and valid second tag. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license. The "deer transportation tag" portion of the permit must be completely filled out, and affixed to the deer immediately upon killing. This completely filled in "deer transportation tag" allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag". Any permit holder killing a deer must transport the deer to an authorized checking station by 7:00 P.M. E.S.T. on the day killed to secure the legal "possession tag". The possession of a deer of either sex after 7:00 P.M. E.S.T. on the day killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded said deer must be taken to a regular deer check station on the following weekday to receive a legal possession tag.

(h) Muzzleloader Rifle Permit Season Permits shall be applied for as follows:

1. Only holders of valid and current firearm hunting licenses may apply by detaching from their hunting license the stub marked "Special Deer Season 1987", signing as provided on the back, and sending the stub, together with a \$17.00 permit fee per applicant and an application form which has been properly completed in accordance with instructions. Application forms may be obtained from:

i.-iii. (No change.)

iv. Other Division field offices.

2. (No change.)

3. Only one application, whether for muzzleloader rifle or shotgun permit season, accompanied by the hunting license stub, may be submitted by any regular firearm license holder during the initial permit application period. Duplicate or multiple permit applications made during the initial application period will cause all applications by an individual to be void.

4. The application form shall be filled in to include: Name, address, current firearm hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of August 25—September 10, 1987, inclusive. Applications postmarked after September 10 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

5. Unsuccessful applicants will be notified by return of permit fees, less a \$2.00 application fee. Any permit obtained by fraud is void.

6. Successful applicants will receive their permits by mail. Unless otherwise indicated a permit fee of \$17.00 per applicant in the form of a check or money order, made payable to "Division of Fish, Game and Wildlife", must accompany the completed application form.

7. Nothing contained herein shall preclude the Division from issuing unfilled permits on a first come-first served basis to any properly licensed hunter or qualified farmer after the regular permit selection day.

(i) Farmer Muzzleloader rifle Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate members of his family 14 years of age or older who also reside thereon, may apply on forms provided for a farmer muzzleloader rifle permit season permit. Under this subsection a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. Farmer muzzleloader rifle permit season permits will be issued only in those deer management zones where a muzzleloader rifle permit season is prescribed.

2. Application forms may be obtained from the County Agricultural Agent, the Division of Fish, Game and Wildlife, CN 400, Trenton, N.J. 08625, conservation officers, or other Division offices.

3. The application form shall be filled in to include: Name, age, size of farm, address, and any other information requested thereon. THIS APPLICATION MUST BE NOTARIZED. Properly completed appli-

cation forms will be accepted in the Trenton office only during the period of August 1 to 15, 1987. There is no fee required, and all qualified applicants will receive a farmer muzzleloader rifle permit season permit, delivered by mail.

4. Qualified farmers may apply for one shotgun permit season permit in any management zone in addition to one muzzleloader rifle permit season permit in any management zone where a muzzleloader rifle permit season is prescribed. Qualified farmers may not apply for more than one permit for the same season whether as a regular firearm license applicant or as a farmer applicant. Duplicate or multiple permit application made during the initial application period will cause all applications by an individual to be void.

5. Nothing contained herein shall preclude the Division from issuing unfilled or unclaimed permits on a first come-first served basis to any qualified farmer or properly licensed hunter after the regular permit selection day.

(j) Muzzleloader Rifle Season Permits and Farmer Muzzleloader Rifle Season Permits shall be used as follows:

1. The muzzleloader rifle permit season permit is valid only in the deer management zone (DMZ) designated and is not transferrable. The farmer muzzleloader rifle permit season permit is valid only on the farm occupied and designated in the application and is not transferrable. The DMZ quota and DMZ map follow. The permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. Neither the muzzleloader rifle permit season permit nor the farmer muzzleloader rifle permit season permit is transferrable from deer management zone to deer management zone, from farm to farm, or from individual to individual. The permit must be used on the farm, in the management zone, and by the individual to whom it was issued.

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The 1987 Muzzleloader Rifle Deer Season Permit Quotas (either sex) are as follows:

1987 MUZZLELOADER RIFLE PERMIT SEASON PERMIT QUOTA (EITHER SEX)

Deer Mgt. Zone No.	Anticipated Deer Harvest		Permit Quota 1987	Portions of Counties Involved
	1987	1987		
1	125		535	Sussex
2	142		420	Sussex
3	120		586	Sussex, Passaic, Bergen
4	367		1335	Sussex, Warren
5	296		1065	Sussex, Warren
6	157		597	Sussex, Morris, Passaic, Essex
7	197		704	Warren, Hunterdon
8	442		1484	Warren, Hunterdon, Morris, Somerset
9	115		305	Morris, Somerset
10	268		829	Warren, Hunterdon
11	130		491	Hunterdon
12	296		871	Mercer, Hunterdon, Somerset
13	34		145	Morris, Somerset
14	63		429	Mercer, Somerset, Middlesex, Burlington
15	56		285	Mercer, Monmouth, Middlesex
16	72		388	Ocean, Monmouth
17	53		191	Ocean, Monmouth, Burlington
18	27		187	Ocean
19	31		180	Camden, Burlington
20	38		177	Burlington
21	80		398	Burlington, Ocean
22	12		60	Burlington, Ocean
23	120	*[400]*	*560*	Burlington, Camden, Atlantic
24	108	*[300]*	*387*	Burlington, Ocean
25	60		301	Gloucester, Camden, Atlantic, Salem
26	124		432	Atlantic

27	104
28	56
29	121
30	13
31	4
32	11
33	29
34	96
35	67
41	132
42	7
43	21
44	6
45	31
46	38
47	10
48	22
49	0
50	16
51	13
Total	<u>4,330</u>

362	Salem, Cumberland
220	Salem, Cumberland, Gloucester
448	Salem, Cumberland
57	Cumberland
40	Cumberland
44	Cumberland
91	Cape May, Atlantic
350	Cape May, Cumberland
329	Gloucester, Salem
361	Mercer, Hunterdon
46	Atlantic
80	Cumberland
36	Cumberland
136	Cumberland, Atlantic, Cape May
150	Atlantic
100	Atlantic, Cumberland, Gloucester
161	Burlington
0	Burlington, Camden, Gloucester
101	Middlesex, Monmouth
127	Monmouth, Ocean
<u>16,581</u>	

(l) Muzzleloader rifle permit season permits not applied for by September 10 will be reallocated to shotgun and bow permit season applicants.

7:25-5.29 White-tailed deer shotgun permit season (either sex)

(a) The *Director with the* approval of the Council may authorize the issuance of shotgun permit season permits for the taking of deer anywhere within the State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, one additional day of shotgun permit deer hunting may be authorized by the Director. Such authorization and date thereof shall be announced by press and radio.

(c) One deer of either sex and any age may be taken with a shotgun permit season permit except in deer management zones where the limit will be three deer of either sex and any age. Only one deer may be taken in a given day. It is unlawful to attempt to take or hunt for more than the number of deer permitted.

(d) Duration of the shotgun permit season is from 7:00 A.M. E.S.T. to 5:00 P.M. E.S.T. on Wednesday, December 16, 1987 except that in zones 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 41, 48, 50 and 51 the shotgun permit season also includes December 17 and 18, 1987, or at other times as determined by the Director.

(e) Shotgun permit season permits are valid only in the designated deer management zones or other designated areas and are not transferrable.

(f) Method: The taking of deer of either sex with a shotgun under a shotgun permit season permit or a farmer shotgun permit season permit is permitted in designated deer management zones by holders of a shotgun permit season permit and, on their own property, by holders of a farmer shotgun permit season permit.

1. Shotgun permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses and qualified farmers. Only one application, whether for shotgun or muzzleloader permit season, accompanied by the hunting license stub, may be submitted by regular firearm license holders for the initial permit drawing. Duplicate or multiple applications made during the initial application period will cause all applications by an individual to be void.

(g) Permits for shotgun permit season consist of back display which includes a "deer transportation tag" or proper and valid second tag. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license in the case of a shotgun permit season permit, and without the license in the case of the farmer shotgun permit season permit. The "deer transportation tag" portion of the permit must be completely filled out, and affixed to the deer immediately upon killing. This completely filled in "deer transportation tag" allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag." Any permit holder killing a deer of either sex during this season must transport this deer to an authorized checking station by 7:00 P.M. E.S.T. on the date killed to secure the legal "possession tag." The possession of a deer of either sex after 7:00 P.M. E.S.T. on the date killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer must be brought to a check-

ing station on the next open day to receive a legal "possession tag". If the season has been concluded said deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag". For deer management zones where the shotgun permit season is three days and the bag limit is three deer, a second valid and proper "New Jersey Second Deer Permit and Transportation Tag" (second tag) will be issued upon registration of the first deer. This permit will allow this person to continue hunting and take one additional legal deer during the shotgun permit season, provided the season is open the following day(s) or on any additional days that shotgun permit season hunting is authorized. A third "New Jersey Permit and Transportation Tag" will be issued upon registration of the second deer. This permit will allow this hunter to continue hunting and take one additional legal deer during the shotgun permit season, provided the season is open the following day or on any additional days that shotgun permit season hunting is authorized. The second and third permits are not valid on the day of issuance, and are only available from check stations designated to be open for the extended shotgun permit season.

(h) Shotgun Permit Season Permits shall be applied for as follows:

1. Only holders of valid and current firearm licenses including juvenile firearm license holders may apply by detaching from their hunting license the stub marked "Special Deer Season 1987", signing as provided on the back, and sending the stub, together with a \$17.00 permit fee per applicant, and an application form properly completed in accordance with instructions. Application forms may be obtained from:

- i.-iii. (No change.)
- iv. Other Division offices.

2. Permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses. Only one application, whether for shotgun or muzzleloader permit season, accompanied by the hunting license stub, may be submitted by any one individual during the initial application period. Duplicate or multiple application made during the initial application period will cause all applications to be void.

3. The application form shall be *[filed]* *filled* in to include: Name, address, current firearm hunting license number, deer management zone applied for, and any other information requested. Only those application will be accepted for participation in random selection which are received in the Trenton office during the period of August 25—September 10, 1987. Applications postmarked after September 10 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

4. Unsuccessful applicants will be notified by return of permit fees, less a \$2.00 application fee. Any permit obtained by fraud is void.

5. Successful applicants will receive their permits by mail. Unless otherwise indicated, a permit fee of \$17.00 per applicant in the form of a check or money order made payable to "The Division of Fish, Game and Wildlife" shall accompany the completed application form.

6. Nothing herein contained shall preclude the Division from issuing unfilled and unclaimed permits on a first come-first served basis to any properly licensed hunter after the regular permit selection day.

(i) Farmer Shotgun Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a farmer shotgun permit season permit. Under this section, a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. The Farmer Shotgun Permit Season Permit will be issued in all deer management zones.

2. (No change.)

3. The application form shall be filled in to include: Name, age, size of farm, address, and any other information requested thereon. THIS APPLICATION MUST BE NOTARIZED. Properly completed application forms will be accepted in the Trenton office only during the period of August 1 to 15. There is no fee required, and all qualified applicants will receive a farmer shotgun permit season permit, delivered by mail.

4. Qualified farmers may apply for one shotgun permit season permit in any management zone in addition to one muzzleloader rifle permit season permit in any management zone where a muzzleloader rifle permit season is prescribed. Qualified farmers may not apply for more than one permit for the same season whether as a regular firearm license applicant or as a farmer applicant. Duplicate or multiple permit application made

during the initial application period will cause all applications by an individual to be void.

(j) Shotgun and Farmer Shotgun Permit Season Permits shall be used as follows:

1. The shotgun permit season permit is valid only in the deer management zone (DMZ) designated and is not transferable. The farmer shotgun permit season permit is valid only on the farm occupied and designated in the application and is not transferable. The DMZ quota and DMZ map follow. The shotgun permit season permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. Neither the shotgun permit season permit nor the farmer shotgun permit season permit is transferable from deer management zone to deer management zone, or from farm to farm, or from individual to individual. The permit must be used on the farm, in the deer management zone, and by the individual to whom it was issued.

(k) The Deer Management Zone Map on file at the Office of Administrative Law and is available from that agency or the Division. The 1987 Shotgun Permit Season Permit Quotas (Either Sex) are as follows:

1987 SHOTGUN PERMIT SEASON PERMIT QUOTAS (EITHER SEX)

Deer Mgt. Zone No.	Anticipated	Permit Quota	Portion of Counties Involved
	Deer Harvest 1987		
1	204	1200	Sussex
2†	444	1480	Sussex
3	98	780	Sussex, Passaic, Bergen
4	354	1893	Sussex, Warren
5†	1633	4082	Sussex, Warren
6†	315	1369	Sussex, Morris, Passaic, Essex
7†	478	1448	Warren, Hunterdon
8†	1757	5020	Warren, Hunterdon, Morris, Somerset
9†	292	973	Morris, Somerset
10†	813	2032	Warren, Hunterdon
11†	421	1403	Hunterdon
12†	896	2240	Mercer, Hunterdon, Somerset
13†	220	1023	Morris, Somerset
14†	465	1550	Mercer, Somerset, Middlesex, Burlington
15	135	710	Mercer, Monmouth, Middlesex
16†	102	680	Ocean, Monmouth
17	154	513	Ocean, Monmouth, Burlington
18	32	320	Ocean
19	33	300	Camden, Burlington
20	47	361	Burlington
21	0	0	Burlington, Ocean
22	20	200	Burlington, Ocean
23	0	0	Burlington, Camden, Atlantic
24	0	0	Burlington, Ocean
25	90	600	Gloucester, Camden, Atlantic, Salem
26	0	0	Atlantic
27	130	600	Salem, Cumberland
28	51	227	Salem, Cumberland, Gloucester
29	182	810	Salem, Cumberland
30	0	0	Cumberland
31	0	0	Cumberland
32	0	0	Cumberland
33	34	202	Cape May, Atlantic
34	0	0	Cape May, Cumberland
35	60	500	Gloucester, Salem
41†	381	952	Mercer, Hunterdon
42	10	50	Atlantic
43	0	0	Cumberland
44	0	0	Cumberland
45	0	0	Cumberland, Atlantic, Cape May
46	0	0	Atlantic
47	0	0	Atlantic, Cumberland, Gloucester
48†	144	369	Burlington
49	0	0	Burlington, Camden, Gloucester
50†	52	322	Middlesex, Monmouth
51†	35	300	Monmouth, Ocean
Total	10,082	34,509	

†Indicates three day zones (December 16, 17 and 18, 1987) with provision for three deer (one deer per day).

(l) Shotgun permit season permit for by September 10 may be re-allocated to muzzleloader rifle permit season applicants.

(m) (No change.)

(n) Deer management zones are located as follows:

1. Zone No. 1: That portion of Sussex County lying within a continuous line beginning at the intersection of Rts. 206 and 519 at Branchville; then northwest along Rt. 206 to its intersection with Rt. 521; the west along Rt. 521 to its intersection with the Delaware River at Dingman's Ferry; then north along the east branch of the Delaware River to the New York State line; then east along the New York State line to Rt. 519; the south along Rt. 519 to the point of beginning at Branchville. The islands of Namanock, Minisink and Mashipacong lying in the Delaware River are included in this zone.

2. Zone No. 2: That portion of Sussex County lying within a continuous line beginning at the intersection of Rt. 94 and the New York State line; then south along Rt. 94 to its intersection with Rt. 23 at Hamburg; then southeast along Rt. 23 to its intersection with Rt. 517 at Franklin; then south along Rt. 517 to its intersection with Rt. 206 at Andover; then north along Rt. 206 to its intersection with Rt. 519 at Newton; then north along Rt. 519 to the New York State line; then east along the New York State line to Rt. 94 to the point of beginning.

3. Zone No. 3: That portion of Sussex, Morris, Passaic, and Bergen Counties lying within a continuous line beginning at the intersection of Rt. 94 and the New York State line; then east along the New York State line to its intersection with Rt. 202 near Suffern; then south along Rt. 202 to its intersection with Rt. 23; then west along Rt. 23 to its intersection with Rt. 94 at Hamburg; then north along Rt. 94 to the point of beginning on the New York State line.

4. Zone No. 4: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 521 and the Delaware River at Dingman's Ferry; then southeast along Rt. 521 to its intersection with Rt. 206; then southeast along Rt. 206 to its intersection with Rt. 521 at Culvers Inlet; then south along Rt. 521 to its intersection with Rt. 617 (Mountain Road); then south along Rt. 617 to its intersection with Rt. 521 at Stillwater; then south along Rt. 521 to its intersection with Rt. 94 at Blairstown; then southwest along Rt. 94 to the Delaware River at Columbia; then north along the east bank of the Delaware to the point of beginning at Dingman's Ferry. Depew, Tocks, Poxono and Labar Islands in the Delaware River are included in this zone.

5. Zone No. 5: That portion of Warren and Sussex Counties lying within a continuous line beginning at the intersection of Rt. 521 and Rt. 206 at Culvers Inlet; then southeast along Rt. 206 to its intersection with Rt. 519 at Branchville; then south along Rt. 519 to its intersection with Rt. 206 at Newton; then south along Rt. 206 to its intersection with Rt. 517 at Andover; then south along Rt. 517 to its intersection with Rt. 46 at Hackettstown; then west along Rt. 46 to its intersection with Rt. 94 at Columbia; then northeast along Rt. 94 to its intersection with Rt. 521 at Blairstown; then north along Rt. 521 to its intersection with Rt. 617 at Stillwater; then north along Rt. 617 to its intersection with Rt. 521; then north along Rt. 521 to the point of beginning at Culvers Inlet.

6. Zone No. 6: That portion of Morris, Sussex, Passaic and Essex Counties lying within a continuous line beginning at the intersection of Rt. 80 and Rt. 517 at Allamuchy; then northeast along Rt. 517 to its intersection with Rt. 23 at Franklin; then southeast along Rt. 23 to its intersection with Rt. 80; then west along Rt. 80 to the point of beginning at Allamuchy.

7. Zone No. 7: That portion of Hunterdon and Warren Counties lying within a continuous line beginning at the intersection of Rts. 31 and 78 at Clinton; then north along Rt. 31 to its intersection with Rt. 46 at Buttsville; then west on Rt. 46 to the Delaware River at Manunkachunk; then south along the east bank of the Delaware to its intersection with Rt. 78 at Phillipsburg; then east along Rt. 78 to the point of beginning at Clinton.

8. Zone No. 8: That portion of Hunterdon, Morris, Somerset and Warren Counties lying within a continuous line beginning at the intersection of Rts. 22 and 206 near Somerville; then north along Rt. 206 to its intersection with Rt. 80 near Netcong; then west along Rt. 80 to its intersection with Rt. 517 at Allamuchy; then south along Rt. 517 to its intersection with Rt. 46 at Hackettstown; then west along Rt. 46 to its intersection with Rt. 31 at Buttsville; then southeast along Rt. 31 to its intersection with Rt. 22 at Clinton; then east along Rt. 22 to the point of beginning at Somerville.

9. Zone No. 9: That portion of Morris and Somerset Counties lying within a continuous line beginning at the intersection of Rts. 202 and 206 at Bedminster; then north along Rt. 206 to its intersection with Rt.

80 near Netcong; then east along Rt. 80 to its intersection with Rt. 46 at Denville; then east on Rt. 46 to its intersection with Rt. 511 near Boonton Reservoir; then south on Rt. 511 to its intersection with Rt. 202 at Morristown; then southwest along Rt. 202 to the point of beginning at Bedminster.

