

NEW JERSEY



REGISTER

0100330
EDUCATION, DEPARTMENT OF
DIV LIBRARY, ARCHIVES & HISTORY
CN 520
TRENTON NJ 08625 INTER-OFFICE

THE JOURNAL OF STATE AGENCY RULEMAKING

VOLUME 20 NUMBER 23

December 5, 1988 Indexed 20 N.J.R. 2949-3046

(Includes adopted rules filed through November 7, 1988)

MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: SEPTEMBER 19, 1988

See the Register Index for Subsequent Rulemaking Activity.

NEXT UPDATE: SUPPLEMENT OCTOBER 17, 1988

RULEMAKING IN THIS ISSUE

RULE PROPOSALS

| | |
|---|---------|
| Interested persons comment deadline | 2950 |
| AGRICULTURE | |
| Registration and transportation of bees | 2951(a) |
| Sire Stakes conditions | 2952(a) |
| Agricultural fairs | 2954(a) |
| Reporting by small milk dealers | 2955(a) |
| PERSONNEL | |
| Layoffs | 2955(b) |
| HEALTH | |
| Hospital reimbursement: uncompensated care audit functions | 2959(a) |
| Residential alcoholism treatment: facility rate setting | 2960(a) |
| HIGHER EDUCATION | |
| Licensing and degree approval standards | 2965(a) |
| HUMAN SERVICES | |
| Reimbursement of long-term care facilities under CARE Guidelines: correction | 2968(a) |
| General Assistance: residency in therapeutic care facility .. | 2968(b) |
| CORRECTIONS | |
| Infirmiry care | 2969(a) |
| INSURANCE | |
| Credit life and credit accident and health insurance: preproposal | 2969(b) |
| Private passenger automobile coverage: standards for written notice to buyers | 2984(a) |
| Term life insurance comparison survey | 2990(a) |
| LABOR | |
| Public employee safety and health: access to exposure and medical records | 2995(a) |

LAW AND PUBLIC SAFETY

| | |
|--|---------|
| Practice of optometry: public hearing on delegation of duties to ancillary personnel | 2995(b) |
| Thoroughbred racing: horsemen's associations and surplus funds | 2995(c) |
| Thoroughbred racing: apprentice jockey weight allowance | 2996(a) |
| Thoroughbred racing: apprentice jockey contracts | 2996(b) |
| Harness racing: horsemen's associations and surplus funds | 2997(a) |
| Advocacy fund for crime victims and witnesses | 2997(b) |
| STATE | |
| Preclearance of corporation documents and adoption of corporation name | 2998(a) |
| TRANSPORTATION | |
| State aid to counties and municipalities | 2999(a) |
| State aid for bridge rehabilitation | 3000(a) |
| State aid for urban revitalization, special demonstration and emergency projects | 3000(b) |
| Parking restrictions along Route 29 in Lambertville | 3001(a) |
| Parking restrictions along U.S. 30 and Route 168 in Camden County, Route 179 in Lambertville, and Route 93 in Leonia | 3001(b) |
| Classification of prospective bidders for department projects | 3004(a) |
| Transportation of hazardous materials: intrastate shipments of combustible liquids | 3005(a) |
| Land use within airport hazard areas | 3007(a) |
| ELECTION LAW ENFORCEMENT COMMISSION | |
| Campaign reporting | 3009(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 **January 4, 1989**. 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

| | | | |
|---|---------|--|---------|
| CASINO CONTROL COMMISSION | | Tri-County water quality management: Pemberton | 3029(b) |
| Wire transfers of funds | 3012(a) | Lower Raritan/Middlesex County water quality management: Monroe Township | 3029(c) |
| Blackjack irregularities | 3014(a) | Monmouth County water quality management: Manalapan, Marlboro, Englishtown, and Freehold | 3029(d) |
| RULE ADOPTIONS | | | |
| COMMUNITY AFFAIRS | | INSURANCE | |
| State intergovernmental review process for Federal programs and direct development activities | 3015(a) | Exportable classes of coverage: correction and clarification | 3029(e) |
| EDUCATION | | LAW AND PUBLIC SAFETY | |
| Substance awareness coordinator | 3015(b) | Contract carrier applicant | 3030(a) |
| Testing for tuberculosis infection | 3016(a) | TREASURY-GENERAL | |
| HEALTH | | Architect-engineer selection for major projects | 3030(b) |
| Operation of clinical laboratories | 3017(a) | | |
| HUMAN SERVICES | | EXECUTIVE ORDER NO. 66(1978) | |
| Use of personal needs allowance in long-term care facilities | 3017(b) | EXPIRATION DATES | 3031 |
| INSURANCE | | INDEX OF RULE PROPOSALS AND ADOPTIONS | 3036 |
| Real Estate Commission rules | 3019(a) | | |
| COMMERCE, ENERGY, AND ECONOMIC DEVELOPMENT | | | |
| Urban enterprise zone boundaries | 3020(a) | | |
| LAW AND PUBLIC SAFETY | | | |
| Accreditation of nursing programs | 3021(a) | | |
| Board of Psychological Examiners | 3023(a) | | |
| Thoroughbred racing: abusive whipping by jockey | 3025(a) | | |
| Thoroughbred racing: determining finishing place | 3025(b) | | |
| TREASURY-GENERAL | | | |
| Supplemental Annuity Collective Trust: lump sum distributions | 3026(a) | | |
| DELAWARE RIVER BASIN COMMISSION | | | |
| Comprehensive plan and water code | 3026(b) | | |
| PUBLIC NOTICES | | | |
| ENVIRONMENTAL PROTECTION | | | |
| Tri-County water quality management: Mount Laurel | 3029(a) | | |

Filing Deadlines

| | |
|-------------------------------|-------------|
| January 3, 1989 issue: | |
| Proposals | December 5 |
| Adoptions | December 9 |
| January 17 issue: | |
| Proposals | December 16 |
| Adoptions | December 22 |
| February 6 issue: | |
| Proposals | January 6 |
| Adoptions | January 13 |
| February 21 issue: | |
| Proposals | January 20 |
| Adoptions | January 27 |

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September 1969, and twice-monthly since November 1981.

Material published in the New Jersey Register is the property of the State of New Jersey. However, it may be copied, reproduced or republished by any person for any purpose whatsoever without permission, providing that no such reproduction or republication shall bear the title "New Jersey Register" or "Official Rules Publication" without the written permission of the Director, Office of Administrative Law.

The New Jersey Register (ISSN 0300-6069) is published the first and third Mondays (Tuesday, if Monday is a holiday) of each month by OAL Publications of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 588-6606. Subscriptions, payable in advance, are one year, \$75 (\$150 by First Class Mail); back issues when available, \$8 each. Make checks payable to OAL Publications.

POSTMASTER: Send address changes to: New Jersey Register, CN 301, Trenton, New Jersey 08625. Second Class Postage paid in South Plainfield, New Jersey.

The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by OAL Publications of the Office of Administrative Law. Subscription rates for this 42-volume, regularly updated set of State administrative rules are available on request. The Code is sold either in the full set or in one to four volumes depending on the Department coverage desired.

RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF PLANT INDUSTRY

Diseases of Bees

Registration and Transportation of Bees

Proposed New Rules: N.J.A.C. 2:24-2 and 3

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

Authority: N.J.S.A. 4:6-1 et seq., specifically 4:6-20.

Proposal Number: PRN 1988-607.