10. Zone No. 10: That portion of Hunterdon and Warren Counties lying within a continuous line beginning at the intersection of Rts. 31 and 12 in Flemington; then north along Rt. 31 to its intersection with Rt. 78 at Clinton; then west along Rt. 78 to the Delaware River at Phillipsburg; then south along the east bank of the Delaware River to Rt. 12 at Frenchtown; then east along Rt. 12 to the point of beginning at Flemington.

11. Zone No. 11: That portion of Hunterdon County lying within a continuous line beginning at the intersection of Rts. 12, 31 and 202 at Flemington; then south along Rt. 31-202 to the intersection where Rts. 202 and 31 separate at Ringoes; then southwest along Rt. 202 to the Delaware River; then northwest along the east bank of the Delaware River to its intersection with Rt. 12 at Frenchtown; then east along Rt. 12 to the point of beginning at Flemington. Shyhawks, Treasure, Rush, Bull and Eagle Islands lying in the Delaware River are in this zone.

12. Zone No. 12: That portion of Somerset, Hunterdon and Mercer Counties lying within a continuous line beginning at the intersection of Rts. 31 and 22 at Clinton; then east on Rt. 22 to its intersection with Rt. 206 at Somerville; then south along Rt. 206 to its intersection with Rt. 546 at Lawrenceville; then west on Rt. 546 to its intersection with Rt. 31 at the Pennington traffic circle; then north along Rt. 31 to the point of beginning at Clinton.

13. Zone No. 13: That portion of Morris, Somerset and Union Counties lying within a continuous line beginning at the intersection of Rts. 22 and 287 at Somerville; then north on Rt. 287 to Bedminster; then northeast along Rt. 202 to its intersection with Rt. 24 at Morristown; then southeast along Rt. 24 to its intersection with Rt. 82; then southwest along Rt. 82 to its intersection with Rt. 22; then southwest along Rt. 22 to the point of beginning at Somerville.

14. Zone No. 14: That portion of Mercer, Middlesex, Somerset and Burlington Counties lying within a continuous line beginning at the intersection of Rts. 22 and 206 at Somerville; then east along Rt. 22 to its intersection with Rt. 287; then south on Rt. 287 to its intersection with Rt. 18; then south on Rt. 18 to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 545; then northwest along Rt. 545 to its intersection with Delaware River at Bordentown; then northwest along the east bank of the Delaware to Rt. 546 at Washington's Crossing; then east on Rt. 546 to its intersection with Rt. 206 at Lawrenceville; then north along Rt. 206 to the point beginning at Somerville. Rotary and Blauguard Islands lying in the Delaware River are in this zone.

15. Zone No. 15: That portion of Monmouth, Mercer and Middlesex Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 522 near Jamesburg; then south on the Turnpike to its intersection with Rt. 195; then east on Rt. 195 to its intersection with Rt. 537 near Holmeson; then northeast on Rt. 537 to its intersection with Rt. 522 in Freehold; then northwest on Rt. 522 to its intersection with the New Jersey Turnpike, the point of beginning.

16. Zone No. 16: That portion of Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 571 near Holmeson; then southeast on Rt. 571 to its intersection with Rt. 547; then northeast on Rt. 547 through Lakewood to its intersection with Rt. 34; then north on Rt. 34 to its intersection with the fenced boundary of the Earle Naval Weapons Depot property; then westward along the fenced border of the Earle Depot to its intersection with Rt. 33; then west along Rt. 33 to its intersection with Rt. 537 in Freehold; then southwest on Rt. 537 to its intersection with Rt. 571 near Holmeson, the point of beginning.

17. Zone No. 17: That portion of Mercer, Monmouth, Burlington and Ocean Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and the Mercer County line near Yardville; then north along the Turnpike to its intersection with Rt. 195; then east along Rt. 195 to its intersection with Rt. 537 near Holmeson; then southwest along Rt. 537 to its intersection with Rt. 539; then southeast along Rt. 539 to the border of the Fort Dix Military Reservation; then westward along the Fort Dix Military Reservation boundary to Rt. 545 near Wrightstown; then northwest along Rt. 545 to its intersection with the New Jersey Turnpike.

18. Zone No. 18: That portion of Ocean County lying within a continuous line beginning at the intersection of Rt. 530 and the Garden State Parkway at South Toms River; then west along Rt. 530 to its intersection

with Rt. 539 near Whiting; then northwest along Rt. 539 to its intersection with Rt. 70; then west along Rt. 70 to the border of Fort Dix Military Reservation; then northward along the Fort Dix Military Reservation boundary to the northernmost intersection of the Fort Dix Military Reservation border and Rt. 539; then northwest along Rt. 539 to its intersection with Rt. 571 near Holmeson; then southeast along Rt. 571 to the Garden State Parkway; then south along the Garden State Parkway to the point of beginning near South Toms River.

19. Zone No. 19: That portion of Burlington and Camden Counties lying within a continuous line beginning at the intersection of Rt. 530 and Rt. 206 near Birmingham; then south along Rt. 206 to its intersection with Rt. 534 at Indian Mills; then west along Rt. 534 to its intersection with Rt. 73; then north along Rt. 73 to its intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 38; then east along Rt. 38 to its intersection with Rt. 530; then east along Rt. 530 to its intersection with Rt. 206 near Birmingham, the point of beginning.

20. Zone No. 20: That portion of Burlington and Ocean Counties lying within a continuous line beginning at the intersection of Rts. 206 and 530; then east along Rt. 530 to its intersection with the border of Fort Dix Military Reservation; then continuing east, north and east along the Fort Dix Military Reservation boundary to its intersection with Rt. 70; then southwest along Rt. 70 to its intersection with Rt. 72; then southeast along Rt. 72 to its intersection with Rt. 532; then west along Rt. 532 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with Rt. 530, the point of beginning.

21. Zone No. 21: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of Rt. 530 and the Garden State Parkway at South Toms River; then south along the Parkway to its intersection with Rt. 72; then northwest along Rt. 72 to its intersection with Rt. 70; then northeast along Rt. 70 to its intersection with Rt. 539 near Whiting; then south along Rt. 539 to Rt. 530; then east along Rt. 530 to its intersection with the Garden State Parkway at South Toms River, the point of beginning.

22. Zone No. 22: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of the Garden State Parkway and Rt. 37 near Toms River in Ocean County; then south along the Garden State Parkway to its intersection with the Mullica River and Atlantic County line; then east to the Atlantic Ocean; then north along the Atlantic Ocean to Rt. 37 in Seaside Heights Boro; then along Rt. 37 to its intersection with the Garden State Parkway near Toms River, the point of beginning.

23. Zone No. 23: That portion of Burlington, Atlantic and Camden Counties lying within a continuous line beginning at the intersection of Rts. 542 and 563 at Green Bank; then west along Rt. 542 to its intersection with Rt. 30 near Hammonton; then northwest along Rt. 30 to its intersection with Rt. 73; then north on Rt. 73 to its intersection with Rt. 534; then east along Rt. 534 to its intersection with Rt. 206 at Indian Mills; then north along Rt. 206 to its intersection with Rt. 532; then east along Rt. 532 to its intersection with Rt. 563 at Chatsworth; then south along Rt. 563 to Rt. 542 the point of beginning at Green Bank.

24. Zone No. 24: That portion of Burlington and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 563 and Rt. 532 at Chatsworth; then east along Rt. 532 to its intersection with Rt. 72; then southeast along Rt. 72 to its intersection with the Garden State Parkway; then south along the Parkway to the Mullica River; then west along the north bank of the Mullica River to its intersection with Rt. 563 near Green Bank; then north along Rt. 563 to its intersection with Rt. 532 at Chatsworth, the point of beginning.

25. Zone No. 25: That portion of Gloucester, Atlantic and Camden Counties lying within a continuous line beginning at the intersection of Rts. 30 and 54 near Hammonton; then south on Rt. 54 to its intersection with Rt. 40 near Buena; then west on Rt. 40 to its intersection with Rt. 553; then north on Rt. 553 to its intersection with Rt. 47 at Glassboro; then north on Rt. 47 to its intersection with County Road 635 (Hurfvillegrenloch Road); then eastward on County Road 635 to its intersection with County Road 705 (Woodbury-Turnersville); then southeast along County Road 705 to its intersection with County Road 688 (Turnersville-Hickstown Road); then eastward along County Road 688 to its intersection with County Road 689 (Berlin-Crosskeys Road); then northeast along County Road 689 to its intersection with Rt. 73 at Berlin; then south on Rt. 73 to its intersection with Rt. 30; then southeast along Rt. 30 to its intersection with Rt. 54 near Hammonton, the point of beginning.

26. Zone No. 26: That portion of Atlantic County lying within a continuous line beginning at the intersection of Rts. 40 and 54 near

Buena; then southeast on Rt. 40 (40-322) to its intersection with the Garden State Parkway; then northeast on the Garden State Parkway to its intersection with the Mullica River; then northwest along the south bank on the Mullica River to its intersection with Rt. 563 at Green Bank; then north on Rt. 563 to its intersection with Rt. 542, then west on Rt. 542 to its intersection with Rt. 54 to its intersection with Rt. 40 at Buena, the point of beginning.

27. Zone No. 27: That portion of Cumberland and Salem Counties lying within a continuous line beginning at the intersection of Rts. 77 and 40 at Pole Tavern; then northwest on Rt. 40 to its intersection with Rt. 48; then west on Rt. 48 through Penns Grove to the Delaware River; then south along the east bank of the river to Rt. 49 at Pennsville; then southeast on Rt. 49 to Pecks Corner; then east along Salem County Rt. 32 to its intersection with Rt. 540; then east along Rt. 540 to its intersection with Rt. 77; then north on Rt. 77 to its intersection with Rt. 40 at Pole Tavern, the point of beginning.

28. Zone No. 28: That portion of Gloucester, Cumberland and Salem Counties lying within a continuous line beginning at the intersection of Rts. 77 and 40 at Pole Tavern; then east on Rt. 40 to its intersection with Rt. 47 at Malaga; then south on Rt. 47 to its intersection of Rt. 49 in Millville; then west on Rt. 49 to its intersection with Salem County Rt. 32 at Pecks Corner; then east on Salem County Rt. 32 to its intersection with Rt. 540; then east on Rt. 540 to its intersection with Rt. 77; then north on Rt. 77 to Pole Tavern, the point of beginning.

29. Zone No. 29: That portion of Salem and Cumberland Counties lying within a continuous line beginning with the intersection of Rts. 77 and 49 at Bridgeton; then northwest on Rt. 49 through Pennsville to the Delaware River; then south along the east bank of the Delaware River to the Cohansey River; then along the northwest bank of the Cohansey River to Bridgeton, the point of beginning.

30. Zone No. 30: That portion of Cumberland County lying within a continuous line beginning at Fairton on the Cohansey River; then west along the south bank of the Cohansey River to the Delaware River; then southeast along the east bank of the Delaware River to the Maurice River; then north along the west bank of the Maurice River to Cumberland County Rt. 32 at Port Norris; then north on Cumberland County Rt. 32 to its intersection with Rt. 553; then northwest on Rt. 553 to Fairton, the point of beginning.

31. Zone No. 31: That portion of Cumberland County lying within a continuous line beginning at the intersections of Rts. 77 and 49 at Bridgeton; then east on Rt. 49 to the Maurice River near Millville; then south along the west bank of the Maurice River near Millville; then south along the west bank of the Maurice River to Buckshutem Creek; then west on the north bank of Buckshutem Creek to its intersection with Buckshutem Road (County Road 70); then northwest on Buckshutem Road to its intersection with Cedarville Road (County Road 10); then southwest on Cedarville Road to its intersection with Newport Centre Grove Road (County Road 29); then southwest on Newport Centre Grove Road to its intersection with Rt. 553; then northwest along Rt. 553 to the Cohansey River at Fairton; then north on the east bank of the Cohansey River to Bridgeton, the point of beginning.

32. Zone No. 32: That portion of Cumberland County lying within a continuous line beginning at the intersection of Rt. 49 and the Maurice River at Millville; then south along the east bank of the Maurice River to Port Elizabeth; then east on Rt. 548 to its intersection with Cumberland-Port Elizabeth Road (County Road 46); then north on Cumberland-Port Elizabeth Road to its intersection with Rt. 49; then northwest on Rt. 49 to its intersection with Union Road (County Rt. 76); then north on Union Road to its intersection with Rt. 552 (County Road 48); then southwest on Rt. 552 (and Rt. 552 spur) to Millville, Rt. 49 and the Maurice River, the point of beginning.

33. Zone No. 33: That portion of Atlantic and Cape May Counties lying within a continuous line beginning at the intersection of Rts. 40 and 50 at Mays Landing; then south on Rt. 50 to its intersection with Rt. 31 (585) near Petersburg; then east on Rt. 31 to Rt. U.S. 9; then south on Rt. 9 to its intersection with Rt. 23 at Marmora; then east on Rt. 23 to the Atlantic Ocean at Ocean City; the northeast along the Atlantic Ocean to Atlantic City; then northwest along Rt. 322 (40) to McKee City; then west on Rt. 40 to its intersection with Rt. 50 at Mays Landing, the point of beginning.

34. Zone No. 34: That portion of Cumberland and Cape May Counties lying within a continuous line beginning at Port Elizabeth; then east on Rt. 548 to its intersection with Rt. 49; then continuing east on Rt. 49 to its intersection with Rt. 50 at Tuckahoe; then south on Rt. 50 to its intersection with Rt. 31 (585) near Petersburg; then east on Rt. 31 to Rt. U.S. 9; then south on Rt. 9 to its intersection with Rt. 23 at Marmora;

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

then east on Rt. 23 to the Atlantic Ocean at Ocean City; then southeast along the Atlantic Ocean to Delaware Bay; then north and west along the east bank of Delaware Bay to the Maurice River; then north along the east bank of the Maurice River to Port Elizabeth and Rt. 548; the point of beginning.

35. Zone No. 35: That portion of Salem and Gloucester Counties lying within a continuous line beginning at the east bank of the Delaware River at Penns Grove; then southeast on Rt. 48 to its intersection with Rt. 40; then southeast on Rt. 40 to its intersection with Rt. 553; then north on Rt. 553 to its intersection with Rt. 47 at Glassboro; then north on Rt. 47 to its intersection with Mantua Creek; then northwest along the Mantua Creek to the Delaware River; then southwest along the east bank of the Delaware River to Penns Grove, the point of beginning. Chester and Mond's Islands lying in the Delaware River are in this zone.

36. Zone No. 36: Hunter's Choice Area: That portion of Bergen, Hudson, Essex, Morris, Union, Somerset and Middlesex Counties lying within a continuous line beginning at the intersection of Rt. 202 and the New York State line near Suffern; then south on Rt. 202 to its intersection with Rt. 23 near Wayne; then south on Rt. 23 to its intersection with Rt. 80; then southwest on Rt. 80 to its intersection with Rt. 511; then south on Rt. 511 to its intersection with Rt. 510; then west on Rt. 510 to its intersection with Rt. 24 at Morristown; then southeast on Rt. 24 to its intersection with Rt. 82; then southeast along Rt. 82 to its intersection with Rt. 22; then southwest on Rt. 22 to its intersection with Rt. 287 near Somerville; then southeast on Rt. 287 to its intersection with Rt. 18 near South Bound Brook; then southeast on Rt. 18 to its intersection with the New Jersey Turnpike; then north on the Turnpike to its intersection with the Raritan River; then east along the north bank of the Raritan River to Raritan Bay and the New York State line; then north along the New York State line to Arthur Kill and west bank of the Hudson River; then west along the New Jersey-New York border to the point of beginning near Suffern.

37. Zone No. 41: That portion of Hunterdon and Mercer Counties lying within a continuous line beginning at the intersection of Rt. 31 and Rt. 202 at Ringoes; then south along Rt. 31 to its intersection with Rt. 546 at then Pennington traffic circle; then west along Rt. 546 to the Delaware River; then north along east bank of Delaware River to its intersection with Rt. 202; then north along Rt. 202 to the point of beginning at Ringoes.

38. Zone No. 42: That portion of Atlantic County lying within a continuous line beginning at the intersection of the Garden State Parkway and Mullica River at Chestnut Neck; then southwest along the Garden State Parkway to its intersection with Rt. 322 (40); then southeast along Rt. 322 to Atlantic City; then northeast along the Atlantic Ocean to Great Bay; then west along the Atlantic County line to the intersection of the Garden State Parkway and the Mullica River, the point of beginning.

39. Zone No. 43: That portion of Cumberland County lying within a continuous line beginning at the intersection of Buckshutem Road (County Road 70) and Cedarville Road (County Road 10); then southwest on Cedarville Road to its intersection with Newport Centre Grove Road (County Road 29); then southwest on Newport Centre Grove Road to its intersection with the Central Railroad of New Jersey (C.R.R.N.J.); then east on the C.R.R.N.J. line to its intersection with Haleyville Road (County Road 15) at Mauricetown Station; then east on Haleyville Road to its intersection with Rt. 548; then east on Rt. 548 to its intersection with the Maurice River at Mauricetown; then north along the west bank of the Maurice River to the south bank of Buchshutem Creek at Laurel Lake; then west along the south bank of Buchshutem Creek to Buckshutem Road; then northwest on Buckshutem Road to its intersection with Cedarville Road, the point of beginning.

40. Zone No. 44: That portion of Cumberland County lying within a continuous line beginning at the intersection of Rt. 548 and the Maurice River; then west on Rt. 548 to its intersection with Haleyville Road (County Road 15); then west on Haleyville Road to its intersection with the Central Railroad of New Jersey (C.R.R.N.J.) at Mauricetown Station; then west on the C.R.R.N.J. line to its intersection with Newport Centre Grove Road (County Road 29); then southwest on Newport Centre Grove Road to its intersection with Rt. 553; then south and east on Rt. 553 to Cumberland County Rt. 32; then south to the west bank of the Maurice River at Shell Pile; then north along the west bank of the Maurice River to Rt. 548 at Mauricetown, the point of beginning.

41. Zone No. 45: That portion of Cumberland, Atlantic and Cape May Counties lying within a continuous line beginning at the intersection of Union Road (County Rt. 76) and Rt. 552; then east on Rt. 552 to its intersection with the Tuckahoe River at Milmay; then south along the west bank of the Tuckahoe River to its intersection with Rt. 49 at

Hunter's Mill; then southeast on Rt. 49 to its intersection with Rt. 548; then west on Rt. 548 to its intersection with Cumberland-Port Elizabeth Road (County Rt. 46) at Port Elizabeth; then north on Cumberland-Port Elizabeth Road to its intersection with Rt. 49; then northwest on Rt. 49 to its intersection with Union Road; then north on Union Road to Rt. 552, the point of beginning.

42. Zone No. 46: That portion of Atlantic and Cape May Counties lying within a continuous line beginning at the intersection of Rts. 49 and 50 at Tuckahoe; then north on Rt. 50 to its intersection with Rt. 40 at Mays Landing; then west on Rt. 40 to its intersection with Rt. 552; then west on Rt. 552 to its intersection with the Tuckahoe River at Milmay; then south along the east bank of the Tuckahoe River to its intersection with Rt. 49 at Hunter's Mill; then southeast and east on Rt. 49 to its intersection with Rt. 50, the point of beginning.

43. Zone No. 47: That portion of Gloucester, Atlantic and Cumberland lying within a continuous line beginning at the intersection of Rts. 547 and 40 at Malaga; then southeast on Rt. 40 to its intersection with Rt. 552; then southwest on Rt. 552 to spur 552; then west on spur 552 to its intersection with Rt. 47 at Millville; then north on Rt. 47 to Malaga, the point of beginning.