Submit comments by January 4, 1989 to:
William W. Metterhouse, Director
Division of Plant Industry
State Department of Agriculture
CN 330
Trenton, New Jersey 08625
Telephone: (609) 292-5541

The agency proposal follows:

Summary

The proposed new rules have been prepared from information supplied by the U.S. Department of Agriculture and from a file maintained by the New Jersey Department of Agriculture, Division of Plant Industry concerning the European Honeybee (*Apis Mellifera*). The European Honeybee, in addition to providing marketable agricultural products of honey and wax, is of great value in pollinating New Jersey agricultural products and multiplying yields for the growers. At present, the culture of the European Honeybee is threatened by invasion of the Africanized Honeybee (*Apis Mellifera Scutellata*), Tracheal and Varroa Mites. These mites, already in a number of states, are transmitted and debilitating, and kill honeybee colonies. Chemical treatments are now approved which can control the Varroa and Tracheal mites. However, registration of bee yards which would identify the specific location of such yards, would facilitate the eradication and/or control of bee diseases, mites and Africanized Honeybees.

In order to continue the culture of the European Honeybee, and to eradicate or control the spread of the Africanized Honeybee, the members of the New Jersey Beekeepers Association, Inc. believe that it is essential that practices be established for the good management practices of the European Honeybee.

The New Jersey Department of Agriculture agrees with this conclusion. Therefore, the State Board of Agriculture proposes these new rules to establish registration of apiaries and transportation of bees in the State of New Jersey.

Social Impact

The State Board of Agriculture adopted N.J.A.C. 2:22-3.1, which declared the Africanized Honeybee an injurious insect and prohibited its keeping or transport into the State of New Jersey.

These proposed new rules provide for apiary registration and good management practices which will enable the New Jersey Department of Agriculture to locate all bee yards and control the spread of the Africanized Honeybee, mites and diseases, as well as protect the public from the Africanized Honeybee.

It is also expected that a greater public awareness of bees will develop with the real or expected presence of the Africanized Honeybee in New Jersey, a densely populated state, which makes adoption of the rules to eradicate and/or control this injurious insect important to all of New Jersey agriculture. Local or Statewide attempts to eliminate apiculture as a means to assuage such fears are a distinct possibility, with adverse impacts to all agriculturalists in New Jersey.

Economic Impact

Pollination is necessary to fertilize the fruit of plants. Honeybees facilitate the fertilization process. Bees increase pollination, facilitating improved yields, thus producing an adequate yield of crops and seasonal vegetables. There are approximately 60,000 colonies of honeybees used for pollination in New Jersey for apples, raspberries, strawberries, blueberries, cranberries, watermelons, cantalopes, pumpkins, cucumbers, and

other crops. While other insects pollinate crops, they are not as efficient, nor can they be transported to the target location at the proper time, nor do they produce usable products in themselves.

Loss of European Honeybees, as a result of Africanized Honeybees destroying and supplanting their colonies, as well as by Tracheal and Varroa mite infestation and disease, will seriously disrupt pollination of New Jersey agricultural products and result in lower yields to the growers.

Regulatory Flexibility Statement

All beekeepers in New Jersey qualify as small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and most, if not all, migratory beekeepers entering into New Jersey do also. Most, if not all, farmers who use pollinating services are also affected. However, the new rules do not impose any new reporting or recordkeeping requirements on small businesses. They do, however, impose compliance requirements and levels of performance which will impact upon small businesses. The rules are for the most part, recognized as such by most beekeepers and beekeeping associations.

All beekeepers, both commercial and hobbyists, in New Jersey are subject to the right of inspection and must inform the New Jersey Department of Agriculture of the numbers and locations of their bees by law, and are visited periodically by inspectors. Registration will provide for an accurate accounting of all bee yards and enable the New Jersey Department of Agriculture to do its work in a more efficient manner and to minimize the costs of compliance by time spent in tracking down bee colonies and owners. This should also relieve new beekeepers and established beekeepers from spending time accounting for hives. No fees are imposed for registration and the Department believes that the costs of mailing will more than be offset by minimizing the time and effort spent by the beekeeper and the Department in tracking bees.

Full text of the proposal follows.

SUBCHAPTER 2. REGISTRATION OF APIARIES

2:24-2.1 Registration requirements

(a) All bee yards in New Jersey where bees are over-wintered must be registered annually with the New Jersey Department of Agriculture.

(b) The Division of Plant Industry shall supply forms for registration to the applicant.

(c) The Department of Agriculture shall supply the registrant with any and all appropriate orders, laws and rules.

2:24-2.2 Apiary criteria

(a) Apiaries not on commercial farms shall be permitted if they meet the following criteria:

1. All colonies shall be kept in movable frame hives in accordance with N.J.S.A. 4:6-10;

2. There is adequate fresh water available of at least one gallon per hive per day during brood rearing at apiary site;

3. No colony shall be placed closer than 10 feet from an adjoining property line, unless it is placed behind a six-foot high solid fence or hedge parallel to the adjoining property line extending 10 feet beyond any colony; and

4. No colony shall be located within 25 feet of a public sidewalk, alley, street or road.

(b) Apiaries on commercial farms, as defined in N.J.S.A. 4:1C-1 et seq., are permitted under an accepted management practice of the State Agriculture Development Committee, as follows:

1. All permanent registered yards shall be at least 75 feet from a public road;

2. All permanent registered yards shall be one-half mile from any housing development;

3. There shall be a source of water within one-half mile of a permanent yard; and

4. All bee equipment shall be maintained in good condition; and

5. Acceptable bee management as defined by the New Jersey Beekeepers Association and/or the Eastern Apiculture Society of America shall be employed.

AGRICULTURE

PROPOSALS

SUBCHAPTER 3. TRANSPORT OF BEES

2:24-3.1 Transport requirements

(a) No bees shall be transported in or through New Jersey unless:

1. The hive entrance is covered with screening material of at most a size 7 per inch mesh, or the colonies are covered with a weather-proof netting of at most a size 8 per inch mesh to prevent the escape of any bees from the vehicle; or

2. The bees are enclosed in a refrigerated containment vehicle that maintains the bees at a constant temperature below 45 degrees Fahrenheit.

(b) Vehicles transporting bees shall not stop, except for refueling, unless certified for entrance into New Jersey, under N.J.A.C. 2:24-1.2.

(c) The vehicle operator or other responsible person shall immediately report to the New Jersey Department of Agriculture, any release of bees, whether accidental or intentional.

(a)

DIVISION OF MARKETS

New Jersey Sire Stakes Program

Proposed Amendments: N.J.A.C. 2:32-2.2, 2.3, 2.10, 2.11, 2.13, 2.20, 2.22, 2.27, 2.28.

Proposed Repeals: N.J.A.C. 2:32-2.29, 2.30 and 2.33.

Authorized By: Sire Stakes Board of Trustees, and Arthur R.

Brown, Jr., Secretary, Department of Agriculture.

Authority: N.J.S.A. 5:5-91.

Proposal Number: PRN 1988-608.

Submit comments by January 4, 1989 to:

Bruce A. Stearns, Executive Director
New Jersey Sire Stakes Program
Department of Agriculture
Division of Markets
CN 330
Trenton, New Jersey 08625
Telephone: (609) 292-8830

The agency proposal follows:

Summary

The amendments and repeals proposed for N.J.A.C. 2:32-2, New Jersey Sire Stakes Conditions include the elimination of the four-year-old division, which has been anticipated in the text of N.J.A.C. 2:32-2.30 since the division's introduction in 1984, and all references to the division; the elimination of the dress code requirement; the disqualification from the Program of foals conceived by embryo transplant; a slight decrease in qualifying times in the two-year-old pace category; and, lastly, the elimination of all calendar dates to obviate the need to change the rules simply by the passing of time.

Social Impact

The Sire Stakes Board of Trustees sees little, if any, new or additional social impact to the participant. The reduction in starting time is a reflection and tribute to the quality of horses being raced in New Jersey and the reduction should not disqualify any competitive classes of horses from a race.

Economic Impact

The proposed amendments should result in little, if any, economic impact on Sire Stakes Program participants as the changes are mostly technical and do not increase fees or impose new conditions on the participants.

Regulatory Flexibility Statement

Many of the participants in the Sire Stakes Program are small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and, as such, a regulatory flexibility analysis is appropriate.

The test of any promotion program is to provide fair and equal opportunity to participate with a minimum cost, to prevent cheating, and ensure an improvement of the breed. To this extent, rules are needed to ensure an honest improvement. The purpose of the Sire Stakes Program is to provide competitions for the Standardbred horses that are at once challenging enough to improve the breed and open enough to encourage

the maximum participation of all possible Standardbreds, with a reward of significant size to make it worthwhile to do so.

The Sire Stakes Board of Trustees is aware of the facts of the industry it regulates. The total value of the 16,000 plus Standardbred stallions and race horses in New Jersey exceeds \$360 million. Standardbred owners, breeders, and trainers put \$75 million of expenses into the economy each year and realize about \$70 million worth of revenue. Individually, it costs approximately \$20,000 per year to keep a race horse, but the purse revenues are only \$19,000.

While the Sire Stakes Board of Trustees could raise entry fees to increase rewards, it must balance this method against helping to make a more profitable climate for the keeping of horses in New Jersey. To raise fees would discourage many small participants. The alternative is for the Legislature to supply either increased race track revenues through a change in the funding formula of the percentages deducted by statute, which the Sire Stakes Board has asked the Legislature to do, or supply more money for awards from the general revenues.

The Sire Stakes Program, by providing 385 races at both pari-mutuel and fair tracks, provides nearly \$6 million in purse money and another \$3 million in restricted races for New Jersey sired performers. The Program has continued to grow despite its funding problems. The number of small businesses participating in the Program has increased each year. Therefore, the Sire Stakes Board of Trustees believes the program is beneficial to the small businesses of the Standardbred industry based on the continuing and increasing numbers of small business participants.

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

SUBCHAPTER 2. NEW JERSEY SIRE STAKES CONDITIONS

2:32-2.1 (No change.)

2:32-2.2 Qualifications for New Jersey Sire Stakes

(a) (No change.)

(b) A foal conceived by semen which is frozen, desiccated, transported off the premises where it is produced, or not implanted on the same day it is collected, **or by embryo transplant**, is not eligible for nomination to the New Jersey Sire Stakes Program.

2:32-2.3 Registration of stallions

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

(d) The fee for annual registration of a stallion shall be due on or before December 1 of the approaching breeding season and December 1 for new registration. The fee must accompany this registration.

1. The following fees shall be applicable:

- i. \$500.00 if the stud fee is under \$1,000, private treaty, or free.
- ii. \$750.00 if the stud fee is \$1,000 but under \$10,000.
- iii. \$1,000 if the stud fee is \$10,000 or higher.

2. (No change.)

(e)-(f) (No change.)

(g) The registration makes the foals of the stallion eligible to be nominated to the following:

- 1. Charles I. Smith Trotting Classic (**Open and Filly Division**);
- 2. Harold R. Dancer Memorial Trot (foals of participating stallions only) (**Open and Filly Division**);
- 3. Lou Babic Two-Year-Old Pace (**Open and Filly Division**);
- 4.-8. (No change.)
- 9. New Jersey Sire Stakes (**Fair and Pari-Mutuel**); and
- 10. New Jersey Yearling Show;
- [11. Lou Babic Filly Division.]

(h) (No change.)

2:32-2.4 through 2:32-2.9 (No change.)

2:32-2.10 Sustaining fees

[In 1988, the]The sustaining fee schedule will be as follows:

PARI-MUTUEL DIVISION

| Age | First Sustaining Fee | Second Sustaining Fee |
|-----|----------------------|-----------------------|
| 2 | \$300.00 (Feb. 15) | \$500.00 (Apr. 15) |
| 3 | \$350.00 (Feb. 15) | \$600.00 (Apr. 15) |
| [4 | \$250.00 (Feb. 15)] | [\$400.00 (Apr. 15)] |

PROPOSALS

Interested Persons see Inside Front Cover

AGRICULTURE

FAIR DIVISION

| Age | First Sustaining Fee | Second Sustaining Fee |
|-----|----------------------|-----------------------|
| 2 | \$100.00 (Jan. 15) | \$150.00 (Mar. 15) |
| 3 | \$100.00 (Jan. 15) | \$150.00 (Mar. 15) |
| [4 | \$100.00 (Jan. 15)] | [\$150.00 (Mar. 15)] |

2:32-2.11 Payment dates

(a) In the Pari-Mutuel Division, the first sustaining payment on a two- or three-year-old must be made on or before February 15 of a year and the second sustaining payment on a two- or three-year-old must be made on or before April 15 of a year in order to remain eligible in that year. [In the case of four-year-olds, the first sustaining payment must be made on or before January 15 of a year, and the second sustaining payment on or before March 15 of a year in order to remain eligible in that year.]

(b) In the Fair Division, the first sustaining payment of a two-[, or three-[, or four-] year-old must be made on or before January 15 of a year and the second sustaining payment on a two- or three-year-old must be made on or before March 15 of a year in order to remain eligible in that year. In the event that the 15th day of the aforementioned month falls on a Saturday, Sunday, or holiday, the payment must be postmarked on or before the next business day following the 15th of that month.

2:32-2.12 (No change.)

2:32-2.13 Dishonored checks

An individual whose check for a sustaining payment, nominating payment, or starting fee is dishonored by the bank will be turned over to the New Jersey Racing Commission for appropriate action and the horse or horses will be immediately declared ineligible for all future Sire Stakes events until the check is made good. A \$50.00 administrative fee must be paid for each dishonored check. **After an individual has issued more than one dishonored check, all future payments must be made by certified check or money order.**

2:32-2.14 through 2.19 (No change.)

2:32-2.20 Starting fees

Starting fees will be added to the basic purse only in Fair and Pari-Mutuel series races. Starting fees [for the 1988 season] will be:

| Pari-Mutuel Division | | Fair Division | |
|----------------------|-----------|---------------|----------|
| 2 year olds | \$500.00 | 2 year olds | \$75.00 |
| 3 year olds | \$500.00 | 3 year olds | \$75.00 |
| [4 year olds | \$200.00] | [4 year olds | \$75.00] |

2:32-2.21 (No change.)

2:32-2.22 Qualifying standards

(a) All starters in the New Jersey Sire Stakes Pari-Mutuel Division must meet the following qualifying standards [for the 1988 racing season] **and be eligible at time of entry.**

1. (No change.)

2. The [1988] New Jersey Sire Stakes qualifying times at the Pari-mutuel tracks will be as follows:

| | One Mile Track | 5/8 Mile Track | 1/2 Mile Track |
|--------------------------|----------------|--------------------|--------------------|
| Two-Year-Old Trot | 2:06 | 2:07 | 2:08 |
| Three-Year-Old Trot | 2:03 | 2:04 | 2:05 |
| [Four-Year-Old Trot | 2:02 | 2:03 | 2:04] |
| Two-Year-Old Pace [2:03] | 2:02 | [2:04] 2:03 | [2:05] 2:04 |
| Three-Year-Old Pace | 2:01 | 2:02 | 2:03 |
| [Four-Year-Old Pace | 2:01 | 2:02 | 2:03] |

NOTE: When racing at the mile track, two seconds are allowed off the half mile, but when racing on a 1/2 mile track, two seconds are subtracted.

3.-4. (No change.)

[(b) All starters in the New Jersey Sire Stakes Fair Division must meet the following conditions for the 1988 racing season.]

[1.](b) All starters in the New Jersey Sire Stakes Fair Division shall have raced within 30 days of the race in which they have been entered.