44. Zone No. 48: That portion of Burlington County lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 38 near Moorrestown; then east along Rt. 38 to its intersection with Rt. 530; then east along Rt. 530 through Pemberton to its intersection with the southern border of the Fort Dix Military Reservation boundary; then northward along the Fort Dix boundary to its intersection with County Road 670; then east on County Road 670 to its intersection with Rt. 545 at Wrightstown; then northwest on Rt. 545 to its intersection with the Delaware River at Bordentown; then southwest along the east bank of the Delaware River to Rt. 541 at the City of Burlington; then southeast along Rt. 541 to its intersection with Interstate 295; then southwest along Interstate 295 to its intersection with Rancocas Creek; then east along Rancocas Creek to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 38, the point of beginning. New Bold and Burlington Islands lying in the Delaware River are in this zone.

45. Zone No. 49: That portion of Gloucester, Camden and Burlington Counties lying within a continuous line beginning at the mouth of Mantua Creek on the Delaware River; then northeast along the east bank of the Delaware River to Rt. 541 at the City of Burlington; then southeast along Rt. 541 to its intersection with Interstate 295; then southwest along Interstate 295 to its intersection with Rancocas Creek; then east along the Rancocas Creek to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 73; then south along County Road 689 to its intersection with County Road 688; then west along County Road 688 to its intersection with County Road 705; then southwest on County Road 635 to its intersection with Rt. 47; then north on Rt. 47 to its intersection with Mantua Creek; then northwest along Mantua Creek to its mouth at the Delaware River, the point of beginning. Petty Island lying in the Delaware River is in this zone.

46. Zone No. 50: That portion of Monmouth and Middlesex Counties lying in a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 522 near Jamesburg; then southeast on Rt. 522 to its intersection with Rt. 537 at Freehold, then southwest on Rt. 537 to its intersection with Rt. 33; then east on Rt. 33 to its intersection with the western edge of the fenced boundary of the Earle Naval Weapons Depot; then north and east along the fenced boundary of the Earle Depot to its intersection with County Route 38 (Wayside Road); then south on County Route 38 to its intersection with Rt. 547; then north on Rt. 547 and to its intersection with the Garden State Parkway; then north on the Garden State Parkway to its intersection with Rt. 36 near Eatontown; then east on Rt. 36 to the Atlantic Ocean; then north along the Atlantic coast line to the Raritan Bay; then south and west along the shore of Raritan Bay to the Raritan River; then continuing west along the south bank of the Raritan River to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 522, the point of beginning.

47. Zone No. 51: That portion of Monmouth and Ocean Counties lying in a continuous line beginning at the intersection of Rt. 547 and Rt. 571 near Lakehurst; then southeast along Rt. 571 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to Rt. 37 near Toms River; then east on Rt. 37 to the Atlantic Ocean; then north along the Atlantic coast line to its intersection with Rt. 36 in Long Branch; then west on Rt. 36 to its intersection with the Garden State Parkway; then south on the Parkway to its intersection with County

Route 16 (Asbury Ave.) near Tinton Falls; then westward on County Route 16 to its intersection with the fenced boundary of the Earle Naval Weapons Depot; then westward along the fenced boundary of Earle Naval Weapons Depot to its intersection with Rt. 34; then south on Rt. 34 to the Collingwood Circle and Rt. 547 (Asbury Road); then south on Rt. 547 through Lakewood to its intersection with Rt. 571, the point of beginning.

7:25-5.30 White-tailed deer bow and arrow permit season, either sex

(a) The Director with the approval of the Council may authorize the issuance of bow and arrow permit season permits for the taking of deer anywhere within this State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, one additional day of bow and arrow permit deer hunting may be authorized by the Director. Such authorization and date thereof shall be announced by press and radio.

(c) Bag Limit: Two deer of either sex per permit. Only one deer may be taken in a given day. Deer shall be tagged immediately with the bow and arrow permit "transportation tag" completely filled in and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit and Transportation Tag" (Second Tag) will be issued which will allow the person to continue hunting and take one additional deer of either sex during bow and arrow permit season, provided the season is open on the following day. The second tag shall not be valid on the day of issuance, and all registration requirements apply.

(d) Duration of the bow and arrow permit season is from November 7 to December *6* *5*, 1987, excluding November 26, 1987, in designated deer management zones, or any other time as determined by the Director. Legal hunting hours shall be 1/2 hour before sunrise to 1/2 hour after sunset.

(e) Bow and arrow permit season permits are valid only in the designated deer management zones or other designated areas and are not transferrable.

(f) Method: The taking of two deer of either sex with a bow and arrow under a bow and arrow permit season permit or a farmer bow and arrow permit season permit, is permitted in designated deer management zones by holders of a bow and arrow permit season permit and on the farm occupied and designated in the application by holders of a farmer bow and arrow permit season permit.

1. Bow and arrow permit season permits will be issued on an individual basis to holders of valid and current bow and arrow licenses and qualified farmers. Only one application per person may be submitted for the bow and arrow permit season, whether as a farmer or a license holder, during the initial application period. Farmer bow and arrow permit season permits will be issued on an individual basis to owners or lessees of farms who reside thereon, or the immediate members of their families 10 years of age or older who also reside thereon, upon receipt of a notarized application form and only in zones where the season has been prescribed.

(g) Permits consist of back display which includes a deer transportation tag or proper and valid "second tag." The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid bow and arrow license, and without the license in the case of the farmer bow and arrow permit season permit. The "deer transportation tag" portion of the permit must be completely filled out and affixed to the deer immediately upon killing. This completely filled in deer transportation tag allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag." Any permit holder killing a deer of either sex during this season must transport this deer to an authorized checking station by 7:00 P.M. E.S.T. on date killed to secure the legal "possession tag." The possession of a deer of either sex after 7:00 P.M. E.S.T. on date killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Such deer must be brought to a checking station on the next open day to receive a legal "possession tag." If the season has been concluded, such deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag."

(h) Bow and Arrow [Deer] Permit Season Permits shall be applied for as follows:

1. Only holders of a valid and current bow and arrow licenses including juvenile bow and arrow license holders may apply by sending a \$17.00

permit fee per applicant and an application form which has been properly completed in accordance with instructions. Application forms may be obtained from:

i.-iii. (No change.)

iv. Division Field Offices.

2. Application for a bow and arrow permit season permit shall not preclude an individual from applying for either the muzzleloader rifle or shotgun season permits.

3. Only one application may be submitted by any one individual during the initial application period. Duplicate application during the initial application period will cause all applications by an individual to be void.

4. The application form shall be filled in to include: Name, address, current bow and arrow hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of August 25—September 10. Applications postmarked after September 10 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

5. Unsuccessful applicants will be notified only by return of permit fees, less a \$2.00 application fee. Any permit obtained by fraud is void.

6. Unless otherwise indicated, a permit fee of \$17.00 per applicant in the form of a check or money order made payable to "Division of Fish, Game and Wildlife" must accompany the completed application form.

7. (No change.)

8. Nothing herein contained shall preclude the Division from issuing unfilled or unclaimed permits on a first-come, first-served basis to any properly licensed hunter or qualified farmer after the regular permit selection day.

(i) Farmer Bow and Arrow Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a farmer bow and arrow permit season permit. Under this section a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. Farmer bow and arrow permit season permits will be issued only in those deer management zones where a bow and arrow permit season is prescribed.

2. Application forms may be obtained from:

i.-iii. (No change.)

iv. Division field offices.

3. The application form shall be filled in to include: name, age, size of farm, address, and any other information requested thereon. THIS APPLICATION MUST BE NOTARIZED. Properly completed application forms will be accepted in the Trenton office only during the period of August 1 to 15. There is no fee required, and all qualified applications will receive a farmer bow and arrow permit season permit, delivered by mail.

4. Only one application may be submitted per individual. Application for a bow and arrow permit season permit shall not preclude an individual from applying for either the muzzleloader rifle or shotgun permit season permits.

(j) Bow and Arrow and Farmer Bow and Arrow Permit Season Permits shall be used as follows:

1. The bow and arrow permit season permit is valid only in the deer management zone (DMZ) designated and is not transferrable. The farmer bow and arrow permit season permit is valid only on the farm occupied and designated in the application and is not transferrable. The DMZ quota follows below at (k). The DMZ map is on file at the Office of Administrative Law. The bow and arrow permit season permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. Neither the bow and arrow permit season permit nor the farmer bow and arrow permit season permit is transferrable from DMZ to DMZ or from farm to farm, or from individual to individual. The permit must be used on the farm, in the DMZ, and by the individual to whom it was issued.

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The 198' Bow and Arrow Deer Season Permit Quotas (Either Sex) are as follows

1987 BOW AND ARROW PERMIT SEASON PERMIT QUOTAS (EITHER SEX)

Deer Mgt. Zone No.	Anticipated	Permit Quota	Portion of Counties Involved
	Deer Harvest 1987	1987	
1	85	850	Sussex
2	133	1144	Sussex
3	67	670	Sussex, Passaic, Bergen
4	0	0	Sussex, Warren
5	294	2935	Sussex, Warren
6	157	1570	Sussex, Morris, Passaic, Essex
7	162	1452	Warren, Hunterdon
8	404	3364	Warren, Hunterdon, Morris, Somerset
9	144	1042	Morris, Somerset
10	191	1855	Warren, Hunterdon
11	131	1146	Hunterdon
12	282	2415	Mercer, Hunterdon, Somerset
13	84	733	Morris, Somerset
14	177	1770	Mercer, Somerset, Middlesex, Burlington
15	0	0	Mercer, Monmouth, Middlesex
16	104	999	Ocean, Monmouth
17	56	485	Ocean, Monmouth, Burlington
18	0	0	Ocean
19	29	290	Camden, Burlington
20	0	0	Burlington
21	0	0	Burlington, Ocean
22	0	0	Burlington, Ocean
23	0	0	Burlington, Camden, Atlantic
24	0	0	Burlington, Ocean
25	37	370	Gloucester, Camden, Atlantic, Salem
26	0	0	Atlantic
27	55	550	Salem, Cumberland
28	0	0	Salem, Cumberland, Gloucester
29	111	1110	Salem, Cumberland
30	0	0	Cumberland
31	0	0	Cumberland
32	0	0	Cumberland
33	0	0	Cape May, Atlantic
34	0	0	Cape May, Cumberland
35	58	580	Gloucester, Salem
36	20	200	Bergen, Hudson, Essex, Morris, Union, Somerset and Middlesex
41	78	780	Mercer, Hunterdon
42	12	120	Atlantic
43	0	0	Cumberland
44	0	0	Cumberland
45	0	0	Cumberland, Atlantic, Cape May
46	0	0	Atlantic
47	0	0	Atlantic, Cumberland, Gloucester
48	50	501	Burlington
49	10	100	Burlington, Camden, Gloucester
50	31	305	Middlesex, Monmouth
51	33	375	Monmouth, Ocean
Total	2,995	27,711	

(1) Bow and arrow permit season permits not applied for by September 10 may be reallocated to muzzleloader rifle or shotgun permit season permit applicants.

7:25-5.31 White-tailed deer shotgun permit (either sex), Great Swamp National Wildlife Refuge

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

(c) Duration of the Great Swamp Shotgun Permit Season shall be from 6:00 A.M. E.S.T. to 5:00 P.M. E.S.T. on the following dates: December 10, 11, 12, 1987 and January 8 and 9, 1988 or as may otherwise be designated by the U.S. Fish and Wildlife Service.

(d) Bag Limit: Three deer of either sex, any age, may be taken with a Great Swamp shotgun permit season permit. Only one deer may be taken in a given day.

(e) Great Swamp shotgun permit season permits are valid only in designated portions of the Great Swamp National Wildlife Refuge and are not transferrable.

(f) Method: The taking of deer of either sex with a shotgun under a Great Swamp shotgun permit season, in addition to the legal antlered deer allowed under statewide antlered deer season and either-sex deer allowed under the statewide long bow and arrow season and either-sex

deer allowed under the winter bow season,] will be permitted in designated areas of the Great Swamp National Wildlife Refuge by holders of a Great Swamp shotgun permit season permit. A total of 600 Great Swamp shotgun permit season permits will be issued. Daily hunter quotas, hunt procedures and hunting methods in this area shall be provided by the U.S. Fish and Wildlife Service.

(g) Procedures for applying for a Great Swamp shotgun permit season permit will be the same as outlined for the shotgun permit season permit (see N.J.A.C. 7:25-5.29(h)), with the exception that applicants for the Great Swamp shotgun permit season permit must indicate Zone 38 on the application card in the space reserved for deer management zone number.

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

7:25-5.32 (No change.)

7:25-5.33 (No change.)

7:25-5.34 Controlled hunting—hunting restrictions on wildlife management areas

(a) No wildlife management areas have been selected for limited hunter density for the 1987-88 season, however hunting with firearms shall be

prohibited on November 6, 1987 on those wildlife management areas designated as pheasant and quail stamp areas in N.J.A.C. 7:25-5.33.

(b) (No change.)

7:25-5.35 Special wildlife salvage permit

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

(c) The scientific salvage permit issuance fee shall be \$7.00 to defray expenses attending granting the permit and the permit shall be valid for one year only, from the date of its issuance and shall not be transferrable.

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

7:25-5.36 White-tailed deer special biological permit

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

7:25-5.37 (No change.)

7:25-5.38 (No change.)

(a)

**Exemption From Solid Waste Registration
Redoption of Concurrent Proposal: N.J.A.C.
7:26-1.7**

Proposed: May 18, 1987 at 19 N.J.R. 886(a).

Adopted: June 26, 1987 by Richard T. Dewling, Commissioner,
Department of Environmental Protection.

Filed: June 29, 1987 as R.1987 d.311, with technical changes not
requiring additional notice and comments (see: N.J.A.C.
1:30-4.3).

Authority: N.J.S.A. 13:1E-4, 13:1E-5, 13:1E-6 and 13:1E-11.

Effective Date: June 29, 1987.

Expiration Date: November 4, 1990.

DEP Docket Number: 019-87-04.

Summary of Public Comments and Agency Responses:

This rule amendment was adopted on an emergency basis pursuant to N.J.S.A. 52:14B-4(c) on April 30, 1987. Notice of the emergency adoption was made through the issuance of a DEP press release on May 5, 1987. The May 5, 1987 press release also gave notice of the public hearing which took place on June 4, 1987 concerning the concurrently proposed rule amendment. Official notice of the proposed rule amendment was published on May 18, 1987 at 19 N.J.R. 886(a). That notice also advised that a public hearing had been scheduled for Thursday, June 4, 1987 at 10:00 A.M. at the Brower Student Center of Trenton State College, Pennington Road, Trenton, New Jersey to afford the public an opportunity to be heard on this amendment. In addition, notice of this amendment and the June 4, 1987 public hearing was published on May 18, 1987 in the Newark Star Ledger, the Asbury Park Press, the Trenton Times and the Atlantic City Press. All notices invited written comments to be submitted on or before June 17, 1987.

Approximately forty individuals attended the June 4, 1987 public hearing concerning this rule amendment. Eleven of these individuals chose to testify. Approximately sixty written submissions were received during the public comment period. The several written and oral comments are summarized below.

COMMENT: The majority of the written comments as well as the oral testimony concerned the siting of a transfer station in West Milford, Passaic County, New Jersey. These comments criticized the siting decision as not properly accounting for the environmental impacts such a facility might have on the area and several of the commentators viewed N.J.A.C. 7:26-1.7(f) as a vehicle for authorizing construction of the facility without affording them an opportunity to be heard.

RESPONSE: The proposed transfer station in West Milford does not currently meet the specific criteria contained in N.J.A.C. 7:26-1.7(f) because there is sufficient time to issue a registration to the facility without incurring a major disruption in the provision of solid waste disposal services in Passaic County. A permit hearing has been scheduled for this facility on July 9, 1987.

COMMENT: N.J.A.C. 7:26-1.7(f) should not be adopted because it allows the approval of a transfer station site without an environmental study. Evaluating the environmental impacts one year after the facility begins operation is too late.

RESPONSE: N.J.S.A. 13:1E-26 requires that a facility receive environmental impact statement approval prior to construction. The Commissioner is authorized by the statute to define the content of the environmental impact statement for particular projects. In this case,

N.J.A.C. 7:26-1.7(f)3 contains the content requirements for such environmental impact statements in support of a transfer station temporary certificate of authority to operate (TCAO) application. Accordingly, these impacts are reviewed prior to the initiation of construction pursuant to this rule. Where the duration of the transfer station operations extends beyond the TCAO period, a further EIS is required.

COMMENT: The Department should address long-term solutions to the solid waste crisis rather than adopting rules such as N.J.A.C. 7:26-1.7.

RESPONSE: Pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the counties play the lead role in planning for solid waste disposal in their jurisdictions. Most counties have recently completed the necessary long-term planning to address their waste disposal needs. Unfortunately, implementing a comprehensive waste disposal strategy including recycling, resource recovery and landfilling can take several years. It is during the interim period prior to the commencement of operations at these large facilities that transfer stations are needed.

COMMENT: Contrary to the statements published in the notice of this rule amendment, N.J.A.C. 7:26-1.7 will have a negative environmental impact because it will allow the construction of solid waste facilities prior to the proper investigations and review of environmental considerations.

RESPONSE: N.J.A.C. 7:26-1.7(f)3 requires the submission of an environmental study touching upon the key impacts of a transfer station facility. Absent the approval of this study by the Department, the facility cannot receive a TCAO and construction cannot commence. Also, the impacts of a transfer station facility are somewhat less than poorly designated, over-used and over capacity landfills, the closure of which precipitates the need for transfer stations. Finally, with the closure of such landfills and no ready alternative for waste disposal available, a district's garbage collection would be forced to cease and the solid waste would not be collected. Such accumulation of garbage for long periods of time would pose a very direct threat to the public's health, safety, welfare and the environment by its resulting development of serious odor and vector problems and the prospect of disease being spread by such vectors.

COMMENT: N.J.A.C. 7:26-1.7(f) is an obvious attempt by the Department to avoid the public process required for permitting a solid waste facility where the facility is highly controversial in a given community. This leaves prospective host communities without an opportunity to be heard and therefore violates the Due Process Clause of the United States Constitution. The rule appears to leave the opportunity for a public comment period entirely in the discretion of the Department.

RESPONSE: N.J.A.C. 7:26-1.7 is not an attempt to bypass the public process in host communities where a transfer station is controversial. The specific criteria contained in the amendment are not nearly broad enough to allow its use except in a few cases. The purpose of this rule is to avoid major disruptions in the provision of solid waste disposal services within a solid waste management district. The registration of a solid waste facility can take anywhere from six to eighteen months. Where the temporary exemption of a facility meeting the specific criteria in N.J.A.C. 7:26-1.7 will avoid a solid waste crisis, the Department reserves the right to employ this provision to alleviate the crisis.

N.J.A.C. 7:26-1.7(f)4 requires public notice of all applications for a TCAO and requires that a period be set aside for the submission of written comments where time permits. The Department interprets N.J.A.C. 7:26-1.7(f)4 as requiring a public comment period unless the provision of one would mean the difference between avoiding or not avoiding a major disruption in the provision of solid waste disposal services within a district. That reflects the only discretion left to the Department in this regard.

COMMENT: The abridged version of an environmental impact statement required by the rule at N.J.A.C. 7:26-1.7(f)3 is totally inadequate.

RESPONSE: The environmental impact statement required by this rule addresses the key impacts associated with transfer stations and meets the statutory requirements of N.J.S.A. 13:1E-26. The Department, by reference to its existing rules, has reserved the right to require that other issues be addressed in the environmental impact statement (depending upon the specific site and its attendant special concerns) on a case by case basis.

COMMENT: The amendment lacks any provision requiring that the Commissioner find that a transfer station is the appropriate response to the "major disruption in the provision of solid waste disposal services."

RESPONSE: Where the Department has intervened in a county's planning process (as in Morris, Passaic, Somerset and Union Counties) to site transfer stations, this finding has clearly been made. Where a county has, on an emergent basis, sited transfer stations to avoid a disposal crisis (as in Essex and Sussex Counties), this finding is also implicit. Finally,

the Department finds transfer stations to be an appropriate response to the short-term disposal needs of a district pending the implementation of in-district disposal facilities and has adopted this rule on the basis of that finding.

COMMENT: The rule should not exempt the disclosure statement portion of the application from being filed with the municipality and county.

RESPONSE: Although submitted at the time of application, the disclosure statement is not part of the application and is therefore not subject to the public participation procedures.

COMMENT: Potential private in-house transfer stations to be used solely for purposes of servicing an operator's collector/hauler business should be made part of this amendment. Such transfer stations should be qualified for a TCAO regardless of their inclusion in a district solid waste management plan.

RESPONSE: The Department is without discretion to authorize the construction of any solid waste facility not included within its district's solid waste management plan. N.J.S.A. 13:1E-26 requires that the Commissioner find that the facility is consistent with the district solid waste management plan prior to approving its environmental impact statement. Inasmuch as the Solid Waste Management Act leaves no room for exception in this regard, neither can N.J.A.C. 7:26-1.7.

Full text of the adoption follows (additions to proposal shown in boldface with asterisks *thus*; deletions from proposal shown in brackets with asterisks *[thus]*).

7:26-1.7 Exemption from registration

(a) Pursuant to N.J.S.A. 13:1E-4a, the Commissioner may exempt from the requirement of registration as set forth in N.J.A.C. 7:26-2, and may grant a permanent or temporary certificate of authority to operate, with or without conditions, to the class of solid waste collection or disposal facilities or operations which in the Commissioner's opinion meets the general and application specific criteria set forth in this section.

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

(d) This subsection sets forth the specific criteria for exempting sanitary landfills.

1. A temporary certificate of authority to operate which shall be for a fixed period of time, not to exceed one year, may be granted to a sanitary landfill facility which, in the opinion of the Commissioner, meets the following criteria for exemption:

i.-iii. (No change.)

iv. Use of the facility prior to the time that a registration can be issued pursuant to N.J.A.C. 7:26-2 is essential in order to avoid a major disruption in the operation of one or more solid waste management plans or in order to comply with a judicial decree or statutory requirement to provide disposal services in a particular district; and

v. (No change.)

(e) (No change.)

(f) This subsection sets forth the specific criteria for exempting transfer stations.

1. A temporary certificate of authority to operate (TCAO) which shall be for a fixed period of time, not to exceed one year, may be granted to a transfer station facility which, in the opinion of the Commissioner, meets the following criteria for exemption:

i. The proposed owner or operator of the facility is determined by the Commissioner, after a preliminary review of such information as the Commissioner may require, to demonstrate sufficient integrity, expertise and competence to operate a transfer station facility in compliance with the Solid Waste Management Act and the TCAO operation conditions. Where this determination is made pursuant to N.J.S.A. 13:1E-135 and N.J.A.C. 7:26-16.5(c), the TCAO shall not be issued for a period exceeding six months and may, in the Department's discretion, be renewed for one additional consecutive six month period;

ii. Use of the facility prior to the time that a registration can be issued pursuant to N.J.A.C. 7:26-2 is essential in order to avoid a major disruption in the provision of solid waste disposal services, which disruption would be inconsistent with the purpose and intent of the Solid Waste Management Act;

iii. The facility will be designed, constructed, and operated in a manner consistent with the public health, safety and the environment under the circumstances. Notwithstanding any other requirement specified in Title 7 of the New Jersey Administrative Code, the facility requirements for design, construction and operation shall be those specified as conditions in the TCAO; and

iv. A schedule has been established and incorporated into the TCAO for compliance with all the requirements of N.J.A.C. 7:26-2 for registration of this facility or of an alternative facility (where the subject facility is designed for temporary operation only). The schedule may call for accomplishing one or more registration requirements after commencement of facility operation.

2. Notwithstanding any other provision of N.J.A.C. 7:26, the following shall constitute the application requirements for a TCAO for transfer stations:

i. Where applicable, a disclosure statement pursuant to N.J.S.A. 13:1E-126 et seq. and N.J.A.C. 7:26-16 on such forms as the Department requires. The disclosure statement, where appropriate, should be accompanied by a written request for a temporary license pursuant to N.J.S.A. 13:1E-135 and N.J.A.C. 7:26-16.5(c).

ii. An emergency environmental impact statement pursuant to N.J.A.C. 7:26-1.7(f)3; and

iii. An engineering design which specifies the following:

- (1) Site plan map including layout of the facility buildings or structures, profile and elevation views and interior floor plan;
- (2) Access roads;
- (3) Fencing;
- (4) Scales, if required pursuant to N.J.S.A. 13:1E-117;
- (5) On site queuing;
- (6) Facility and equipment design sufficient to handle specified capacity;
- (7) Facility construction plans;
- (8) Washdown and control of wastewater;
- (9) On-site drainage controls;
- (10) Design and surfacing of on-site roadways;
- (11) Operational safety and environmental monitoring procedures; and
- (12) Housekeeping procedures such as litter, odor, dust and vector control.

3. Notwithstanding any other provision of N.J.A.C. 7:26, the following shall constitute the requirements for an emergency environmental impact statement for a transfer station meeting the exemption criteria in N.J.A.C. 7:26-1.7(f)1. An emergency environmental impact statement shall be in narrative form and must be approved prior to or concurrent with issuance of a transfer station TCAO. An emergency environmental impact statement shall contain, at a minimum, the following:

- i. A brief description of the land use of the area immediately surrounding the proposed facility;
- ii. A description of possible environmental impacts on the immediately surrounding area and the facility design elements or other measures that will address them. This description shall address, at a minimum, the following environmental concerns:

- (1) Noise;
- (2) Air quality;
- (3) Traffic;
- (4) Stormwater and washdown drainage; and
- (5) Any other concerns described in the solid waste disposal regulations *[proposed May 5, 1986 at 18 N.J.R. 883(a)]* *, N.J.A.C. 7:26* which the Department determines should be discussed based upon the circumstances of the particular case, including time constraints.

4. All TCAO applicants shall file copies of their applications, except for the disclosure statement, in the offices of the municipality and county in which the facility is proposed to be located on the same day such application is filed with the Department. The applicant shall also publish notice of the application, within five calendar days of filing the application, in a newspaper of general circulation in the municipality and county. After evaluating the emergent time constraints, the Department may require that the notice identify a public comment period and specify the address at which the Department will receive public comments.

HEALTH

(a)

NARCOTIC AND DRUG ABUSE CONTROL

Controlled Dangerous Substances Rescheduling Alfentanil from Schedule I to II

Adopted Amendments: N.J.A.C. 8:65-10.1 and 10.2

Proposed: May 18, 1987 at 19 N.J.R. 841(a).
Adopted: July 9, 1987 by Molly Joel Coye, M.D., M.P.H.,
Commissioner, Department of Health.
Filed: July 13, 1987 as R.1987 d.324, **without change**.
Authority: N.J.S.A. 24:21-3.
Effective Date: August 3, 1987.
Expiration Date: Exempt pursuant to N.J.S.A. 24:21-3.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

8:65-10.1 Controlled dangerous substances; Schedule I

(a) (No change.)

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

1. Opiates: Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code)*:

Acetylmethadol	9601
Allylprodine	9602
.....

2.-7. (No change.)

8:65-10.2 Controlled dangerous substances; Schedule II

(a) (No change.)

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

1. (No change.)

2. Opiates: Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within specific chemical designation, dextorphan and levopropoxyphene excepted, (listed by generic/established or chemical name with CDS code):

Alfentanil	9737
Alphaprodine	9010
Anileridine	9020
.....

3.-7. (No change.)

HUMAN SERVICES

(b)

DIVISION OF PUBLIC WELFARE

General Assistance Manual Personal Needs Allowance

Adopted Amendment: N.J.A.C. 10:85-5.3

Proposed: April 20, 1987 at 19 N.J.R. 619(b).
Adopted: July 13, 1987 by Drew Altman, Commissioner,
Department of Human Services.
Filed: July 13, 1987 as R.1987 d.322, **without change**.
Authority: N.J.S.A. 44:8-111(d).
Effective Date: August 3, 1987.
Expiration Date: January 30, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

10:85-5.3 Other medical payments

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

(e) Care for the chronically ill: The director of welfare shall authorize payments for patient care and a personal incidental allowance in a skilled nursing home or intermediate care facility when a physician certifies that a client has a defect, disease, or impairment (other than psychosis) which necessitates such care, the client is not eligible for Medicaid, and there is no person available who will provide such care without cost to the client.

1. (No change.)

2. Maximum fees: Payment to the facility shall not exceed the rates for such facility as established by Medicaid or, for non-Medicaid facilities by DPW/BMA. The MWD may contact the DPW/BMA to obtain the per diem rate for room, board and nursing care. A personal incidental allowance of \$35.00 per month shall be allowed to the patient.

i.-ii. (No change.)

(f)-(i) (No change.)

CORRECTIONS

(c)

THE COMMISSIONER

Close Custody Units Involuntary Placement Into Protective Custody

Adopted Amendment: N.J.A.C. 10A:5-5.2

Proposed: May 18, 1987 at 19 N.J.R. 842(a).
Adopted: July 10, 1987 by William H. Fauver, Commissioner,
Department of Corrections.
Filed: July 13, 1987 as R.1987 d.319, **without change**.
Authority: N.J.S.A. 30:1B-6 and 10.
Effective Date: August 3, 1987.
Expiration Date: October 6, 1991.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

10:A-5-5.2 Hearing procedure for involuntary placement to Protective Custody

(a)-(e) (No change.)

(f) At the time of receipt of the notice, the inmate shall be given the opportunity to present the basis for any opposition to involuntary placement in Protective Custody. The inmate shall not, however, be required to make any statement at this time. The information contained in the notice, together with any statement or evidence provided by the inmate at the time of receipt of the notice, shall be reviewed by the Superintendent or his or her designee immediately to determine whether, pending the completion of a thorough investigation, there is a reasonable basis to conclude that the inmate is in need of Protective Custody.

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

(g) Illiterate inmates or inmates otherwise unable to marshal the facts shall receive the assistance of a counsel substitute assigned by the Disciplinary Hearing Officer/Adjustment Committee or Superintendent. An interpreter shall be utilized, if needed, at the discretion of the Disciplinary Hearing Officer/Adjustment Committee.

(h) (No change in text)

(i) Inmates placed in emergent Protective Custody or under consideration for placement in Protective Custody shall receive a hearing within 20 working days after receipt of the notice unless there are exceptional circumstances, unavoidable delays or reasonable postponements.

(j) At the hearing, the inmate shall be informed of all information bearing on his or her case, with the exception of information designated "confidential"; or

Redesignate existing (j) through (l) as (k) through (m) (no change in text).

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Apprenticeship Requirements

Adopted Amendments: N.J.A.C. 13:33-1.11 and 1.13

Proposed: June 1, 1987 at 19 N.J.R. 917(a).

Adopted: July 7, 1987 by the State Board of Ophthalmic

Dispensers and Ophthalmic Technicians, Robert C. Troast,
President.

Filed: July 13, 1987 as R.1987 d.323, **without change.**

Authority: N.J.S.A. 52:17B-41.13.

Effective Date: August 3, 1987.

Expiration Date: March 18, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

13:33-1.11 Out-of-state applicants: Ophthalmic Dispensers

(a) Temporary Ophthalmic Dispenser Permit requirements are as follows:

1. A temporary Ophthalmic Dispenser Permit shall be issued only to an individual from out of the State of New Jersey who is licensed as an ophthalmic dispenser in another state; and has either an associate degree in ophthalmic science from a Board-approved school or 30 credits of Board-approved course work in ophthalmic science; and has worked in the optical field for a minimum of three years following the award of his/her license, the last year of ophthalmic dispensing having been acquired within five years of the date of application for such permit.

2. (No change.)

(b) Qualifications for examinations and licensure are as follows:

1. Any individual with out-of-state optical qualifications may apply for examination and licensure as an Ophthalmic Dispenser, without having worked in the State of New Jersey, subject to the provisions that:

i.-ii. (No change.)

iii. The applicant has worked in the optical field for at least three calendar years and has satisfactorily completed 30 credit hours of Board-approved courses in ophthalmic science.

13:33-1.13 Examination: apprenticeship requirements

(a) The requirements for the first 12 months of apprenticeship and the Qualifying Technical examination are as follows:

1. An Apprentice Dispenser who commences his or her required course work in ophthalmic science in the 1987 fall semester or thereafter must complete not less than 12 credit hours of Board-approved course work in ophthalmic science within the first 12 months of the registered apprenticeship. Materials I and II Lecture, and Materials I and II Lab, representing a minimum of 12 credits, must be taken in order to fulfill this requirement.

2. An Apprentice Dispenser who registered with the Board and commenced his or her required course work in ophthalmic science prior to the 1987 fall semester must complete not less than six credit hours of

Board-approved course work in ophthalmic science within the first 12 months of the registered apprenticeship. Materials I and II Lecture, representing a minimum of six credits, must be taken in order to fulfill this requirement.

3. The Apprentice Dispenser shall apply for the first Qualifying Technical examination subsequent to the completion of the first 12 months. In the event of illness, extreme emergency, or other good cause, an extension of application to the next succeeding examination may be granted by the Board.

4. (No change in text.)

5. (No change in text.)

(b) The requirements for the Dispenser examination are as follows:

1. An Apprentice Dispenser who commenced his or her required course work in ophthalmic science in the 1987 fall semester or thereafter must complete not less than 30 hours of Board-approved course work in ophthalmic science within the required 36 months of registered apprenticeship. The 30 credits must include Materials I and II Lecture and Materials I and II Lab, taken within the first 12 months of apprenticeship; Dispensing I and II Lecture and Dispensing I and II Lab; Principles of Optics (Theory of Optics); Anatomy and Physiology of the Eye; and Contact Lens Theory. 2. An Apprentice Dispenser who registered with the Board and commenced his or her required course work in ophthalmic science prior to the 1987 fall semester must complete not less than 18 hours of Board-approved course work in ophthalmic science within the required 36 months of registered apprenticeship. The 18 credits must include Materials I and II Lecture, taken within the first 12 months of apprenticeship; Dispensing I and II Lecture; Principles of Optics (Theory of Optics); and Anatomy and Physiology of the Eye.

3. The Apprentice Dispenser is required to apply for the first examination subsequent to the completion of said 36 months. In the event of illness, extreme emergency, or other good cause, an extension of application to the next succeeding examination may be granted by the Board.

4. (No change in text.)

(c) (No change.)

(d) (No change.)

(e) To qualify for Board eligibility, apprentices must obtain a passing grade of "C" or better in all optical science courses required under (a) and (b) above.

PUBLIC UTILITIES

(b)

OFFICE OF CABLE TELEVISION

Rules of Practice and Procedure Petition to Set Aside Refusal

Adopted Amendment: N.J.A.C. 14:17-6.21

Proposed: April 6, 1987 at 19 N.J.R. 504(a).

Adopted: July 7, 1987 by Bernard R. Morris, Director, Office
of Cable Television (with approval of the Board of Public
Utilities).

Filed: July 10, 1987 as R.1987 d.316, **without change.**

Authority: N.J.S.A. 48:5A-10 and 17(e).

Effective Date: August 3, 1987.

Expiration Date: May 7, 1989.

Summary of Public Comments and Agency Responses:

A public hearing for comment was held on Tuesday, April 21, 1987 in Newark, New Jersey. At the April 21st hearing, two persons appeared on behalf of the New Jersey Cable Television Association to express their support in the amendments's adoption. No others have submitted to the Board data, views, or arguments, orally or in writing, concerning the same.

Full text of the adoption follows.

14:17-6.21 Petition to set aside refusal pursuant to N.J.S.A. 48:5A-17(e)

(a) Petition for an order setting aside municipal or county refusal for zoning variance, or other act or necessary authorization pursuant to N.J.S.A. 48:5A-17(e), shall conform to N.J.A.C. 14:17-5 (Pleadings Generally), and N.J.A.C. 14:17-6.1 through 6.5 to the extent applicable, and shall include, but not be limited to the following:

1. A map or site plan for the proposed facility showing the location of any other potential alternative sites or existing CATV facilities in relation to the one in question;

2. A listing of alternative sites, if any, investigated or considered;

3. A copy of the decision or order below denying the requested approval;

4. Proof of concurrent service and a copy of the petition upon each of the following:

i. The municipal and, where applicable, the county governing body;

ii. The agency, authority, board or other entity which denied the requested approval;

iii. Any adjoining property owners within 200 feet of the property for which approval is sought.

(b) The petition pursuant to this section must be filed with the Office within 60 days of written notice of the denial to the petitioner.

(c) The Board or Administrative Law Judge shall hold a hearing on the matter in the community affected.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Administration

Minimum Adjustments

Adopted Amendments: N.J.A.C. 17:1-1.10

Proposed: March 16, 1987 at 19 N.J.R. 446(a) and 19 N.J.R. 447(a).

Adopted: July 6, 1987 by Douglas R. Forrester, Director, Division of Pensions.

Filed: July 10, 1987 as R.1987 d.317, with substantive changes not requiring additional public notice and comment (see N.J.A.C. 17:30-4.3).

Authority: N.J.S.A. 52:18A-96 et seq.

Effective Date: August 3, 1987.

Expiration Date: June 6, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

In order to clarify the text of the proposal and simplify administration of the changes proposed, subsection (b) has been changed to make clear that refunds will be made where a withdrawn member proves that monies are due from the withdrawn account, notwithstanding that a bad balance under subsection (b) has been written off. Subsections (c) through (e) have been reworded for clarity.

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

17:1-1.10 Minimum adjustments

(a) In order to facilitate the reconciliation of members' accounts upon death, no rebates or additional contributions shall be made to a member's loan and arrearages balances if such adjustments involve amounts of \$10.00 or less. All bad balances of \$10.00 or less will be written off.

(b) Bad balances of \$50.00 or less in accounts that have been withdrawn will be written off. ***However, if a withdrawn member can satisfactorily prove with convincing documentation that monies are due from the withdrawn account, such refunds shall be made, notwithstanding that the bad balance has been previously written off.***

(c) ***[No rebates or additional contributions shall be made for retired members if the adjustments involve amounts that range from a positive to a negative \$5.00. All balances within this range will be written off. In the event the positive or negative balance is greater than \$5.00 but produces a monthly retirement adjustment of less than \$1.00, no recalculation of monthly benefits will be computed and the balance will be rebated. Positive balances will be rebated and negative balances will be written off.]* *A retired member's annuity saving fund positive balance (monies due to the member) shall be written off if it results in a corresponding adjustment of the member's monthly retirement allowance of less than \$1.00. A retired member's annuity saving fund negative balance (monies due**

to the Division of Pensions) shall be written off if it results in a corresponding adjustment of the member's monthly retirement allowance of less than \$4.00.*

(d) Audit differences of \$2.00 or less in *[a member's pension or insurance payments]* ***the reporting of members' pension contributions or contributory life insurance premiums*** during a quarter will not require a cash adjustment.

(e) Audit differences of \$8.00 or less in *[a member's pension account or insurance payments]* ***the reporting of members' pension contributions or contributory life insurance premiums*** covering *[a calendar year]* ***an annual period*** are not subject to cash adjustments.