A three-year-old shall show a satisfactory racing line in one of their last two starts. A two-year-old shall show a satisfactory racing line in one of their last three starts. A satisfactory racing line is defined as a qualifying or racing line in the following times or better with allowances for track conditions.

| | Trotters | Pacers |
|-----------------|----------|--------|
| Two-Year-Olds | 2:12 | 2:10 |
| Three-Year-Olds | 2:10 | 2:08 |
| [Four-Year-Olds | 2:09 | 2:07] |

[2.]1. In the event a horse competes in an uncharted race or races, he will be eligible to race in the Fair Program provided he has a satisfactory charted line within 30 days.

[3.]2. Horses may be placed on the stewards list for subsequent poor performance.

2:32-2.23 through 2:32-2.26 (No change.)

2:32-2.27 Final races

(a) There will be a two- and three-year-old "Final" race in each Pari-mutuel Division at the Pari-mutuel raceways as scheduled by the New Jersey Sire Stakes Board of Trustees. There will be a minimum \$10,000 Fair "Final" race in each Division for two- and three-year-olds. Consolation races in the Pari-mutuel program may be scheduled at the option of the tracks and shall be conducted under track rules. **Horses eligible to race in the final events must race in the finals and not in the consolation events.**

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

(d) In the event of less than five starters, the points shall be awarded in the same fashion as the purse breakdown with less than five starters, as in N.J.A.C. 2:32-2.21. **In the event that a series is contested with less than three preliminary legs, additional points will be awarded as follows: sixth place (four points), seventh place (three points), eighth place (two points), and ninth place (one point).**

(e) through (i) (No change.)

[2:32-2.28 Point standings]

(j) Total points accumulated towards Final Race eligibility in the Pari-mutuel Division shall include only Pari-mutuel Division points. Only Fair Division race points count toward the Fair Final eligibility.

[2:32-2.29 Four-year-old split

If the four-year-old division(s) split in a Pari-mutuel race or in a Fair Division race, the split races will be segregated by sex when possible and applicable.

2:32-2.30 Four-year-old split

The four-year-old New Jersey Sire Stakes Program will expire at the end of the 1988 season with the completion of the four-year-old season of those yearlings registered on May 15, 1985 (foals of 1984).]

2:32-[2.31]2.28 (No change in text.)

2:32-[2.32]2.29 (No change in text.)

[2:32-2.33 Dress requirements

Racing colors, helmet, and white pants, in accordance with the New Jersey Racing Commission rules, will be required to be worn by any person warming up a horse on a New Jersey fair track one hour before post time. Violators will be subject to a fine or suspension.]

2:32-[2.34]2.30 (No change in text.)

(a)

DIVISION OF MARKETS**Agricultural Fairs****Reproposed Repeals and New Rules: N.J.A.C. 2:33.**

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

Authority: N.J.S.A. 5:8-121, et seq.

Proposal Number: PRN 1988-609.

Submit comments by January 4, 1989 to:

John J. Repko, Director
Division of Markets
State Department of Agriculture
CN 330
Trenton, New Jersey 08625
Telephone: (609) 292-5536

The agency proposal follows:

Summary

On September 6, 1988, the Department of Agriculture published a proposed repeal and new rules for agricultural fairs at 20 N.J.R. 2125(a). The Department received 24 comments on the proposal. After consideration of the comments, the Department has made changes to the proposed new rules which the Department believes are substantive and require republication.

The comments to the original proposed new rules are summarized below:

COMMENT: Eliminate the word "primary" from N.J.A.C. 2:33-1.1(a).

RESPONSE: This was the issue that was most commented on in the proposal. Many felt, with the changing amount of agriculture in many of the counties, that difficulties in making agriculture the focus needs to be recognized. This point of view is relevant and will need to be balanced with a statute that clearly establishes the Department's mandate to promote the industry of Agriculture and its products through agricultural fairs, and not act as a general licensing agent for fairs of every type. Therefore, the Department feels "primary" must be left in the rules.

The Department of Agriculture believes an objective standard to determine eligibility is needed. The Department interprets the word "primary" to mean being the basic part of an organized whole. Thus, while a number of other activities can take place at any official agricultural fair, no one of the other activities can exceed the agricultural portion. This does not mean that the agricultural portion must be a majority of the activities.

COMMENT: Clarify concern over Sire Stakes fairs eligibility to receive program payments from the Department.

RESPONSE: The Department has eliminated N.J.A.C. 2:33-1.1(c). This subsection is not needed. The Department did not intend to make any other programs ineligible for payments. Payments will be based on appropriate justification statements for each individual program.

COMMENT: Do not limit Agricultural Fairs to one per county in N.J.A.C. 2:33-1.1(d).

RESPONSE: The comments indicated the existence of several bona fide events now with agricultural fair status in several counties and a desire to continue them. The Department of Agriculture agrees.

COMMENT: Some commenters asked to specifically name 4-H and FFA participation and sponsorships in the rules as a determinate for eligibility.

RESPONSE: Fair eligibility must be based on the purpose of an agricultural fair, not by sponsorship or participation by any specified groups.

COMMENT: The county boards of agriculture should recommend, not comment on, any proposed agricultural fair in their county.

RESPONSE: The Department's interpretation of the statutes indicates no authority for this granted to any county board of agriculture. The statutes grant this authority only to the New Jersey Department of Agriculture.

COMMENT: Several commenters raised issues concerning fairs/carnivals which are not agricultural in nature and would not be affected by these proposed rules.

RESPONSE: Because the Department of Agriculture's mandate in the statutes deals only with promotion of agriculture and its products, other nonagricultural fairs/carnivals will need to look to other agencies and statutes of the State to resolve their nonagricultural concerns.

COMMENT: Nine commentators felt that the proposed certification time was impossible to meet, or simply wrong.

RESPONSE: The Department will try to accommodate everyone who applies, but feels that adequate planning makes for a successful fair. Therefore, it is adopting the majority comment on this that the time frame should be lengthened, and incorporating it into this reproposal.

Beyond the changes set forth in the preceding responses, these proposed new rules maintain the purpose and underlying rationale expressed in the Summary of the original proposed rules, that is, to define what is an agricultural fair and set forth the process for obtaining that official designation.

Social Impact

The proposed new rule will have a positive social impact by streamlining the procedures and classifying responsibility. This will lead to better fairs to showcase New Jersey agriculture.

Economic Impact

The proposed new rules may tend to discourage new promoters from engaging in agricultural fairs because without the Department of Agriculture's approval it would be slightly more expensive to operate a fair without games of chance or pay a differential in fees for such games under an alternative licensing procedure.

Regulatory Flexibility Statement

Some carnival operators/fair promoters are small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules will have an economic impact on such businesses depending upon the certification they receive from the Department. There is no cost associated with the application process. The Department knows of no less restrictive system then expressed in the rules to comply with the legislative mandates of N.J.S.A. 5:8-121 et seq. It would be inappropriate to differentiate between small and large businesses in these rules, due to statutory requirements.

Full text of the proposed repeals may be found in the New Jersey Administrative Code at N.J.A.C. 2:33.

Full text of the reproposed new rules follows:

2:33-1.1 Agricultural fairs: qualifications

(a) Each person, corporation or association certified as an "Official Agricultural Fair" shall hold, at one site, an agricultural exhibition, whose primary purpose is the development and promotion of several, or many, phases of agriculture or agri-business in and of that county, by conducting educational programs, activities, demonstrations, contests, and exhibitions. In addition, the fairs shall conduct two activities related to the following:

1. Manufacturing, commerce and industry;
2. Community development and improvement;
3. Promotion of products and services;
4. Public service events and projects;
5. County interest projects;
6. Cultural works and collections of art;
7. Any activity approved by the entire association for the benefit of the community; and/or
8. Recreational activities.

(b) No person, corporation or association shall operate a fair or exhibition in any county under the designation "Official Agricultural Fair" without obtaining a certificate to operate from the New Jersey Department of Agriculture.