OTHER AGENCIES

(b)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Fees

Adopted Amendments: N.J.A.C. 19:30-2.1, 2.3 and 2.4

Adopted New Rule: N.J.A.C. 19:30-2.6

Proposed: June 1, 1987 at 19 N.J.R. 922(a).

Adopted: July 7, 1987 by the New Jersey Economic Development Authority, Borden R. Putnam, Chairman; James J. Hughes, Jr., Executive Director.

Filed: July 10, 1987 as R.1987 d.318, without change.

Authority: N.J.S.A. 34:1B et seq., specifically 34:1B-5(k) and (l).

Effective Date: August 3, 1987.

Expiration Date: October 7, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

19:30-2.1 Application fee

A non-refundable fee of \$500.00 shall accompany every application for Authority assistance, except for an application under the Urban Centers Small Loan Program for which the fee is \$250.00. The non-refundable application fee of \$500.00 for a guarantee of a bond issued by the Authority is in addition to the bond application fee.

19:30-2.3 Closing fees

(a) For Authority-issued bonds, the fee, to be paid at closing, is one-half of one percent of the amount of the bond issue up to and including \$10,000,000 and one-quarter of one percent of the amount in excess of \$10,000,000.

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

19:30-2.4 Post-closing fees

(a) For purposes of this section, the following definitions apply:

1. "Refunding bond" means:

i. A bond, the proceeds of which are used to satisfy the outstanding obligation of a prior Authority-issued bond; or

ii. A modification agreement or any modification to existing bond documents making any change to or waiver of the existing payment terms of the bond.

2.-3. (No change.)

(b) The fees in this section are due and payable upon closing of the bond amendment, approval of change of ownership, or signing of modification consent, waiver, etc.

1.-4. (No change.)

5. For amending or modifying existing bond documents for which a new bond is not issued, a \$750.00 fee shall be charged.

6. For executing any document related to a closed Authority-assisted project, a fee of \$100.00 shall be charged.

7. (No change.)

19:30-2.6 Determination of fee

When a transaction does not by its terms fall into one of the categories outlined in this subchapter, the Executive Director shall determine the appropriate category based on the substance of the transaction. The categorization of the transaction of U.S. Department of the Treasury, Internal Revenue Service Form 8083 will be a significant factor in the determination of the fee.

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

(a)

Amendment to the Mercer County Water Quality Management Plan

Public Notice

Take notice that on May 14, 1987 pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Regulations (N.J.A.C. 7:15-3.4), an amendment to the Mercer County Water Quality Management Plan was adopted by the Department. This amendment is to adopt "An Amendment Concerning the Application of Wetlands Policy for Willow Wood, Hamilton Township (Water Quality Management Plan Section 4.5.1)" which would provide for the filling of 0.13 acres of wetlands and a mitigation program creating 0.29 acres of new wetlands at the development site located on Lot 5, Block S-540.

(b)

Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan

Public Notice

Take notice that on April 20, 1987 pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Management Planning and Implementation Process" Regulations (N.J.A.C. 7:15-3.4), an amendment to the Lower Raritan/Middlesex County Water Quality Management Plan was adopted by the Department. This amendment will expand the sewer service area of the Linpro Utilities Company in Plainsboro Township so that it may serve the Plainsboro-West Windsor Middle School on Grovers Mill Road also located in Plainsboro Township. This amendment is being adopted with specific conditions concerning wetlands.

(c)

Amendment to the Monmouth County Water Quality Management Plan

Public Notice

Take notice that an amendment to the Monmouth County Water Quality Management (WQM) Plan has been submitted for approval. This amendment would designate Aberdeen Township Municipal Utilities Authority (MUA) as the responsible Wastewater Management Planning Agency for Aberdeen Township. Designating Aberdeen Township MUA as the Wastewater Management Planning Agency will allow the Township to apply directly to the New Jersey Department of Environmental Protection (NJDEP) for funds through the New Jersey Wastewater Treatment Financing Program to expand its Strathmore Sewage Treatment Plant from 0.8 million gallons per day (MGD) to 1 MGD.

As part of this amendment, Aberdeen Township MUA has developed a Wastewater Management Plan for Aberdeen Township.

This notice is being given to inform the public that a plan amendment has been developed for the Monmouth County WQM Plan. All information dealing with the aforesaid WQM Plan and the proposed amendment is located at the office of NJDEP, Division of Water Resources, Bureau of Water Resources Management Planning, 401 East State Street, 3rd Floor, CN-029, Trenton, New Jersey 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday.

Interested persons may submit written comments on the amendment to George Horzepa, Bureau of Water Resources Management Planning, at the NJDEP address cited above. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEP with respect to the amendment request.

Any interested person may request in writing that NJDEP hold a nonadversarial public hearing on the amendment. This request must state the nature of the issues to be raised at the proposed hearing and must be submitted within 30 days of the date of this public notice to Mr. Horzepa at the NJDEP address cited above. If a public hearing is held, the public comment period in this notice shall automatically be extended to the close of the public hearing.

HUMAN SERVICES

(d)

THE COMMISSIONER

Availability of Grants

Statewide Respite Care Program

Take notice that, in compliance with P.L. 1987, c.7, the Department of Human Services hereby announces the availability of the following grant program.

A. Name of program: Statewide Respite Care Program.

B. Purpose: The purpose of the Statewide Respite Care Program (RCP) is to establish a program in all 21 counties for the provision of short-term respite care in families where an elderly or disabled member is cared for by a family member or other non-remunerated caregiver. The program will target families who do not qualify for such services from any other source. These services will include homemaker aide services, companion/sitter services, short-term in-patient care in a licensed or certified facility, emergency care, adult day care, and peer support. A sponsor will be selected from each county in New Jersey to provide local administration for the program.

C. Amount of money in the program: \$1,100,000 authorized by P.L. 1987, c.119 and appropriated by the Legislature, \$100,000 of which is for training and has been released to the Department of Health.

D. Organizations which may apply for funding under this program: Agencies which may apply for funding under this program must be public or private non-profit organizations, either county or regionally-based, and include—

- Area agencies on aging;
- County social service and welfare agencies;
- Family service agencies;
- General or special hospitals;
- Certified home health agencies;
- Homemaker service agencies;
- County offices on the handicapped;
- County human service departments;
- Nursing homes; and
- Other public or private human service non-profit agencies.

E. Qualifications needed by an applicant to be considered for the program: The agencies seeking to be sponsors in each of New Jersey's 21 counties must—

Demonstrate ability to coordinate funds available for this program with other funding sources used for respite care services;

Purchase respite services from a variety of provider agencies in the county;

Demonstrate ability to provide intake and eligibility determination for prospective clients; and

Enter into contracts with provider agencies in the county for the provision of the full range of respite services required under the legislation.

F. Procedure for eligible organizations to apply: Request for proposal packages can be requested from—

Angela R. Waff
Health and Long Term Care Unit
Department of Human Services
222 South Warren Street, CN 700
Trenton, NJ 08625

G. Address for application to be submitted: Completed proposals should be submitted to the county Human Services Advisory Council in the county where the applicant agency is proposing to provide services. Addresses are included in the application packages.

(CITE 19 N.J.R. 1458)
LAW AND PUBLIC SAFETY

MISCELLANEOUS NOTICES

H. Deadline by which application proposals must be submitted: Proposals must be submitted by **September 4, 1987**.

I. Date by which applicants shall be notified of approval or disapproval: Applicants shall receive notice of approval or disapproval of an RFP Proposal within 30 days after the deadline for receipt of proposals.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES

Applicants for Common Carrier's Certificate of Public Convenience and for Contract Carrier Permit

Public Notice

Take notice that Glenn R. Paulsen, Director, Division of Motor Vehicles pursuant to the authority of N.J.S.A. 39:5E.11, hereby lists the name and address of the applicants who have filed applications for a common carrier's Certificate of Public Convenience and Necessity and for a Contract Carrier permit, respectively.

COMMON CARRIER (NON-GRANDFATHER)
THOMPSON'S PAVING, INC.
RD #7 BOX 342
BRIDGETON, NEW JERSEY 08302
CONTRACT CARRIER (NON-GRANDFATHER)
M.J.O. CONTRACT HAULERS, INC.
7 RIVER ROAD
HIGH BRIDGE, NEW JERSEY 08829

Protests in writing and verified under oath may be presented by interested parties to the Director, Division of Motor Vehicles, 255 Montgomery St., Trenton, New Jersey 08608 within 20 days following the publication date of an application.

TREASURY-GENERAL

(b)

DIVISION OF BUILDING AND CONSTRUCTION

Architect-Engineer Selection Notice of Assignments—Month of June

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, pre-qualified New Jersey consulting firms. For information on DBC's pre-qualification and assignment procedures, call (609) 984-6979.

Last list dated June 4, 1987.

The following assignments have been made:

DBC NO.	PROJECT	A/E	CCE
C129-03	Inmate Shower Renovation Trenton State Prison Trenton, NJ	Berger Associates, PC	\$2,500 Services
P550	Administration Building Renovations Double Trouble State Park Berkeley Township, NJ	James N. Lindemon, AIA	\$90,000
P545	Dam Repairs Lake Hopatcong State Park Landing, NJ	Thomas H. Otto & Associates, Inc.	\$160,000
H874-01	Sewage Treatment Plant Improvements School of Conservation Montclair State College Stokes State Forest Branchville, NJ	Langan Engineering	\$361,770
1007	Cromwell Hall Painting Trenton State College Trenton, NJ	Armstrong Jordan Pease	\$80,000
A312 (Balance of pre- vious	Three Elements Sculpture General Office Building Trenton, NJ	Sally Ann Smith	\$72,000 Artist Services

contract:
artist
deceased.)

A537	Testing/Inspection Services Parking Lot Improvements Area #24	Certified Testing Laboratories	\$3,000 Services
P528	Renovation of General Store Whitesbog Village Lebanon State Forest New Lisbon, NJ	Lammy & Giorgio, PA	\$206,450
A538	Roof Replacement Distribution Center West Trenton, NJ	ARMM Design, Inc.	\$700,000
A313	Quarry Tile Report DOT/Main Office Building Trenton, NJ	Jess McIlvain & Assoc.	\$1,450 Services
T192	Re-roofing Building #1 & 1A DOT Fernwood Complex Trenton, NJ	Herbert J. Cannon Associates, PA	\$197,000
A540	Reroofing L & I Building Trenton, NJ	Herbert J. Cannon Associates, Inc.	\$264,000
P544	Sally's Pond Dam Repair Ringwood State Park Ringwood, NJ	Storch Engineers	\$140,000

COMPETITIVE PROPOSALS

	Storch Engineers	\$32,200 Lump Sum	
	PRC Engineers	\$33,000 Lump Sum	
	Metcalf & Eddy, Inc.	\$41,900 Lump Sum	
M730	Alterations & Additions to Abell Building Greystone Park Psychiatric Hospital Greystone Park, NJ	The Grad Partnership	\$6,335,000

COMPETITIVE PROPOSALS

	The Grad Partnership	7.45%	
	Gilbert L. Seltzer Associates	8.00%	
	Nadaskay Kopelson Architects	10.25%	
M735	Asbestos Removal Abell Building Greystone Park Psychiatric Hospital Greystone Park, NJ	Gaudet Associates	

COMPETITIVE PROPOSALS

	Gaudet Associates	\$25,130 Lump Sum	
	O'Brien & Gere Engineers, Inc.	\$38,800 Lump Sum	
	BCM Eastern	No Response Received	
C333	Condition Report & Capacity Study Electrical Distribution System Annandale Youth Correctional Institution Annandale, NJ	Frank R. Holtaway	\$29,100 Services

COMPETITIVE PROPOSALS

	Frank R. Holtaway & Son	\$29,100 Lump Sum	
	Syska & Hennessy	\$35,260 Lump Sum	
	Barnickel Engineering	\$56,000 Lump Sum	
E173	Renovations Department of Education Building Trenton, NJ	Grad Partnership	\$4,000,000

COMPETITIVE PROPOSALS

	Grad Partnership	7.60%	
	Shive Spinelli, Perantoni Architects	9.77%	
	Haines Lundberg Waehler	12.725%	
T184-01	Asbestos Removal Main Building Department of Transportation Trenton, NJ	Princeton Testing Laboratory	\$379,000

COMPETITIVE PROPOSALS

	Princeton Testing Laboratory	\$45,300	
	Gaudet Associates	\$51,970	
	Environmental Monitoring & Associates	No Proposal Received	
S002	CPM Scheduling Services New Weights & Measures Facility Woodbridge, NJ	Gaudet Associates, Inc.	\$29,900 Services

COMPETITIVE PROPOSALS

	Gaudet Associates, Inc.	\$29,900 Lump Sum	
	O'Brien Kreitzberg	\$49,000 Lump Sum	
	Tri-Tech Planning Consultants	\$63,700 Lump Sum	

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Average Wholesale Price of Cigarettes

Cigarette Surtax Rate

Public Notice

Take notice that, for the purpose of complying with the requirements of Chapter 40, P.L. 1982, Sec. 4 (N.J.S.A. 54:40A-8.2), John R. Baldwin,

Director of the Division of Taxation, hereby gives notice that, based upon the best available current data, the average wholesale price of cigarettes in this State during the succeeding six months commencing July 1, 1987, is \$0.5171 for each 10 cigarettes or fraction thereof.

Therefore, the cigarette surtax due for such six months, pursuant to Sec. 302, P.L. 1948, c.65 (N.J.S.A. 54:40A-8), as amended, shall be \$0.04 for each 10 cigarettes or fraction thereof.

EXECUTIVE ORDER NO. 66(1978) EXPIRATION DATES

Pursuant to N.J.A.C. 1:30-4.4, all expiration dates are now affixed at the chapter level. The following table is a complete listing of all current New Jersey Administrative Code expiration dates by **Title** and **Chapter**. If a chapter is not cited, then it does not have an expiration date. In some instances, however, exceptions occur to the chapter-level assignment. These variations do appear in the listing along with the appropriate chapter citation and are noted either as an exemption from Executive Order No. 66(1978) or as a subchapter-level date differing from the chapter date.

Current expiration dates may also be found in the loose-leaf volumes of the Administrative Code under the **Title** Table of Contents for each executive department or agency and on the **Subtitle** page for each group of chapters in a Title. Please disregard all expiration dates appearing elsewhere in Title volume.

This listing is revised monthly and appears in the first issue of each month.

OFFICE OF ADMINISTRATIVE LAW—TITLE 1

N.J.A.C.	Expiration Date	N.J.A.C.	Expiration Date
1:1	5/4/92	3:7	9/16/90
1:5	10/20/91	3:11	3/19/89
1:6	5/4/92	(Except for 3:11-2 which expired 6/3/85)	
1:6A	5/4/92	3:13	11/17/91
1:7	5/4/92	3:17	6/18/91
1:10	5/4/92	3:19	3/17/91
1:10A	5/4/92	3:21	2/2/92
1:10B	10/6/91	3:22	5/21/89
1:11	5/4/92	3:23	7/6/92
1:13	5/4/92	3:24	8/20/89
1:20	5/4/92	3:26	12/31/90
1:21	5/4/92	3:27	9/16/90
1:30	2/14/91	3:28	12/17/89
1:31	6/17/92	3:30	10/17/88
		3:38	9/7/87
		3:41	10/16/90

AGRICULTURE—TITLE 2

N.J.A.C.	Expiration Date
2:1	9/3/90
2:2	10/3/88
(Except for 2:2-9 which expired 6/11/84)	
2:3	6/18/89
(Except for 2:3-4 which expired 1/8/86)	
2:5	6/18/89
2:6	9/3/90
2:7	9/29/88
2:9	7/7/91
2:16	5/7/90
2:22	7/6/92
2:23	6/6/88
2:24	2/11/90
2:32	6/1/92
2:48	11/27/90
2:50	5/1/92
2:52	6/7/90
2:53	3/3/91
2:54	Exempt (7 U.S.C. 601 et seq. 7 C.F.R. 1004)
2:68	8/1/88
2:69	10/3/88
2:70	5/7/90
2:71	9/1/88
2:72	9/1/88
2:73	7/18/88
2:74	9/1/88
2:76	8/29/89
2:90	6/24/90

BANKING—TITLE 3

N.J.A.C.	Expiration Date
3:1	1/6/91
3:2	4/15/90
3:6	3/3/91
(Except for 3:6-8 which expired 4/9/85)	

CIVIL SERVICE—TITLE 4

N.J.A.C.	Expiration Date
4:1	1/28/90
4:2	1/28/90
4:3	6/4/89
4:4	12/5/91
4:6	5/5/91

COMMUNITY AFFAIRS—TITLE 5

N.J.A.C.	Expiration Date
5:3	9/1/88
5:10	12/1/88
5:11	3/1/89
5:12	1/1/90
5:13	1/1/88
5:14	12/1/90
5:17	6/1/89
5:18	2/1/90
5:18A	2/1/90
5:18B	2/1/90
5:22	12/1/90
5:23	4/1/88
5:24	9/1/90
5:25	3/1/91
5:26	3/1/91
5:27	6/1/90
5:28	12/20/90
5:29	6/18/91
5:30	6/1/88
5:31	12/1/89
5:37	11/18/90
5:38	11/7/88
5:51	9/1/88
5:70	7/9/92
5:71	3/1/90
5:80	5/20/90
5:91	6/16/91
5:92	6/16/91
5:100	5/7/89

DEPARTMENT OF DEFENSE—TITLE 5A

N.J.A.C.	Expiration Date
5A:2	5/20/90

EDUCATION—TITLE 6

N.J.A.C.	Expiration Date
6:2	3/1/89
6:3	8/18/88
6:8	1/5/92
6:11	12/12/90
6:12	4/2/91
6:20	8/9/90
6:21	8/9/90
6:22	9/3/90
6:24	4/2/91
6:26	1/24/90
6:27	1/24/90
6:28	6/1/89
6:29	3/25/90
6:30	8/31/88
6:31	1/24/90
6:39	10/18/89
6:43	4/7/91
6:46	12/1/87
6:53	7/7/92
6:64	5/1/88
6:68	4/12/90
6:70	1/25/90
6:79	2/1/88

ENVIRONMENTAL PROTECTION—TITLE 7

N.J.A.C.	Expiration Date
7:1	9/16/90
7:1A	6/5/92
7:1C	6/17/90
7:1D	12/1/88
7:1E	7/15/90
7:1F	4/20/92
7:1G	10/1/89
7:1H	7/24/90
7:1I	11/18/88
7:2	7/19/88
7:4	Expired 8/16/84
7:6	12/19/88
7:7	5/7/89
7:7E	7/24/90
7:7F	12/6/87
7:8	2/7/88
7:9	1/21/91
(Except for 7:9-1 which expired 4/25/85)	
7:10	9/4/89
7:11	6/6/88
7:12	6/6/88
7:13	5/4/89
7:14	4/27/89
(Except for 7:14-5 which expired 6/23/85)	
7:14A	6/4/89
7:15	4/2/89
7:17	4/7/91
7:18	8/6/91
7:19	4/15/90
7:19A	2/19/90
7:19B	2/19/90
7:20	5/6/90
7:20A	12/19/88
7:22	1/5/92
7:23	6/18/89
7:24	5/19/91
7:25	2/18/91