2:33-1.2 Responsibilities of certified fair

(a) Each person, corporation or association certified as an "Official Agricultural Fair" shall:

1. Furnish annually a copy of an audit and reports on forms prescribed by the Department of Agriculture.
2. Comply with all county and municipal health, fire, police and sanitation regulations.

(b) The New Jersey Secretary of Agriculture, or his or her designee, may enter the premises of any "Official Agricultural Fair" at reasonable times to determine compliance with this chapter.

2:33-1.3 Procedure for certification

(a) To receive certification as an "Official Agricultural Fair", all applicants must annually file their proposals with the Department of Agriculture by May 1 of the year preceding the one in which the

PROPOSALS

Interested Persons see Inside Front Cover

PERSONNEL

fair is to be held. A copy shall be submitted to the County Board of Agriculture for its comment.

(b) The County Board of Agriculture shall submit any comments concerning the application to the Department of Agriculture on or before June 1 of the year preceding the fair.

(c) After consideration of the application, and any comments submitted by the County Board of Agriculture, the State Board of Agriculture shall either deny or approve certification of any proposed "Official Agricultural Fair".

(a)

DIVISION OF DAIRY INDUSTRY

Reports Required

Proposed Amendment: N.J.A.C. 2:52-1.6

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

Authority: N.J.S.A. 4:12A-1 et seq., specifically 4:12A-20.

Proposal Number: PRN 1988-599.

Submit comments by January 4, 1989 to:
Woodson W. Moffett, Jr., Director
Division of Dairy Industry
New Jersey Department of Agriculture
CN 332
Trenton, NJ 08625

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 2:52-1.6(a)2vii(2) redefines the standard for classification as a small dealer and continues an exemption tax for small dealers from the filing of those reports required under N.J.A.C. 2:52-1.6(a)2.

Social Impact

The proposed amendment will benefit small dealer licensees of the Division of Dairy Industry by reducing the reporting requirements under the Milk Control Act, N.J.S.A. 4:12A-1 et seq.

Economic Impact

By reducing the number of reports to be filed by small dealers, their cost of doing business will be reduced to some extent. The proposed amendment will decrease the number of dealers required to report by 26 percent without any negative impact upon the Division's enforcement program. Experience has shown that the information currently reported by the small dealers is of no material benefit in the enforcement of the Milk Control Act or rules of the Division.

Regulatory Flexibility Statement

The proposed amendment maintains an exemption for small dealers from the filing of certain reports, and increases the number of small dealers entitled to the exemption. Many, at least, of these small dealers are small businesses as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

2:52-1.6 Reports required

(a) All processors, dealers and subdealers shall file reports on forms supplied by the Division of Dairy Industry as follows:

1. (No change.)
2. On or before the 15th of the month for the preceding month a report of the following:
 - i. through vi. (No change.)
 - vii. The following licensees shall be exempt from the reporting requirements of this [subsection] **paragraph:**

- (1) Subdealers selling only to home-delivery customers;
- (2) [Dealers and subdealers with both fewer than 20 wholesale accounts and less than \$20,000 per month of annual average monthly sales] **Dealers and subdealers having monthly sales of less than 250,000 pounds of fluid milk and fluid milk products;**
- (3) (No change.)
- (4) (No change.)

PERSONNEL

(b)

MERIT SYSTEM BOARD

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 and 4:3-16.2

Authorized By: Merit System Board, Peter J. Calderone, Assistant Commissioner, Department of Personnel.

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 1988-620.

Public hearings on proposed new rules N.J.A.C. 4A:8, Layoffs, will be held on:

Thursday, January 5, 1989 at 6:00 P.M.

Pennsauken Middle School

Cafeteria

8201 Park Avenue

Pennsauken, New Jersey

Tuesday, January 10, 1989 at 5:30 P.M.

Office of Administrative Law

9 Quakerbridge Plaza, 1st Floor

Trenton, New Jersey

Thursday, January 12, 1989 at 6:00 P.M.

Essex County College

Lecture Hall 2131

303 University Avenue

Newark, New Jersey

In the event of cancellation of any of these hearings due to inclement weather, please plan to attend one of the other hearings or submit written comments. Notice of cancellation will be available through the phone number listed below.

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

Submit written comments by January 19, 1989 to:

Peter J. Calderone

Assistant Commissioner

Department of Personnel

CN 312

Trenton, New Jersey 08625

The agency proposal follows:

Summary

In response to the adoption of the Civil Service Act, N.J.S.A. 11A:1-1 et seq. (hereafter, Title 11A), 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. As part of this process, 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 herein proposed for repeal and N.J.A.C. 4A:8 is proposed in their place.

The Merit System Board previously published proposed rules on layoffs in the August 3, 1987 New Jersey Register (see 19 N.J.R. 1363(a)). However, the comments submitted in written form and in testimony at the public hearings contained many valid criticisms as well as helpful suggestions for changes. Therefore, the Board decided to withdraw the previous proposed rules (see 20 N.J.R. 1980(b)) and is publishing for comment these repeals and new rules.

Proposed subchapter 1 replaces existing rules concerning basic layoff procedures. 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 career service 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 should consider to avert layoffs. 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 prior to offering anticipated alternatives to a layoff action. Further, the rule requires appointing authorities to submit for approval to the Department of Personnel a plan for alternatives to layoff prior to implementation.

If alternative measures are not feasible in averting a layoff, N.J.A.C. 4A:8-1.3 lists a number of pre-layoff measures which appointing authorities should implement to lessen the possibility, extent or impact of layoffs. Again, the rule urges consultation with affected negotiations representatives prior to initiating pre-layoff actions. Assistance in implementing these measures will be provided by the Department of Personnel upon request.

N.J.A.C. 4A:8-1.4 describes the role of the Department of Personnel in reviewing appointing authority actions prior to the issuance of layoff notices to employees, and contains additional details not found in the original proposed rules. The rule provides a more comprehensive listing of information which must be provided to the Department of Personnel at least 30 days prior to the issuance of layoff notices. Unlike the previous proposed rules, this rule also describes the remedial action the Department of Personnel may take if such information is not timely provided. The rule also contains additional controls on the filling of vacant provisions.

N.J.A.C. 4A:8-1.5 defines the unit of government in which layoffs, and the resulting displacement of employees, are to be confined. In State service, the rule provides that a department or autonomous agency is the layoff unit unless, prior to the time for the submission of pre-layoff information, the Commissioner of Personnel has approved a different unit. The definition with respect to local service is similar, except that a different unit, if approved, would consist of more than one department. This rule, unlike that previously proposed, sets out a detailed procedure for the approval of such units as well as a comprehensive list of factors which must be considered. The rule also provides for the determination by the Commissioner of Personnel of job locations in State service.

N.J.A.C. 4A:8-1.6 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. Finally, this proposed rule provides that affected employees receive a subsequent written notice as to their specific employment status resulting from the layoff action, including a statement of appeal rights.

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 explains the three types of rights of employees affected by a layoff action: lateral title rights, demotional title rights, and special re-employment rights. The rule also specifies that, in local service, a special reemployment list from one governmental jurisdiction will not be certified to another jurisdiction.

N.J.A.C. 4A:8-2.2 concerns the manner in which lateral and demotional rights are to be exercised within the layoff unit. This proposed rule lists the order in which lateral and demotional rights shall be exercised and provides that, after displacement of provisional and probationary employees, these rights are to be exercised against the permanent employee with the least seniority. The rule also provides lateral and demotional rights to a permanent title, and provides, for the first time, limited lateral title rights among probationary employees. Rights are also provided to State employees in intermittent titles.

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 is not confined to a layoff unit. In contrast to the original proposed rules, more expansive special reemployment rights are provided to those displaced by location. 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 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 during the 12-month period beginning with the service of the layoff notice.

Finally, 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. These proposed new rules are designed to enable the rules to be readily, easily, and correctly applied by reducing the length and complexity of rules in this area and increasing the uniformity between State and local procedures.

In reference to substantive changes, these rules provide, for the first time, several mechanisms for the avoidance of layoffs when possible and for lessening the extent and impact of layoffs when alternative measures cannot be undertaken. For example, it may be possible to avoid layoffs in some situations through such voluntary measures as reduced work hours and short-term leaves of absence. When such alternatives would not avert a layoff or are otherwise not feasible, appointing authorities should take other measures, such as hiring or promotion freezes and separation of non-permanent employees, to lessen the impact of a layoff action on permanent employees. Remedial steps are provided to ensure that appointing authorities take appropriate pre-layoff measures.

A change has also been made in providing for the exercise of lateral and demotional rights against the least senior employee in a specified job location. This change should result in lessening the "ripple" effect on employees whose positions are not initially affected by the layoff and should also result in a quicker determination of an employee's status.

These new rules will have an overall positive social impact upon users of the merit system rules in that these rules will reduce problems during the layoff process and also preserve extensive employee rights.

Economic Impact

These proposed new rules, by offering alternatives to layoffs, would have a positive economic impact on those employees who could otherwise lose their jobs. The rules also recognize that while public employers may be forced to make changes based upon budgetary restrictions, the flexibility afforded by alternative measures would allow some agencies to maintain their work force and avoid disruption of public service. The clarity and simplicity of the rules, 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 these rules will be positive.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required since these proposed new rules will have no effect upon small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

SUBCHAPTER 1. 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 for all career service titles prior to the effective date of the layoff and have such information provided to affected parties.

4A:8-1.2 Alternatives to layoff

(a) Appointing authorities should lessen the possibility of layoffs by considering voluntary alternatives.

PROPOSALS

Interested Persons see Inside Front Cover

PERSONNEL

(b) Alternatives to layoff may include:

1. Granting of leaves of absence without pay to permanent employees, without loss of seniority;
2. Allowing voluntary reduction of work hours by employees, which may include job sharing arrangements;
3. Providing employees with optional temporary demotional title changes; and
4. Other appropriate 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; that is, the employee will be considered to have been serving in the original title and earning seniority in that title.

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

(e) Appointing authorities shall submit a plan for alternatives to layoff and obtain approval from the Department of Personnel prior to implementation. The plan shall include time periods for all alternatives, a statement of employee rights to be restored to prior status should a layoff occur during such time periods, and summaries of employee status and salary at the conclusion of time periods.

4A:8-1.3 Pre-layoff actions

(a) Appointing authorities should lessen the possibility, extent or impact of layoffs by considering and, where appropriate, implementing pre-layoff actions which may include:

1. Initiating a temporary hiring and/or promotion freeze;
2. Separating non-permanent employees;
3. Returning provisional employees to their permanent titles;
4. Reassigning employees; and
5. Assisting potentially affected employees in securing transfers or other employment;

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

(c) Upon request by an appointing authority, assistance may be provided by the Department of Personnel in implementing pre-layoff measures.

(d) If it is still necessary to institute a layoff action despite pre-layoff and alternative measures, appointing authorities shall make appropriate efforts to limit the number of permanent employees affected by vacating or eliminating those positions held by employees without permanent status or with the least seniority.

4A:8-1.4 Review by Department of Personnel

(a) 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 an appointing authority 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. Any seniority listings maintained including records of preferred seniority maintained by the appointing authority pursuant to N.J.A.C. 4A:8-2.4(b)2;
5. The number of positions (including position numbers in State service) by title to be vacated, reclassified, or abolished and the names, status, layoff units, locations, and current permanent titles of employees initially affected, including employees on leave;
6. The vacant positions in the layoff unit (including position numbers in State service) that the appointing authority is willing to fill as of the effective date of the layoff;
7. A summary of alternative and pre-layoff actions that have been taken, or have been considered and determined inapplicable; and
8. A summary of consultations with affected negotiations representatives.

(b) 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.

(c) Following submission of the information required in (a) above, all vacant positions identified in (a)6 above shall be filled and may only be filled through layoff procedures, except under exceptional circumstances with the approval of the Commissioner.

(d) Upon review of the information required to be submitted in (a) and (b) above, or in the absence of timely submission of such information, the Commissioner may take appropriate remedial action, including:

1. Requiring submission of additional or corrected information;
2. Providing needed assistance to the appointing authority;
3. Directing implementation of appropriate alternative or pre-layoff measures; or
4. Directing necessary changes in the layoff notice, which may include the effective date of the layoff.

4A:8-1.5 Layoff units and job locations

(a) In State service, the layoff unit shall be a department or autonomous agency unless, prior to the time set by N.J.A.C. 4A:8-1.4 for submission of information to the Department of Personnel, a different layoff unit has been approved by the Commissioner pursuant to this section.

(b) In local service, the layoff unit shall be a department in a county or municipality, an entire autonomous agency (see N.J.A.C. 4A:8-2.1(c)1i), or an entire school district unless, prior to the time set by N.J.A.C. 4A:8-1.4 for submission of information to the Department of Personnel, a different layoff unit consisting of one or more departments has been approved by the Commissioner pursuant to this section.

(c) The Commission shall determine layoff units according to the following procedure:

1. A request may be submitted by an appointing authority to the Commissioner or the matter may be initiated by the Commissioner.
2. Notice of the request shall be provided by the appointing authority to affected negotiations representatives upon submission to the Commissioner.
3. After receipt of the request, the Commissioner shall specify a period of time, which in no event shall be less than 20 days, during which affected employees and negotiations representatives may submit written comment and recommendations.
4. Thereafter, the Commissioner shall issue a determination approving, modifying or rejecting the proposed layoff unit.

(d) In making a determination with respect to a layoff unit, the Commissioner shall consider, among other factors:

1. In State service, the need for a unit smaller than a department;
2. In local service, the need for a unit larger than a department;
3. The functional and organizational structure of the State department or local jurisdiction;
4. The number of employees, funding source, and job titles in the proposed unit;
5. The effect upon employee layoff rights; and
6. The impact upon service to departmental clientele and the public.

(e) In State service, job locations are determined by the Commissioner within each layoff unit. Job locations may consist of named facilities or geographical areas. A job location shall be identified for each facility within a layoff unit. In local service, the entire political subdivision is the job location and includes any facility operated by the political subdivision outside its geographic borders.

4A:8-1.6 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 conspicuously posted in all affected facilities of the layoff unit. A copy of the notice served on employees shall be provided to the Department of Personnel and affected negotiations representatives.

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

PERSONNEL

PROPOSALS

- (b) The notice shall contain the following:
 1. The effective date of the layoff action; and
 2. The reason for the layoff.
- (c) The appointing authority shall be responsible for keeping records of those employees receiving the layoff notice.
- (d) 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.
- (e) Layoff rights and related seniority determinations (see N.J.A.C. 4A:8-2) 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.
- (f) 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 to displace the least senior employee in the layoff unit holding a title determined to be the same or comparable to the affected title of the employee. For a probationary employee, a lateral title right means the right to fill a vacant position or displace a provisional or probationary employee in the same title. Title comparability shall be determined by the Department of Personnel 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, certification or registration 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 in the layoff unit 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 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, certification or registration 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 means 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.
 1. A special reemployment list from one governmental jurisdiction shall not be certified to another jurisdiction.