N.J.A.C.	Expiration Date
(Except for 7:25-1 which expired 9/17/85)	
7:25A	5/6/90
7:26	11/4/90
(Except for 7:26-5 which expired 10/7/85)	
7:27	Exempt
7:27A	Expired 10/7/85
7:27B-3	Exempt
7:28	10/7/90
7:29	3/18/90
7:29B	4/5/87
7:30	12/6/87
7:36-1	8/5/90
7:36-2	Expired 1/9/86
7:36-3	Expired 1/9/86
7:36-4	8/5/90
7:36-5	Expired 1/9/86
7:36-6	Expired 1/9/86
7:36-7	8/5/90
7:37	Exempt
7:38	9/18/90
7:45	Expired 1/11/85

HEALTH—TITLE 8

N.J.A.C.	Expiration Date
8:7	9/16/90
8:8	5/21/89
8:9	2/18/91
8:13	8/2/87
8:19	6/28/90
8:20	3/4/90
8:21	11/18/90
(Except for 8:21-1 which expired 5/15/85;	
8:21-6 which expired 9/18/85)	
8:21A	4/1/90
8:22	8/4/91
8:23	12/17/89
8:24	4/4/88
8:25	5/20/88
8:26	8/4/91
8:31	11/5/89
8:31A	3/18/90
8:31B	10/15/90
(Except for 8:31B-1 which expired 7/19/84)	
8:32	Expired 3/12/85
8:33	10/7/90
8:33A	4/15/90
8:33B	10/7/90
8:33C	8/20/89
8:33D	2/1/87
8:33E	6/23/92
8:33F	1/14/90
8:33G	7/20/89
8:33H	7/19/90
8:33I	9/15/91
8:33J	5/17/89
8:33K	4/16/89
8:34	11/18/88
8:39	6/20/88
8:40	4/15/90
8:41	2/17/92
8:42	3/18/90
8:42A	6/12/91
8:42B	8/1/88
8:43	1/21/91
8:43A	9/3/90
8:43B	1/21/91
8:43E	1/17/88
8:43F	3/18/90
8:43G	9/8/91

N.J.A.C.	Expiration Date
8:44	11/7/88
8:45	5/20/90
8:48	8/20/89
8:51	9/16/90
8:52	12/15/91
8:53	8/4/91
8:57	6/18/90
8:58	Expired 5/1/84
8:59	10/1/89
8:60	5/3/90
8:61	10/6/91
8:65	12/2/90
8:70	9/17/88
8:71	4/2/89

N.J.A.C.	Expiration Date
10:68	7/7/91
10:69A	4/26/88
10:69B	11/21/88
10:70	6/16/91
10:80	8/23/89
10:81	10/15/89
10:82	10/29/89
10:85	1/30/90
10:87	3/1/89
10:89	9/11/90
10:90	11/15/87
10:94	1/6/91
10:95	8/23/89
10:97	4/16/89
10:98	7/12/87
10:99	2/19/90
10:100	2/6/89
10:109	3/17/91
10:112	2/17/89
10:120	9/26/88
10:121	3/13/89
10:121A	8/6/87
10:122	8/6/89
10:122A	Exempt
10:122B	9/10/89
10:123	7/20/90
10:124	7/19/87
10:125	7/16/89
10:127	9/19/88
10:129	10/11/89
10:130	9/19/88
10:131	9/20/87
10:132	1/5/92
10:140	12/31/86
10:141	2/21/89

HIGHER EDUCATION—TITLE 9

N.J.A.C.	Expiration Date
9:1	1/17/89
9:2	6/17/90
9:3	10/17/88
9:4	10/30/91
9:5	1/21/91
9:6	5/20/90
9:7	4/13/88
9:8	11/4/90
9:9	10/3/88
9:11	1/17/89
9:12	1/17/89
9:14	5/20/90
9:15	10/25/88

HUMAN SERVICES—TITLE 10

N.J.A.C.	Expiration Date
10:1	5/6/88
10:2	1/5/92
10:3	9/19/88
10:4	1/3/88
10:5	12/19/88
10:6	2/21/89
10:12	1/5/92
10:36	8/18/91
10:37	11/4/90
10:38	5/28/91
10:40	3/15/89
10:42	8/18/91
10:43	9/1/88
10:44	10/3/88
10:44A	2/7/88
10:44B	4/15/90
10:45	9/19/88
10:47	11/4/90
10:48	1/21/91
10:49	8/12/90
10:50	3/3/91
10:51	10/28/90
10:52	2/19/90
10:53	4/29/90
10:54	3/3/91
10:55	3/11/90
10:56	8/26/91
10:57	3/3/91
10:58	3/3/91
10:59	3/3/91
10:60	8/27/90
10:61	3/3/91
10:62	3/3/91
10:63	11/29/89
10:64	3/3/91
10:65	11/5/89
10:66	12/15/88
10:67	3/3/91

CORRECTIONS—TITLE 10A

N.J.A.C.	Expiration Date
10A:1	7/6/92
10A:3	10/6/91
10A:4	7/21/91
10A:5	10/6/91
10A:9	1/20/92
10A:16	4/6/92
10A:17	12/15/91
10A:18	7/6/92
10A:31	2/4/90
10A:32	3/4/90
10A:33	7/16/89
10A:34	4/6/92
10A:70	Exempt
10A:71	4/15/90

INSURANCE—TITLE 11

N.J.A.C.	Expiration Date
11:1	2/3/91
11:1-20	7/7/88
11:1-22	7/7/88
11:2	12/2/90
11:3	1/6/91
11:4	12/2/90
11:5	11/7/88
11:10	7/15/90
11:12	10/27/91
11:13	12/6/87
11:14	7/2/89
11:15	12/3/89
11:16	2/3/91

LABOR—TITLE 12

N.J.A.C.	Expiration Date
12:15	8/19/90
12:16	4/1/90
12:17	1/6/91
12:20	11/5/89
12:35	8/5/90
12:45	5/2/88
12:46	5/2/88
12:47	5/2/88
12:48	5/2/88
12:49	5/2/88
12:51	6/30/91
12:56	9/26/90
12:57	9/26/90
12:58	9/26/90
12:90	12/17/89
12:100	11/5/89
12:105	1/21/91
12:120	5/3/90
12:175	12/9/88
12:190	9/5/87
12:195	9/6/88
12:200	8/5/90
12:235	5/5/91

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

N.J.A.C.	Expiration Date
12:10-1	8/15/89
12A:100-1	9/8/91

LAW AND PUBLIC SAFETY—TITLE 13

N.J.A.C.	Expiration Date
13:1	7/19/88
13:1C	Expired 12/1/83
13:2	8/5/90
13:3	8/1/88
13:4	1/21/91
13:10	5/27/89
13:13	6/17/90
13:18	4/1/90
13:19	8/23/89
13:20	12/18/90
13:21	12/16/90
13:22	1/7/90
13:23	6/4/89
13:24	11/5/89
13:25	3/18/90
13:26	10/17/88
13:27	4/1/90
13:27A	11/1/87
13:28	9/3/90
13:29	6/3/90
13:30	4/15/90
13:31	12/12/91
13:32	11/1/87
13:33	3/18/90
13:34	11/21/88
13:35	11/19/89
13:36	11/19/89
13:37	2/11/90
13:38	10/7/90
13:39	1/6/91
13:39A	7/7/91
13:40	9/3/90
13:41	9/3/90
13:42	11/3/88
13:43	9/8/88
13:44	8/20/89
13:44A	Expired 5/17/84

N.J.A.C.	Expiration Date
13:44B	5/3/87
13:44C	6/2/91
13:45A	12/16/90
13:46	6/3/90
13:47	2/2/92
13:47A	9/7/87
(Except for 13:47A-25 which expired 8/14/83)	
13:47B	1/4/89
13:47C	8/20/89
13:48	1/21/91
13:49	12/19/88
13:51	4/27/92
13:54	10/5/91
13:58	9/7/89
13:59	9/16/90
13:60	1/20/92
13:70	2/25/90
13:71	2/25/90
13:75	8/20/89
13:76	9/6/88

PUBLIC UTILITIES—TITLE 14

N.J.A.C.	Expiration Date
14:1	12/16/90
14:3	5/6/90
14:5	12/16/90
14:6	3/3/91
14:9	4/15/90
14:11	1/27/92
14:10	9/8/91
14:17	5/7/89
14:18	7/29/90

ENERGY—TITLE 14A

N.J.A.C.	Expiration Date
14A:2	4/17/89
14A:3	10/7/90
(Except for 14A:3-10 which expired 9/1/85)	
14A:4	10/19/88
14A:5	10/19/88
14A:6	8/6/89
14A:7	9/16/90
14A:8	9/20/89
14A:9	Expired 4/27/84
14A:11	9/20/89
14A:12	2/7/88
14A:13	2/2/92
14A:14	2/6/89
14A:20	2/3/91
14A:21	11/21/90
14A:22	6/4/89

STATE—TITLE 15

N.J.A.C.	Expiration Date
15:2	3/7/88
15:3	7/7/91
15:5	2/17/92
15:10	2/18/91

TRANSPORTATION—TITLE 16

N.J.A.C.	Expiration Date
16:1	8/5/90
16:2	10/3/88
16:6	9/3/90
16:13	5/7/89
16:16	11/7/88

N.J.A.C.	Expiration Date
16:17	11/7/88
16:20A	12/17/89
16:20B	12/17/89
16:21	9/3/90
16:21A	8/20/89
16:22	2/3/91
16:25-12	Expired 2/5/84
16:25-13	Expired 2/5/84
16:26	8/6/89
16:27	9/8/91
16:28	11/7/88
16:28A	11/7/88
16:29	11/7/88
16:30	11/7/88
16:31	11/7/88
16:31A	10/20/88
16:32	4/15/90
16:33	9/3/90
16:41	11/15/87
16:41A	2/19/90
16:41B	3/4/90
16:43	9/3/90
16:44	10/3/88
16:49	3/18/90
16:51	4/6/92
16:53	3/19/89
16:53A	4/15/90
16:53C	9/19/88
16:53D	5/7/89
16:54	4/7/91
16:55	11/7/88
16:56	6/4/89
16:60	11/7/88
16:61	11/7/88
16:62	4/15/90
16:72	3/31/91
16:73	1/30/92
16:75	6/6/88
16:76	12/19/88
16:77	1/21/90
16:78	10/7/90
16:79	10/20/91

TREASURY-GENERAL—TITLE 17

N.J.A.C.	Expiration Date
17:1	6/6/88
17:2	12/17/89
17:3	6/6/88
17:4	7/1/90
17:5	12/2/90
17:6	2/19/89
17:7	6/6/88
17:8	6/27/90
17:9	6/6/88
17:10	6/6/88
17:12	8/15/89
17:16	12/2/90
17:19	3/18/90
(Except for 17:19-10 which expired 3/3/85)	
17:19A	Expired 2/1/84
17:20	11/7/88
17:25	6/18/89
17:27	11/7/88

N.J.A.C.	Expiration Date
17:28	9/13/90
17:29	10/18/90
17:30	5/4/92

TREASURY-TAXATION—TITLE 18

N.J.A.C.	Expiration Date
18:3	4/23/89
18:5	4/16/89
18:6	4/2/89
18:7	4/2/89
18:8	4/2/89
18:9	8/12/88
18:12	8/12/88
18:12A	8/12/88
18:14	8/12/88
18:15	8/12/88
18:16	8/12/88
18:17	8/12/88
18:18	4/2/89
18:19	4/6/89
18:22	4/2/89
18:23	4/2/89
18:23A	8/5/90
18:24	8/12/88
18:25	1/6/91
18:26	8/12/88
18:30	4/2/89
18:35	8/12/88
18:36	2/4/90
18:37	8/5/90

OTHER AGENCIES—TITLE 19

N.J.A.C.	Expiration Date
19:3	6/19/88
19:3B	Exempt (N.J.S.A. 13:17-1)
19:4	11/7/88
19:4A	5/2/88
19:8	6/1/88
19:9	7/13/88
19:12	8/7/91
19:16	8/7/91
19:17	7/15/88
19:25	1/9/91
19:30	10/7/90
19:40	9/26/89
19:41	5/17/88
19:42	5/17/88
19:43	4/27/89
19:44	10/13/88
19:45	4/7/88
19:46	5/4/88
19:47	5/4/88
19:48	10/13/88
19:49	3/29/88
19:50	5/23/88
19:51	8/14/91
19:52	9/25/91
19:53	5/4/88
19:54	4/15/88
19:61	7/7/91
19:65	7/7/91
19:75	1/17/89

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the June 1, 1987 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(d).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1987 d.1 means the first rule adopted in 1987.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A number and date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: MAY 18, 1987.

NEXT UPDATE WILL BE DATED JUNE 15, 1987.

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
18 N.J.R. 1505 and 1640	August 4, 1986	19 N.J.R. 325 and 392	February 17, 1987
18 N.J.R. 1641 and 1726	August 18, 1986	19 N.J.R. 393 and 430	March 2, 1987
18 N.J.R. 1727 and 1862	September 8, 1986	19 N.J.R. 431 and 476	March 16, 1987
18 N.J.R. 1863 and 1978	September 22, 1986	19 N.J.R. 477 and 586	April 6, 1987
18 N.J.R. 1979 and 2078	October 6, 1986	19 N.J.R. 587 and 672	April 20, 1987
18 N.J.R. 2069 and 2148	October 20, 1986	19 N.J.R. 673 and 794	May 4, 1987
18 N.J.R. 2149 and 2234	November 3, 1986	19 N.J.R. 795 and 898	May 18, 1987
18 N.J.R. 2235 and 2344	November 17, 1986	19 N.J.R. 899 and 1006	June 1, 1987
18 N.J.R. 2345 and 2408	December 1, 1986	19 N.J.R. 1007 and 1120	June 15, 1987
18 N.J.R. 2409 and 2472	December 15, 1986	19 N.J.R. 1121 and 1258	July 6, 1987
19 N.J.R. 1 and 164	January 5, 1987	19 N.J.R. 1259 and 1352	July 20, 1987
19 N.J.R. 165 and 260	January 20, 1987	19 N.J.R. 1353 and 1474	August 3, 1987
19 N.J.R. 261 and 324	February 2, 1987		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1				
1:1-18.4	Filing of exceptions to factual findings: submittal of transcripts	19 N.J.R. 1123(a)		
1:30-1.2, 2.8	Use of appendices	19 N.J.R. 675(a)		
1:30-3.1	Additional notice of proposed rulemaking	19 N.J.R. 675(b)		
1:30-4.1, 4.5	Filing of adopted rules; emergency rule adoptions	19 N.J.R. 676(a)		
1:31-1	Organization of Office of Administrative Law	Exempt	R.1987 d.286	19 N.J.R. 1291(a)
1:31-1.2-2.1	Petition for a rule	19 N.J.R. 677(a)	R.1987 d.287	19 N.J.R. 1291(b)

(TRANSMITTAL 1987-1, dated May 18, 1987)

AGRICULTURE—TITLE 2				
2:22	Control of dangerously injurious insects	19 N.J.R. 479(a)	R.1987 d.274	19 N.J.R. 1184(a)
2:32	Sire Stakes Program	19 N.J.R. 480(a)	R.1987 d.236	19 N.J.R. 924(a)
2:50	Milk production and supply	19 N.J.R. 433(a)	R.1987 d.232	19 N.J.R. 927(a)
2:69-1.11	Commercial values of fertilizers	19 N.J.R. 484(a)	R.1987 d.275	19 N.J.R. 1184(b)
2:71-2.28	Fees for grading of fruits and vegetables	19 N.J.R. 901(a)		
2:76-5.3, 5.8	Cost-share funding of soil and water conservation projects	19 N.J.R. 1123(b)		
2:76-7	Review of nonagricultural development projects in agricultural areas	19 N.J.R. 1009(a)		

(TRANSMITTAL 1987-3, dated May 18, 1987)

BANKING—TITLE 3				
3:6-16	Qualified bank acquisitions of underwritten securities	19 N.J.R. 677(b)	R.1987 d.271	19 N.J.R. 1184(c)
3:11-7.10	Borrowing limitation of director of executive officer	19 N.J.R. 1124(a)		
3:23	License fees	19 N.J.R. 485(a)	R.1987 d.254	19 N.J.R. 1185(a)
3:25-1	Debt adjustment and credit counseling fees	19 N.J.R. 901(b)		
3:38	Mortgage bankers and brokers	19 N.J.R. 1261(a)		
3:41	Cemeteries: disinterment and reinterment of human remains	18 N.J.R. 1642(a)		

(TRANSMITTAL 1987-2, dated April 20, 1987)

PERSONNEL (CIVIL SERVICE)—TITLE 4				
4:1-1, 2, 3, 4	Repeal (see 4A:1)	19 N.J.R. 1011(A)		
4:1-5, 13.6, 13.7, 16.7-16.12, 16.14, 23	Repeal (see 4A:2)	19 N.J.R. 1013(a)		
4:1-10.3	Repeal (see 4A:5)	19 N.J.R. 1018(a)		
4:1-21.2, 21.6	Repeal (see 4A:7)	19 N.J.R. 1020(a)		
4:1-27.1	Overtime rules	19 N.J.R. 327(b)	R.1987 d.259	19 N.J.R. 1185(b)
4:2-16.4, 16.5, 23	Repeal (see 4A:2)	19 N.J.R. 1013(a)		
4:2-21.1-21.6	Repeal (see 4A:7)	19 N.J.R. 1020(a)		
4:2-27	Overtime rules	19 N.J.R. 327(b)	R.1987 d.259	19 N.J.R. 1185(b)
4:3-16.3, 16.4	Repeal (see 4A:2)	19 N.J.R. 1013(a)		

NEW JERSEY REGISTER, MONDAY, AUGUST 3, 1987

(CITE 19 N.J.R. 1467)

J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
:3-21.1, 21.2	Repeal (see 4A:7)	19 N.J.R. 1020(a)		
:6	Overtime Committee Rules	19 N.J.R. 327(b)	R.1987 d.259	19 N.J.R. 1185(b)
A:1	General rules and department organization	19 N.J.R. 1011(a)		
A:2	Appeals, discipline and separations	19 N.J.R. 1013(a)		
A:5	Veterans and disabled veterans preference	19 N.J.R. 1018(a)		
A:7	Equal employment opportunity and affirmative action	19 N.J.R. 1020(a)		
A:9-1	Political subdivisions	19 N.J.R. 1022(a)		

(TRANSMITTAL 1987-1, dated January 20, 1987)