- i. In local service, for purposes of this chapter, an autonomous agency shall be considered a separate jurisdiction. An autonomous agency is one which, by statute, is a body corporate and has the powers of an appointing authority.
- ii. In State service, the entire State government constitutes a single jurisdiction.
- (d) Affected negotiations representatives shall be permitted to be present at any meeting with individual employees where layoff rights are discussed.
- (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 rights

- (a) In State service, a permanent employee in a position affected by a layoff action shall be provided title rights to selected job locations within the layoff unit. The employee shall select the job locations from the list of job locations determined by the Commissioner (see N.J.A.C. 4A:8-1.5(e)).
- (b) In local service, a permanent employee in a position affected by a layoff action shall be provided title rights within the layoff unit.
- (c) Following the employee's selection of a job location, lateral and demotional title rights shall be provided in the following order:
 1. A vacant position that the appointing authority has previously indicated it is willing to fill;
 2. A position held by a provisional employee who does not have permanent status in another title, with the specific position determined by the appointing authority;
 3. A position held by a provisional employee who has permanent status in another title, with the specific position determined based on the level of the permanent title held and seniority in title;
 4. The position held by the employee serving in a working test period with the least time in the probationary title;
 5. 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 whose most recent (within the last 12 months) performance rating in his or her permanent title was an unsatisfactory or equivalent rating.
 6. 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 periods shall be provided lateral title rights in the same order as (c)1 through 4 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 shall be provided with lateral or demotional rights to a previously held permanent title providing that the employee held the title within current continuous service. Such rights shall be exercised only against vacant positions or positions filled by provisional employees.
- (g) In State service, employees in intermittent titles shall have lateral and demotional rights only to intermittent titles.

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. However, the Department of Personnel may permit for good cause, upon written request by the employee with notice to the appointing authority, substitution of another job location for the employee's original job location.
 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

PROPOSALS

Interested Persons see Inside Front Cover

HEALTH

layoff. However, the Department of Personnel may permit for good cause, upon written request by the employee with notice to the appointing authority, substitution of another job location for the employee's original job location.

(b) Priority of special reemployment lists shall be determined as follows:

1. Special reemployment lists shall take priority over all other reemployment lists, open competitive lists and lateral title changes pending examination (see N.J.A.C. 4A:4-7.6(c)), except those resulting from position reclassifications, for the entire jurisdiction (see N.J.A.C. 4A:8-2.1(c)1). Special reemployment lists shall also take priority over promotional lists for the State department, autonomous agency or local department where the layoff occurred.

2. Special reemployment lists shall also take priority over transfers and all lateral title changes except those resulting from position reclassifications within a layoff unit.

(c) A special reemployment list shall not have an expiration date. Ranking on the list shall be based on the employee's permanent title and seniority at the time of layoff. 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. 4A:4-4.7 and 4A:4-6). Following appointment from a special reemployment list, an employee's name shall be removed from the special reemployment list for any title with a lower class code (State service) or lower level (local service).

(d) Employees who resign or retire in lieu of lateral displacement, demotion or layoff, or who subsequently resign or retire, will not be placed or remain on a special reemployment list.

(e) In State service, employees in intermittent titles shall have special reemployment rights only to intermittent titles and only within the department or autonomous authority in which the layoff occurred.

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 layoff action, other than to a previously held title pursuant to N.J.A.C. 4A:8-2.2(f), will have preferred seniority.

2. Employees reappointed from a special reemployment list to a lower title in the same layoff unit from which they were laid off or demoted will have preferred seniority. Records of such preferred seniority shall be maintained by the appointing authority in a manner acceptable to the Department of Personnel.

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) The following types of leaves shall not be deducted from seniority calculations: all leaves with pay including sick leave injury (SLI); military, educational, gubernatorial appointment, personal sick, disability, and voluntary alternative to layoff leave without pay; and, in local service, leave to fill elective public office. Suspensions, other 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) An employee appointed to a previously held title pursuant to N.J.A.C. 4A:8-2.2(f) shall have all permanent continuous service in that title aggregated for seniority purposes.

(f) Employees serving in their working test period shall be granted seniority based on the length of service following regular appointment. Permanent employees serving in a working test period in another title shall also continue to accrue seniority in their permanent titles. Permanent employees serving 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).

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, temporary or interim appointee 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:8-1.6(a), no permanent or probationary employee in the layoff unit in a title actually affected by layoff procedures 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 the following types of appeals:

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 et seq.); 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:8-1.6(f). Appeals must specify what determination is being appealed, the reason(s) for the appeal, and the relief requested.

(c) The burden of proof is on the appellant.

HEALTH

(a)

FINANCIAL ELEMENTS AND REPORTING

Uncompensated Care Audit Functions

Proposed New Rule: N.J.A.C. 8:31B-4.41

Authorized By: Molly Joel Coye, M.D., M.P.H., Commissioner, Department of Health (with the approval of the Health Care Administration Board).

Authority: N.J.S.A. 26:2H et seq., specifically 26:2H-5b and 26:2H-18d.

Proposal Number: PRN 1988-622.

HEALTH

PROPOSALS

Submit written comments by January 4, 1989 to:
Scott Crawford, Director
Health Care for the Uninsured Program
Department of Health
CN 360
Trenton, NJ 08625

The agency proposal follows:

Summary

Proposed new rule N.J.A.C. 8:31B-4.41 is designed to improve the uncompensated care audit function of the Department of Health by:

1. Changing the current sampling mechanism of the Department of Health auditors; and
2. Requiring all Chapter 83 hospitals to submit to the Department of Health yearly a verifiable three-to-five year trend of the relationship between actual write-offs, provision for bad debt, and reserve for bad debt. This entails three ratio analyses: the ratio of actual write-offs to patient services revenue; the ratio of provision for bad debts to patient service revenue; and the ratio of reserve for bad debts to accounts receivable.

N.J.A.C. 8:31B-4.41(a) would require hospitals to maintain their annual bad debt and charity care lists in a way that will allow the Department of Health auditors to do dollar sampling, a new mechanism of selecting a random population.

After extensive study and consultation with the Trust Fund Advisory Committee, the Steering Committee on Health Care for the Uninsured and its Cost Containment Committee, as well as the Ad Hoc Uncompensated Care Audit Committee, the Department has concluded that the current sampling mechanism for the uncompensated care audit is inadequate in light of the number of years the system has been in place and the magnitude of the uncompensated care issue. By looking only at the number of exceptions, rather than the dollar amount of those exceptions, the current sampling method has disadvantaged both hospitals and the Department. The Department has been disadvantaged because it has been unable to establish satisfactory audit penalties because of the use of a statistically invalid sample. Hospitals have been disadvantaged because a small balance account exception will have the same weight as a large balance account exception in determining whether a penalty should be levied. The Department believes that these problems can be ameliorated by dollar sampling.

Dollar sampling involves rank ordering all bad debt and charity care accounts from the smallest to the largest and running a cumulative balance on them. The total amount is divided by the number of accounts to be sampled. This gives an interval amount x.

The selection is made by going down the cumulative balance and selecting each account that contains a multiple of x. This method will ensure that most of the audit attention is on the high dollar amount accounts while less attention is focused on smaller balances.

N.J.A.C. 8:31-4.41(b) requires hospitals to submit, on a yearly basis, verifiable, analytical data which would enable the Department to more appropriately audit a hospital's reporting habits and calculation of its provision for bad debt. Uncompensated care reimbursed to Chapter 83 hospitals consists of bad debt plus charity care less indigent grants and bad debt recoveries. However, the bad debt figure is an estimate of the hospital's experience based on historical data. Due to the nature of this calculation being an estimate rather than an actual write-off, the Department of Health finds it necessary to require further data to support a hospital's calculation. Therefore, all Chapter 83 hospitals are required to submit the following reflecting a three-to-five year trend to current data:

1. The ratio of the provision for bad debt to patient revenue;
2. The ratio of the reserve for bad debt to accounts receivable; and
3. The ratio of actual write-offs (net of recoveries) to patient service revenue.