COMMUNITY AFFAIRS—TITLE 5

:4-2	Debarment and suspension from contracting	19 N.J.R. 1261(b)		
:14-1.1-1.4, 2.1-2.3, 3.1-3.23, 4.1-4.6	Neighborhood Preservation Balanced Housing Programs	19 N.J.R. 589(a)		
:18-2.5, 2.7, 2.11, 2.14, 3.2, 4.1, 4.7, 4.9-4.12, 4.17, 4.18	Uniform Fire Code: Fire Safety Code	18 N.J.R. 1225(a)	R.1987 d.247	19 N.J.R. 1078(a)
:18-2.7	Permits required: correction	18 N.J.R. 1225(a)	R.1987 d.247	19 N.J.R. 1341(a)
18-4	Fire Safety Code: correction	18 N.J.R. 1225(a)	R.1987 d.247	19 N.J.R. 1190(a)
18-4.1	Fire Safety Code: exemption of one and two family residences	19 N.J.R. 1263(b)		
:18-4.7, 4.9	Fire safety in boarding homes, day nurseries, hotels and motels	19 N.J.R. 1023(a)		
18A-2.3, 4.3, 4.4	Fire Code Enforcement	18 N.J.R. 1225(a)	R.1987 d.247	19 N.J.R. 1078(a)
.19	Continuing care retirement communities: disclosure requirements	19 N.J.R. 597(a)		
23-1.1, 3.10, 4.40, 5.2, 5.4, 5.18, 5.20, 5.21-5.26	UCC: local agency classification; appeal boards; licensing	19 N.J.R. 1264(a)		
23-2.38, 3.11, 7.2, 7.3, 7.100-7.116	Barrier free subcode: recreation standards	19 N.J.R. 1270(a)		
23-3.2, 3.4, 3.8A, 3.14, 3.15, 3.16, 3.17, 3.20, 3.21, 4.16	Uniform Construction Code: subcodes	19 N.J.R. 1024(a)		
23-3.18. 6.1-6.3	Energy subcode; solar energy property tax exemptions	19 N.J.R. 433(b)		
23-4.5	UCC enforcement: conflict of interest—withdrawal of proposal	19 N.J.R. 1033(a)		
23-8	Asbestos Hazard Abatement Subcode	19 N.J.R. 902(a)		
24-1.12	Condominium and cooperative conversion	19 N.J.R. 797(a)	R.1987 d.292	19 N.J.R. 1291(c)
26-8.2	Duties of community associations in planned real estate developments	19 N.J.R. 797(b)	R.1987 d.291	19 N.J.R. 1291(d)
70	Congregate Housing Services Program	19 N.J.R. 678(a)	R.1987 d.315	19 N.J.R. 1430(a)
80-3	Housing and Mortgage Finance: return on equity for housing sponsors	19 N.J.R. 1125(a)		
80-21	Housing and Mortgage Finance: single family loans	18 N.J.R. 2238(a)		
80-22	Affirmative Fair Housing Marketing Plan	19 N.J.R. 798(a)		
80-26	Housing resale and rental affordability control	19 N.J.R. 802(a)		
92-7.1	Council on Affordable Housing: drastic alteration of development	19 N.J.R. 806(a)	R.1987 d.314	19 N.J.R. 1431(a)

(TRANSMITTAL 1987-3, dated March 16, 1987)

DEFENSE—TITLE 5A

(TRANSMITTAL 1, dated May 20, 1985)

EDUCATION—TITLE 6

8-7.1	High school proficiency standards and handicapped pupils	19 N.J.R. 1033(b)		
20-2.14	Appropriation of free balance by local district	19 N.J.R. 437(a)	R.1987 d.239	19 N.J.R. 928(a)
28-3.6, 4.4	High school proficiency standards and handicapped pupils	19 N.J.R. 1033(b)		
31-1	Bilingual education	19 N.J.R. 1126(a)		
39-1.5	High school proficiency standards and handicapped pupils	19 N.J.R. 1033(b)		
46	Area Vocational Technical and Private Schools: waiver of Executive Order No. 66 (1978) sunset provision	18 N.J.R. 1996(b)		
46-1	Area vocational technical schools	18 N.J.R. 1511(a)		
53	Vocational education safety standards	19 N.J.R. 485(b)	R.1987 d.313	19 N.J.R. 1432(a)
68-1.4	State library aid to municipalities	19 N.J.R. 1128(a)		

(TRANSMITTAL 1987-5, dated May 18, 1987)

ENVIRONMENTAL PROTECTION—TITLE 7

1-3, 4	Environmental Cleanup Responsibility Act rules	19 N.J.R. 681(a)		
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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:1-6	Disposal of solid waste	18 N.J.R. 883(a)	R.1987 d.235	19 N.J.R. 928(b)
7:1A	Water Supply Bond Loan Program	19 N.J.R. 437(b)	R.1987 d.264	19 N.J.R. 1190(b)
7:1A	Water Supply Bond Loan Program: extension of comment period	19 N.J.R. 806(b)		
7:1G-2.1, 2.2, 4.1, 4.2, 5.4	Worker and Community Right to Know: hazardous substances and materials	19 N.J.R. 438(a)		
7:1G-3.2, 5.2, 7	Worker and Community Right to Know: assessment of civil administrative penalties for nondisclosure of information	19 N.J.R. 703(a)		
7:2-11	Natural Areas System	18 N.J.R. 2349(b)		
7:7-2.1, 2.3	Coastal Permit Program: CAFRA exemptions; waterfront development	19 N.J.R. 807(a)		
7:7-2.2	Monmouth County wetlands maps	18 N.J.R. 2162(a)		
7:7E-7.4, 8.11	Coastal resources and development: high rise structures; public access to Hudson River waterfront	19 N.J.R. 1034(a)		
7:8-1.3, 1.7, 2.1, 2.2, 2.6, 3.4, 3.6	Stormwater management	19 N.J.R. 488(a)		
7:9-2.60	Percolation tests: correction to Administrative Code			19 N.J.R. 1109(e)
7:9-4.14	Water quality criteria for Mainstem Delaware River Zones	18 N.J.R. 1435(a)	R.1987 d.320	19 N.J.R. 1433(a)
7:9-13	Sewer connection bans	18 N.J.R. 2163(a)		
7:9-13	Sewer connection ban: extension of comment period	19 N.J.R. 263(b)		
7:9-15.6	Phase II lake restoration projects: State funding level	19 N.J.R. 909(a)		
7:11-1	Use of Water Supply Authority property	19 N.J.R. 1274(a)		
7:12	Classification of shellfish growing waters	19 N.J.R. 1129(a)		
7:13-7.1(d)	Redelineation of Raritan River and Peters Brook: re-proposed	19 N.J.R. 167(b)		
7:13-7.1(d)	Redelineation of Wolf Creek in Hackensack Basin	18 N.J.R. 2355(a)	R.1987 d.279	19 N.J.R. 1190(c)
7:13-7.1(d)	Flood plain delineations in Passaic-Hackensack and Raritan basins	19 N.J.R. 489(a)		
7:13-7.1(d)	Flood hazard redelineation of Raritan River	19 N.J.R. 1277(a)		
7:13-7.1(g)	Flood hazard areas along the Saddle, Ramapo and Mahwah rivers, and Masonicus Brook	19 N.J.R. 169(a)	R.1987 d.310	19 N.J.R. 1292(a)
7:14A-1, 2, 3, 5, 10, 12	New Jersey Pollutant Discharge Elimination System	18 N.J.R. 2085(a)		
7:14A-1, 2, 3, 5, 10, 12	New Jersey Pollutant Discharge Elimination System: comment period extended	18 N.J.R. 2411(a)		
7:14A-1.8	NJPDES fee schedule	19 N.J.R. 706(a)	R.1987 d.281	19 N.J.R. 1191(a)
7:14A-1.9, 12	Sewer connection bans	18 N.J.R. 2163(a)		
7:14A-1.9, 12	Sewer connection bans: extension of comment period	19 N.J.R. 263(b)		
7:14A-6.16	Disposal of solid waste	18 N.J.R. 883(a)	R.1987 d.235	19 N.J.R. 928(b)
7:25-2.18, 2.22	Use of land and water areas	19 N.J.R. 398(a)	R.1987 d.250	19 N.J.R. 1090(a)
7:25-4.13, 4.17	Endangered and nongame species lists	19 N.J.R. 491(a)	R.1987 d.308	19 N.J.R. 1293(a)
7:25-5	1987-1988 Game Code	19 N.J.R. 808(a)	R.1987 d.321	19 N.J.R. 1434(a)
7:26-1.1, 1.4, 1.6, 2.1, 7.5, 8.1, 8.2, 8.13, 8.15, 9.1, 10.7, 11.5, 11.6, 12.1, 12.3	Solid waste defined; hazardous waste recycling	19 N.J.R. 1035(a)		
7:26-1.4, 2, 2A, 2B, 5, 12.11, 12.12	Disposal of solid waste	18 N.J.R. 883(a)	R.1987 d.235	19 N.J.R. 928(b)
7:26-1.4, 7.5, 7.7, 8.2, 8.13	Waste oil	18 N.J.R. 878(a)	R.1987 d.234	19 N.J.R. 1091(a)
7:26-1.7	Temporary certification of solid waste transfer stations	19 N.J.R. 886(a)	R.1987 d.311	19 N.J.R. 1452(a)
7:26-1.10	Master performance permits for transfer station facilities	Emergency (expires 8-22-87) 19 N.J.R. 883(a)	R.1987 d.301	19 N.J.R. 1242(a)
7:26-2.13	Solid waste facilities: recordkeeping	19 N.J.R. 171(a)		
7:26-2A.9	Escrow account requirements: correction	18 N.J.R. 883(a)	R.1987 d.235	19 N.J.R. 1341(b)
7:26-6.5	Interdistrict and intradistrict solid waste flow: Hunterdon, Morris, Ocean and Warren counties	19 N.J.R. 1142(a)		
7:26-7.2, 9.1, 9.3, 10.8, 11.4	Hazardous waste management: containers, landfills, existing facilities	19 N.J.R. 441(a)	R.1987 d.307	19 N.J.R. 1293(b)
7:26-8.2	Waste oil exclusions: correction	18 N.J.R. 878(a)	R.1987 d.234	19 N.J.R. 1196(a)
7:26-8.13, 8.15, 8.16	Hazardous waste criteria	19 N.J.R. 1278(a)		
7:26-8.14	Hazardous waste listing: ethylene dibromide wastes	19 N.J.R. 443(a)	R.1987 d.280	19 N.J.R. 1196(b)
7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, 12.2	Hazardous waste management	18 N.J.R. 2356(a)		
7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, 12.2	Hazardous waste management: extension of comment period	19 N.J.R. 263(c)		
7:26-12.2	Hazardous waste facilities: application signatories	19 N.J.R. 11(b)		
7:26-14.1, 14A	Resource Recovery and Solid Waste Disposal Facility Loans	19 N.J.R. 828(a)		

I.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
:26-15	Recycling Grants and Loans Program	18 N.J.R. 2358(a)		
:26B	Environmental Cleanup Responsibility Act rules	19 N.J.R. 681(a)		
:27-16.1, 16.3	Air pollution control: Stage II vapor recovery	18 N.J.R. 1867(a)		
:28-3	Registration of ionizing radiation-producing machines and radioactive materials	19 N.J.R. 836(a)		
:28-4	Naturally-occurring and accelerator-produced radioactive materials: handling and use	19 N.J.R. 1041(a)		
:28-5	Designation of controlled areas for use of radiation and radioactive materials	19 N.J.R. 839(a)		
:28-14	Therapeutic radiation installations	18 N.J.R. 1157(a)	R.1987 d.258	19 N.J.R. 1196(c)
:30-2.3	Restricted-use pesticides	19 N.J.R. 492(a)	R.1987 d.309	19 N.J.R. 1295(a)
:50	Pinelands Comprehensive Management Plan	18 N.J.R. 2239(a)		
:50	Pinelands Comprehensive Management Plan: public hearings	18 N.J.R. 2411(b)		

(TRANSMITTAL 1987-5, dated May 18, 1987)

HEALTH—TITLE 8

:2-1	Birth certificates	18 N.J.R. 2278(a)		
:2-1	Birth certificates: extension of comment period	19 N.J.R. 264(a)		
:13	Processing and handling of shellfish; depuration of soft shell clams	19 N.J.R. 1143(a)		
:20-1.2	Reportable birth defects	19 N.J.R. 909(b)		
:21-4.5	New drug applications: correction			19 N.J.R. 1342(b)
:21-5	Foods, drugs, cosmetics, devices: order to remove from sale and recall	18 N.J.R. 1361(b)	Expired	
:26-5.7	Lifeguard training at ocean and tidal bathing beaches	19 N.J.R. 494(a)	R.1987 d.288	19 N.J.R. 1296(a)
:31-26.3, 26.4	Home health agencies: employee physicals; child abuse and neglect	18 N.J.R. 2283(a)		
:31B-3.7, 3.17, 3.27, 3.51, 3.55, 3.73, 4.42	Hospital reimbursement for existing capital indebtedness	19 N.J.R. 1145(a)		
:31B-3.22, 3.31, 3.51	Hospital reimbursement: graduate medical education	19 N.J.R. 605(a)		
:31B-3.24, 3.51, 3.71, 3.73	Hospital reimbursement: indirect costs	19 N.J.R. 1147(a)		
:31B-3.27, 4.42	Capital cost reimbursement	18 N.J.R. 1912(a)	Withdrawn	19 N.J.R. 1343(a)
:31B-3.38	Apportionment of full financial elements	19 N.J.R. 1279(a)		
:31B-3.38, 4.62	Hospital reimbursement: outpatient dialysis	19 N.J.R. 840(a)		
:31B-3.41, 4.15, 4.38, 4.39	Hospital reimbursement: uncompensated care	18 N.J.R. 2283(b)		
:31B-3.73, App. IX	Hospital reimbursement: cost/volume methodology	18 N.J.R. 2284(a)		
:31B-3.73, App. IX	Hospital reimbursement: correction to cost/volume methodology	19 N.J.R. 264(b)		
:31B-7	Uncompensated Care Trust Fund	19 N.J.R. 495(a)	R.1987 d.298	19 N.J.R. 1297(a)
:33-1.5, 2.7, 2.8, 4.15	Certificate of Need review process: batching	19 N.J.R. 1280(a)		
:33E-1	Cardiac diagnostic facilities and services	19 N.J.R. 606(a)	R.1987 d.294	19 N.J.R. 1304(a)
:33E-1.1, 1.2, 1.3	Certificate of Need: cardiac diagnostic facilities	19 N.J.R. 1282(a)		
:33E-2	Cardiac surgical centers	19 N.J.R. 610(a)	R.1987 d.296	19 N.J.R. 1307(a)
:33E-2.2, 2.3, 2.4	Certificate of Need: cardiac surgery centers	19 N.J.R. 1283(a)		
:33G-3.11	Long-term care beds for former psychiatric hospital patients	19 N.J.R. 614(a)		
:33H-2.1, 3.1, 3.3, 3.5	“Specialized” long-term care; licensure track records; location of residential health care facilities	19 N.J.R. 1149(a)		
:33H-3.11	Certificate of Need: Long-Term Care Facilities	19 N.J.R. 614(a)	R.1987 d.295	19 N.J.R. 1312(a)
42	Licensure of home health agencies	18 N.J.R. 2287(a)		
65-10.1, 10.2	Controlled substances: reschedule Alfentanil from Schedule I to Schedule II	19 N.J.R. 841(a)	R.1987 d.324	19 N.J.R. 1454(a)
65-10.2	Controlled substances: addition of Nabilone to Schedule II	19 N.J.R. 1050(a)		
65-10.3	Controlled substances: Tiletamine-Zolazepam preparations	19 N.J.R. 497(a)		
65-10.3, 10.4	Reassignment of CDS Codes in Schedules III and IV	19 N.J.R. 911(a)		
71	Generic drug list additions (see 18 N.J.R. 1955(b), 2208(b), 19 N.J.R. 116(b), 216(c), 640(a), 880(b))	18 N.J.R. 1167(a)	Expired	
71	Generic drug additions (see 19 N.J.R. 116(c), 217(a), 640(b), 881(a))	18 N.J.R. 1775(a)	R.1987 d.300	19 N.J.R. 1315(a)
71	Interchangeable drug products (see 19 N.J.R. 215(a))	18 N.J.R. 2100(a)		
71	Interchangeable drug products (see 19 N.J.R. 216(a))	18 N.J.R. 2101(a)		
71	Interchangeable drug products (see 19 N.J.R. 641(a), 880(a))	19 N.J.R. 13(a)	R.1987 d.299	19 N.J.R. 1314(a)
71	Interchangeable drug products	19 N.J.R. 615(a)	R.1987 d.297	19 N.J.R. 1312(b)

(TRANSMITTAL 1987-5, dated May 18, 1987)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
HIGHER EDUCATION—TITLE 9				
9:1-7	Fraudulent academic degrees	19 N.J.R. 1284(a)		
9:2-3	Early retirement program for tenured faculty: rehiring as adjunct faculty	19 N.J.R. 912(a)		
9:2-8	Petitions for rulemaking	19 N.J.R. 913(a)		
9:2-9	Organization of Board and Department of Higher Education	Exempt	R.1987 d.240	19 N.J.R. 986(a)
9:7-2.10, 2.11	Tuition Aid Grant benefits	19 N.J.R. 1153(a)		
9:7-4.1	Distinguished Scholars Program: academic criteria	19 N.J.R. 498(a)	R.1987 d.278	19 N.J.R. 1207(a)
9:7-9.9, 9.11, 9.12, 9.15	Congressional Teacher Scholarship Program	19 N.J.R. 1154(a)		
9:9-3.5	Capitalization of PLUS loan interest	19 N.J.R. 498(b)		
9:11-1.4	Educational Opportunity Fund: student dependency status defined	19 N.J.R. 266(a)		
9:11-1.5	Educational Opportunity Fund: undergraduate grants	19 N.J.R. 15(a)	R.1987 d.289	19 N.J.R. 1316(a)
9:11-1.5	EOF: financial eligibility for undergraduate grants	19 N.J.R. 499(a)		
9:11-1.7	Educational Opportunity Fund: undergraduate grants	19 N.J.R. 399(a)		
(TRANSMITTAL 1987-4, dated May 18, 1987)				
HUMAN SERVICES—TITLE 10				
10:8	Personal needs allowance for indigent persons in State and county institutions	19 N.J.R. 617(a)		
10:49-1.1 and 1.2	Administration Manual: Optional Categorically Needy program	Emergency (expires 8-28-87)	R.1987 d.312	19 N.J.R. 1324(a)
10:49-1.12	Medicaid reimbursement: timely submission of claims by service providers	19 N.J.R. 1155(a)		
10:50-2 through 10:68-2	Medicaid reimbursement: timely submission of claims by service providers	19 N.J.R. 1155(a)		
10:65-1.5, 1.8	Medical day care centers: recordkeeping	19 N.J.R. 30(a)		
10:72	Optional Categorically Needy Eligibility Manual	Emergency (expires 8-28-87)	R.1987 d.312	19 N.J.R. 1324(a)
10:81-2.6, 3.13	AFDC eligibility and full-time students	19 N.J.R. 618(a)		
10:81-3.12	PAM: parent-minor and AFDC	19 N.J.R. 31(a)		
10:81-3.38	AFDC qualification and child support orders	19 N.J.R. 618(b)		
10:81-4.9, 5.2, 7.1	PAM: administration of AFDC program	19 N.J.R. 341(a)	R.1987 d.284	19 N.J.R. 1316(b)
10:81-11.3	AFDC: newborn child and application for Social Security number	19 N.J.R. 619(a)		
10:81-11.4	PAM: recovery of child support overpayments	19 N.J.R. 1171(a)		
10:81-11.7, 11.9	PAM: annual notice of child support collections	19 N.J.R. 343(a)	R.1987 d.253	19 N.J.R. 1093(a)
10:81-11.18	PAM: child support guidelines	18 N.J.R. 2178(a)		
10:82-1.2, 2.13, 5.11	AFDC payment levels	19 N.J.R. 500(a)	R.1987 d.252	19 N.J.R. 1094(a)
10:82-1.3, 4.16	ASH: household defined; court-ordered support	19 N.J.R. 31(b)		
10:82-1.7, 1.8, 3.2	AFDC benefits and educational financial aid	19 N.J.R. 709(a)		
10:82-3.2, 4.13, 4.14, 4.15	ASH: resources and income in AFDC	19 N.J.R. 344(a)	R.1987 d.285	19 N.J.R. 1317(a)
10:82-5.10	Emergency Assistance in AFDC program	19 N.J.R. 1171(b)		
10:82-5.12	ASH: disregarded child support payments	19 N.J.R. 501(a)		
10:85-3.2	GAM: exemption from work requirement and unemployability	18 N.J.R. 2183(a)		
10:85-3.3	GAM: Medically Needy eligibility	18 N.J.R. 1781(a)		
10:85-4.1, 9.4	General Assistance payment levels	19 N.J.R. 502(a)	R.1987 d.251	19 N.J.R. 1095(a)
10:85-5.3	Personal needs allowance for GA recipients in nursing homes and intermediate care facilities	19 N.J.R. 619(b)	R.1987 d.322	19 N.J.R. 1454(b)
10:85-8.4	GAM: information concerning PAAD	18 N.J.R. 1343(b)	Expired	
10:87-2.3, 2.6, 2.19, 3.13-3.21	Food Stamp Program: employment and training requirements	19 N.J.R. 649(a)	R.1987 d.261	19 N.J.R. 1207(b)
10:87-12.3, 12.4 and 12.7	Food Stamp Program: maximum income eligibility limits	Emergency (expires 8-24-87)	R.1987 d.304	19 N.J.R. 1331(a)
10:100-3.6	Submission of cemetery petition by funeral directors	19 N.J.R. 345(a)	R.1987 d.283	19 N.J.R. 1318(a)
10:131	Adoption Assistance and Child Welfare Act of 1980	19 N.J.R. 1285(a)		
(TRANSMITTAL 1987-4, dated April 20, 1987)				
CORRECTIONS—TITLE 10A				
10A:1-1	Department operation and procedures	19 N.J.R. 620(a)	R.1987 d.282	19 N.J.R. 1214(a)
10A:3-5.8, 5.11	Random searches of correctional facilities by canine teams	19 N.J.R. 1175(a)		
10A:4-9.12	Representation of inmate in disciplinary case	19 N.J.R. 913(b)		
10A:5-5.2	Involuntary placement into protective custody	19 N.J.R. 842(a)	R.1987 d.319	19 N.J.R. 1454(c)
10A:6	Inmate access to courts	19 N.J.R. 914(a)		
10A:9-5.6	Earning work credits in county facilities	19 N.J.R. 843(a)		
10A:10-6	International transfer of inmates	19 N.J.R. 916(a)		
10A:16-6	Pregnant inmates	19 N.J.R. 503(a)	R.1987 d.305	19 N.J.R. 1318(b)
10A:18	Mail, visits, and use of telephone	19 N.J.R. 33(b)	R.1987 d.263	19 N.J.R. 1214(b)
(TRANSMITTAL 1987-2, dated April 20, 1987)				

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
INSURANCE—TITLE 11				
11:1-5.2	Notice of cancellation and nonrenewal of fire and casualty coverage: recertification to Legislature			19 N.J.R. 1343(b)
11:1-24	Credit cards and payment of insurance premiums	18 N.J.R. 1999(a)		
11:1-25	Official department mailing list: address information	19 N.J.R. 1050(b)		
11:2-17.11, 17.14	Settlement of automobile damage claims	18 N.J.R. 2415(a)	R.1987 d.249	19 N.J.R. 1096(a)
11:3-10.3, 10.10	Settlement of automobile damage claims	18 N.J.R. 2415(a)	R.1987 d.249	19 N.J.R. 1096(a)
11:4-2	Replacement of life insurance policy	19 N.J.R. 1286(a)		
11:4-21	Limited death benefit policy forms	19 N.J.R. 843(b)	R.1987 d.306	19 N.J.R. 1320(a)
11:4-28	Group coordination of health care benefits	19 N.J.R. 845(a)		
11:5-1.16	Real estate contracts and leases subject to attorney review	19 N.J.R. 503(b)		
11:5-1.16, 1.23	Public hearing: Obligations of real estate licensees	18 N.J.R. 2113(a)		
11:5-1.23	Obligations of real estate licensees	18 N.J.R. 1680(a)		
11:5-1.27	Real estate brokers pre-licensure course	19 N.J.R. 1051(a)		
11:5-1.28	Certification as approved real estate education instructor	18 N.J.R. 1681(a)		
1:12	Pre-proposal: Legal services insurance	18 N.J.R. 1783(a)		
(TRANSMITTAL 1987-4, dated April 20, 1987)				
LABOR—TITLE 12				
2:60	Prevailing wages for public works	19 N.J.R. 345(b)		
2:100-4.2	Protection of firefighters	19 N.J.R. 48(a)	R.1987 d.241	19 N.J.R. 1098(a)
2:100-4.2, 5.2, 6.2, 7	Public employees and exposure to toxic and hazardous substances	19 N.J.R. 267(a)		
(TRANSMITTAL 1987-1, dated February 17, 1987)				
COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A				
2A:11-1	Certification of women and minority-owned business	19 N.J.R. 1176(a)		
2A:12-1	Grants to local government for development of small, minority and women-owned businesses	19 N.J.R. 1286(a)		
(TRANSMITTAL 1987-1, dated March 16, 1987)				
LAW AND PUBLIC SAFETY—TITLE 13				
3:19-9	Designated State official for notification of out-of-state motor vehicle convictions	19 N.J.R. 621(a)		
3:21-9.4	Restoration of driving privilege	19 N.J.R. 621(b)		
3:27-8.14	Advertising by persons not certified as landscape architects	19 N.J.R. 400(a)		
3:29-1.7	Conditional credit on Uniform CPA examination	19 N.J.R. 48(b)	R.1987 d.262	19 N.J.R. 1227(a)
3:30-2.1, 2.2, 2.7, 2.8, 2.9, 2.13, 2.14, 6.2, 6.5, 6.6, 6.9, 8.2	Licensure of dental hygienists; duties of dental assistants; approval of schools of oral hygiene	19 N.J.R. 849(a)		
3:30-8.6	Professional advertising by dentists	19 N.J.R. 1053(a)		
3:31-1.12, 1.13, 1.14, 1.15	Licensure of electrical contractors	19 N.J.R. 49(a)	R.1987 d.242	19 N.J.R. 1099(a)
3:31-1.16	Electrical contractor ID	19 N.J.R. 352(a)	R.1987 d.244	19 N.J.R. 1100(a)
3:32-1.9	Master plumber ID	19 N.J.R. 352(b)	R.1987 d.257	19 N.J.R. 1227(b)
3:33-1.11, 1.13	Licensure as ophthalmic dispenser: temporary permit; apprenticeship	19 N.J.R. 917(a)	R.1987 d.323	19 N.J.R. 1455(a)
3:35-1.5	Practice by medical school graduates in hospital residency programs	18 N.J.R. 2184(a)		
3:35-3.6	Licensure of physicians as bioanalytical laboratory directors	19 N.J.R. 1179(a)		
3:35-6.13	Board of Medical Examiners: fee schedule; acupuncturist registration	19 N.J.R. 1054(a)		
3:35-8.25	Biennial registration fee for hearing aid dispensers	19 N.J.R. 1055(a)		
3:36-1.9	Itemization of funeral expenses	18 N.J.R. 2186(a)	R.1987 d.243	19 N.J.R. 1100(b)
3:39A-1.4	Licensure of physical therapists: fees and charges	18 N.J.R. 1177(a)	R.1987 d.238	19 N.J.R. 986(b)
3:39A-2.2	Authorized practice by physical therapist	18 N.J.R. 1177(b)	R.1987 d.256	19 N.J.R. 1227(c)
3:39A-2.2, 3.3	Electromyographic testing by licensed physical therapist: public hearing	18 N.J.R. 1684(b)		
3:39A-3.3	Physical therapy: unlawful practices	18 N.J.R. 1178(a)	R.1987 d.255	19 N.J.R. 1228(a)
3:40-2, 3.1, 6.1	Professional engineers and land surveyors: requirements for licensure; client relationships; applicant fees	19 N.J.R. 851(a)		
3:44B-1	Compensation of professional and occupational licensing board members	19 N.J.R. 444(a)		
3:45A-2	Motor vehicle advertising practices	19 N.J.R. 1056(a)		
3:45A-6.2	Unlawful automobile sales practices	18 N.J.R. 2115(a)		
3:45A-12	Sale of dogs and cats	19 N.J.R. 853(a)		
3:45A-21, 22	Sale of Kosher food and food products	19 N.J.R. 1060(a)		
3:45A-24	Sale of gray market merchandise	19 N.J.R. 179(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
13:46-12.12	Compensation for physicians at boxing and wrestling shows	19 N.J.R. 1179(b)		
13:47-14.3	Rental of premises for bingo	18 N.J.R. 1180(b)	R.1987 d.230	19 N.J.R. 987(a)
13:70-20.11	Thoroughbred racing: entering or starting nerved horses	19 N.J.R. 918(a)		
13:71-1.25	Harness racing: horsemen associations	19 N.J.R. 856(a)		
13:71-20.23	Harness racing: registration of nerved horses	19 N.J.R. 919(a)		

(TRANSMITTAL 1987-5, dated May 18, 1987)

PUBLIC UTILITIES—TITLE 14

14:1	Change of address: Board of Public Utilities			19 N.J.R. 890(a)
14:1-11	Board of Public Utilities: settlement conferences	19 N.J.R. 919(b)		
14:3-7.12A	Residential electric and gas service during heating season	18 N.J.R. 2315(a)		
14:17	Change of address: Office of Cable Television			19 N.J.R. 890(a)
14:17-6.21	Cable TV: petition to set aside county refusal	19 N.J.R. 504(a)	R.1987 d.316	19 N.J.R. 1455(b)
14:18-14.5, 14.6	Cable TV: notices of rate and channel line-up changes	19 N.J.R. 505(a)		

(TRANSMITTAL 1987-3, dated April 20, 1987)

ENERGY—TITLE 14A

14A:3-4.1-4.6	Energy subcode	19 N.J.R. 433(b)		
14A:4-1.1-3.1	Solar energy property tax exemptions	19 N.J.R. 433(b)		

(TRANSMITTAL 1987-2, dated April 20, 1987)

STATE—TITLE 15

(TRANSMITTAL 1987-1, dated February 17, 1987)

PUBLIC ADVOCATE—TITLE 15A

(TRANSMITTAL 1987-1, dated April 20, 1987)

TRANSPORTATION—TITLE 16

16:20A-2.4, 4.1, 4.2, 5.1	Federal Aid Urban System Substitution Program: audits by local government	19 N.J.R. 622(a)	R.1987 d.265	19 N.J.R. 1229(a)
16:20B-1.2, 3.1, 3.2, 5.1	1984 Transportation Trust Fund aid: audits by local government	19 N.J.R. 623(a)	R.1987 d.266	19 N.J.R. 1229(b)
16:21-3.2, 5.1	State aid to counties and municipalities: audits by recipients	19 N.J.R. 624(a)	R.1987 d.267	19 N.J.R. 1230(a)
16:21A-3.2, 5.1	Bridge rehabilitation and improvement funds: audits by local government	19 N.J.R. 624(b)	R.1987 d.268	19 N.J.R. 1230(b)
16:22-3.2, 5.1	Urban revitalization, special demonstration and emergency projects aid: audits by local government	19 N.J.R. 625(a)	R.1987 d.269	19 N.J.R. 1231(a)
16:25	Utility accommodation on highway rights-of-way	19 N.J.R. 1064(a)		
16:28-1.79	School zone on Route 94 in Frelinghuysen Township	19 N.J.R. 1288(a)		
16:28A-1.4, 1.7, 1.11, 1.21, 1.28, 1.32, 1.33, 1.44, 1.46, 1.51, 1.69, 1.85, 1.104	No parking zones and bus stops on various State routes	19 N.J.R. 710(a)	R.1987 d.270	19 N.J.R. 1231(b)
16:28A-1.10	Bus stop zones along Route 20 in East Rutherford	19 N.J.R. 1074(a)		
16:28A-1.31	Bus stop zones on Route 45 in Woodbury	19 N.J.R. 920(a)		
16:28A-1.32	Bus stop zones along U.S. 46 in Denville	19 N.J.R. 1180(a)		
16:30-3.1	Lane usage on Route 35 in Ocean County	Emergency (expires 8-21-87)	R.1987 d.290	19 N.J.R. 1332(a)
16:30-10.4	Midblock crosswalk on Route 33 in Freehold	19 N.J.R. 857(a)		
16:41	Permits for use of or work upon highway rights-of-way	19 N.J.R. 1074(b)		
16:54-1.6	Heliports/helistops: correction to Administrative Code			19 N.J.R. 1240(a)
16:56-14.1	Publicly funded airports and state audit policy	19 N.J.R. 921(a)		
16:73-1.1, 2.1-2.4, 3.2	NJ TRANSIT: Reduced fare program for the elderly and handicapped	19 N.J.R. 1289(a)		
16:75	NJ TRANSIT: bus allocation to private carriers	19 N.J.R. 506(a)	R.1987 d.260	19 N.J.R. 1233(a)

(TRANSMITTAL 1987-5, dated May 18, 1987)

TREASURY-GENERAL—TITLE 17

17:1-1.10	Balances in withdrawn pension accounts	19 N.J.R. 446(a)	R.1987 d.317	19 N.J.R. 1456(a)
17:1-1.10	Positive and negative balances in pension accounts	19 N.J.R. 447(a)	R.1987 d.317	19 N.J.R. 1456(a)
17:1-2.37	Alternate Benefit Program: transmittal of employee contributions	18 N.J.R. 1256(a)	R.1987 d.276	19 N.J.R. 1235(a)
17:1-12.8	State retirement systems: delinquent enrollment and employer liability	19 N.J.R. 626(a)	R.1987 d.293	19 N.J.R. 1320(b)
17:2-4.4	Public Employees' Retirement System: accrual of loan interest	19 N.J.R. 194(a)		
17:19-10	Architect-engineer selection process for State projects	19 N.J.R. 627(a)	R.1987 d.245	19 N.J.R. 1101(a)

J.A.C. TATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:30	Urban Enterprise Zone Authority: comment period reopened	19 N.J.R. 354(a)		
7:32	Municipal and county cross-acceptance of State Development and Redevelopment Plan	19 N.J.R. 509(a)		

(TRANSMITTAL 1987-5, dated May 18, 1987)

REASURY-TAXATION—TITLE 18

§3-2.1	Tax rate on wine produced from New Jersey grapes	19 N.J.R. 1181(a)		
§5-3.6	Purchase of cigarette revenue stamps	18 N.J.R. 2378(b)		
§5-3.6, 3.7, 3.8	Purchase of cigarette tax stamps	19 N.J.R. 511(a)		
§7-1.16, 5.2	"Financial business corporation" defined; computation of entire net income	19 N.J.R. 712(a)		
§15-14.6	Farmland assessments	19 N.J.R. 447(b)	R.1987 d.237	19 N.J.R. 987(b)
§24-1.1	Sales and use tax forms	18 N.J.R. 2192(a)	R.1987 d.246	19 N.J.R. 1104(a)
§24-1.2, 1.3	Newspaper, periodical, and magazine defined	19 N.J.R. 858(a)		
§24-7.8	Sales of motor vehicles to military personnel stationed in State	19 N.J.R. 1181(b)		
§35-1.13	Sale of principal residence	19 N.J.R. 1182(a)		
§38	Litter control tax	19 N.J.R. 400(b)		
§39-1	Tax amnesty	19 N.J.R. 1075(a)		

(TRANSMITTAL 1987-2, dated May 18, 1987)

TITLE 19—OTHER AGENCIES

§4-6.28	Rezoning in Little Ferry	19 N.J.R. 53(b)		
§4-6.28	Zoning change in Secaucus	19 N.J.R. 448(a)	R.1987 d.272	19 N.J.R. 1236(a)
§4-6.28	Zoning change in Little Ferry	19 N.J.R. 512(a)	R.1987 d.273	19 N.J.R. 1236(b)
§17-2.1, 3.1-4.5	PERC: Appeal Board procedure	19 N.J.R. 196(a)	R.1987 d.248	19 N.J.R. 1105(a)
§17-2.1, 3.1-4.5	PERC Appeal Board procedure: rescheduled public hearing	19 N.J.R. 404(a)		
§30-2.1, 2.3, 2.4, 2.6	Economic Development Authority: application and closing fees; categorization of transactions	19 N.J.R. 922(a)	R.1987 d.318	19 N.J.R. 1456(b)

(TRANSMITTAL 1987-2, dated May 18, 1987)

TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY

§40-1.2	Slot machine jackpot payouts	18 N.J.R. 2005(a)	R.1987 d.302	19 N.J.R. 1321(a)
§41-9.7	Fee for casino hotel alcoholic beverage license	18 N.J.R. 1687(a)		
§44-8.3	Minibaccarat training	18 N.J.R. 2322(a)		
§45-1.1, 1.37, 1.40, 1.40A	Slot machine jackpot payouts	18 N.J.R. 2005(a)	R.1987 d.302	19 N.J.R. 1321(a)
§45-1.12	Minibaccarat	19 N.J.R. 54(b)		
§45-1.17	Storage of emergency drop boxes	19 N.J.R. 1290(a)		
§45-1.32, 1.43	Hard count room procedures	18 N.J.R. 1929(a)	R.1987 d.277	19 N.J.R. 1237(a)
§45-1.33	Accuracy procedures for currency counting machines	19 N.J.R. 923(a)		
§46-1.12	Minibaccarat	19 N.J.R. 54(b)		
§46-1.16, 1.18, 1.20	Gaming equipment and evidence of cheating or tampering	18 N.J.R. 2121(a)		
§46-1.26	Slot machine jackpot payouts	18 N.J.R. 2005(a)	R.1987 d.302	19 N.J.R. 1321(a)
§47-7.7	Minibaccarat	19 N.J.R. 54(b)		
§47-8.2	Big Six minimum wagers	19 N.J.R. 858(b)		
§49-3.1	Junket prearrival reports	19 N.J.R. 860(a)	R.1987 d.303	19 N.J.R. 1323(a)
§50-1.6	Security of alcoholic beverages	18 N.J.R. 2323(a)		
§53-1.5	Pre-proposal: Affirmative action employment goals for handicapped or disabled persons	19 N.J.R. 1182(a)		

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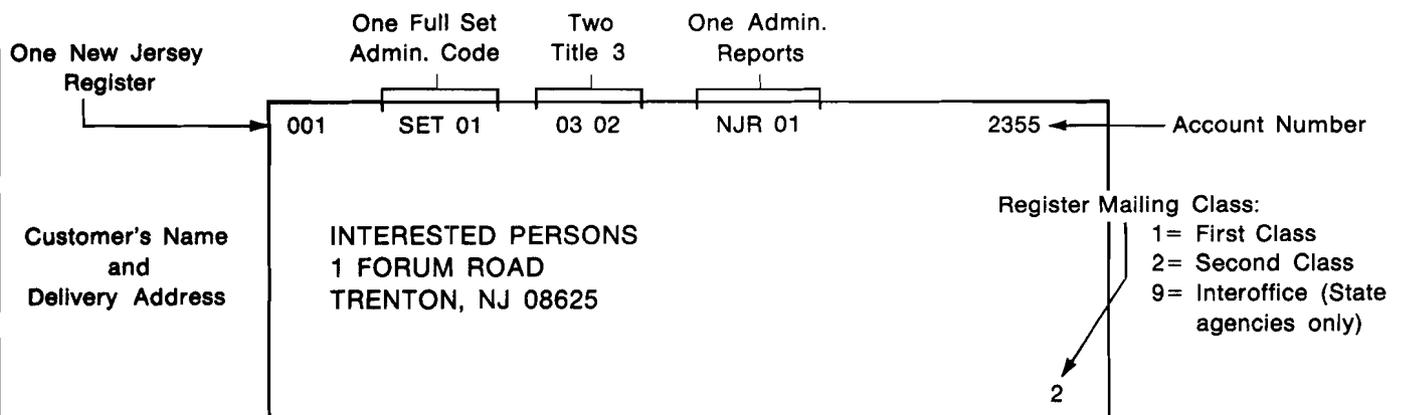
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