Social Impact

More stringent audit functions will alert the hospital industry to a required sensitivity in their reporting habits and credit and collection procedures. Improving auditing functions will lead to more realistic scrutiny of a hospital's reporting practices and credit and collection procedures. The proposed new rule places the responsibility of documenting the calculation of bad debt provision on the hospital. The responsibility of establishing bad debt and charity care lists in a way that will allow the Department of Health to do dollar sampling also rests on the hospital.

Economic Impact

Establishing dollar sampling as a means of selecting a population for auditing uncompensated care will result in more appropriate penalty recommendations. Presently, penalty recommendations are discounted (up to 70 percent) because the random sample chosen is not considered a statistically valid representation of the universe of accounts. Dollar sampling will address this problem and validate a more appropriate penalty recommendation when warranted.

Developing annual lists for charity care and bad debt so Department of Health auditors can use dollar sampling should be a manageable task since a number of software packages provide for this ability to rank order data elements. Most hospitals are computerized and therefore already equipped to handle this change. Therefore, there should be limited financial impact on most hospitals. Those hospitals that are not in compliance with the credit and collection regulations may be assessed higher penalties due to this improved sampling method.

Regulatory Flexibility Statement

The proposed new rule affects only those hospitals whose rates are set by the Hospital Rate Setting Commission. There are no hospitals subject to the rule with fewer than 100 full-time employees. Therefore, the rule has no impact on any institution which would qualify as a small business pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Full text of the proposal follows.

8:31B-4.41 Uncompensated care audit functions

(a) Hospitals shall maintain their annual bad debt and charity care lists in a way that will allow the Department of Health to select accounts for dollar sampling. Hospitals will be required to rank order all bad debt and charity care accounts from the smallest to the largest and run a cumulative balance on the list. These lists must be available to the Department of Health by May 1 following the rate year.

(b) Hospitals shall submit, on a yearly basis, verifiable data in the following format:

1. The ratio of the provision for bad debt to patient services revenue;
2. The ratio of the reserve for bad debt to accounts receivable; and
3. The ratio of actual write-offs (net of recoveries) to patient services revenue.

(c) This procedure entails a comparative analysis of pertinent current year's ratios and the multiyear trend. These ratios shall include a three year trend for 1987, a four year trend for 1988, and a five year trend for 1989 and all subsequent years.

(a)

FACILITIES RATE SETTING

Residential Alcoholism Treatment Facilities Cost Accounting and Rate Evaluation Guidelines

Proposed Amendments: N.J.A.C. 8:31C-1.1, 1.2, 1.3, 1.4, 1.8, 1.10, 1.11, 1.12, 1.15, 1.16, 1.19, 1.20, 1.21
Proposed Repeals: N.J.A.C. 8:31C-1.5, 1.6, 1.7, 1.9
Proposed New Rules: N.J.A.C. 8:31C-1.18, 1.19, 1.20

Authorized By: David L. Knowlton, Acting Commissioner,
Department of Health (with approval of the Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-18(c).
Proposal Number: PRN 1988-593.

Submit written comments by February 20, 1989 to:
Charles O'Donnell, Director
Facilities Rate Setting
New Jersey State Department of Health
CN 360, Room 601
Trenton, New Jersey 08625-0360

The agency proposal follows:

PROPOSALS

Interested Persons see Inside Front Cover

HEALTH

Summary

On July 1, 1987, reimbursement rates, based upon the Department's reasonable cost screens, were issued to the Residential Alcoholism Treatment Facilities, for the first time, under this chapter. The proposed amendments to N.J.A.C. 8:31C reflect the Department of Health's refinements to the overall Residential Alcoholism Treatment Facility Cost Accounting and Rate Evaluation Guidelines.

The proposed amendments to N.J.A.C. 8:31C-1.1 and 8:31C-1.2 are intended to clarify the rate setting methodology regarding the scope and purpose of the rules. Additional definitions that will provide clarification of the terminology used in establishing the reimbursement rates for the Residential Alcoholism Treatment Facilities are included.

The proposed amendment to N.J.A.C. 8:31C-1.3 is intended to establish the process for developing the Final Administrative Payment Rate and includes a penalty of a 20 percent recoverable reduction per month to the facility's latest approved reimbursement rate. This penalty will be applied to those alcoholism facilities who do not submit their alcoholism cost study forms within the prescribed time frames, and will remain in effect until the cost study forms have been received by the Department of Health.

The proposed amendment to N.J.A.C. 8:31C-1.4 clarifies the rate components that will be limited to actual cost at the time of the development of the Final Payment Rate and clarifies those cost centers which will not receive an economic factor adjustment. This amendment will also clarify those expenses to be included in related lease transactions.

The proposed amendments include the elimination of all references to the Department of Health's calculation of the Capital Facilities Allowance (CFA). This change would eliminate in their entirety N.J.A.C. 8:31C-1.5, 8:31C-1.6, 8:31C-1.7, and 8:31C-1.9. The Department had originally intended to implement the CFA method beginning July 1, 1987. However, because of circumstances beyond the Department's control, it was not feasible to apply this method to the reimbursement methodology. It is possible, through the utilization of the CFA methodology, that alcoholism facilities may be reimbursed at a level greater than their total actual costs expended during any particular rate year. The Department is proposing in N.J.A.C. 8:31C-1.4, Rate components, that alcoholism facilities be reimbursed for actual depreciation, interest, rental and leases, and property taxes (land and building) in lieu of applying the CFA methodology.

The proposed amendment to N.J.A.C. 8:31C-1.8 will clarify the capital-related costs as a result of the sale of an alcoholism facility. The purpose of this amendment is to ensure that the reimbursement rate to the new owner of the facility reflects the appropriate amount of depreciation relating to the building.

The proposed amendment to N.J.A.C. 8:31C-1.10 provides for the target occupancy of 70 percent to be applied to all cost centers except those centers whose cost would be considered variable with patient days. Currently, the 70 percent target occupancy is being applied to the following cost centers: property taxes (land and building), utilities property insurance, and maintenance and repairs. The 70 percent target occupancy represents the reasonable level of efficiency that should be maintained by the alcoholism facilities, and applied to all of the appropriate cost centers.

The proposed amendment to N.J.A.C. 8:31C-1.11 adds the rate component of property insurance to the property operating expenses. This component was originally included in the Capital Facilities Allowance (CFA) calculation. Since the Department is proposing to eliminate the entire CFA calculation, the property insurance costs that are applicable to alcoholism facilities should be reclassified into the property-operating expenses for reimbursement purposes.

The proposed amendment to N.J.A.C. 8:31C-1.21 provides for the alcoholism facilities to receive the greater of the facility's latest approved rate by the Department of Health effective July 1, 1987 or the screened rate effective July 1, 1988 through June 30, 1989. The purpose of this amendment is to allow the Department of Health to implement the necessary changes to the screened rate methodology without causing any undue hardship to the alcoholism facilities.

N.J.A.C. 8:31C-1.18, 1.19, and 1.20 are additions to the rules. The purpose of these new rules is to clarify the Final Payment Rate methodology, include a provision for alcoholism facilities to address unpredictable and uncontrollable costs, and to establish a reasonable reimbursement rate for new alcoholism facilities.

The proposed amendments to the Residential Alcoholism Treatment Facility Cost Accounting and Rate Evaluation Guidelines are developed with the purpose of establishing reimbursement rates that are equitable and based upon a reasonable reimbursement formula.

Social Impact

The proposed amendments will contribute to controlling costs for the residential alcoholism treatment facility, the payer, and the consumer. These amendments will continue to address the original intent of the 1971 Health Care Facilities Planning Act, as amended, by providing an alcoholism rate setting system that promotes quality of care and cost effective services.

Economic Impact

The proposed amendments to N.J.A.C. 8:31C-1.1, 1.2, 1.3, 1.4, 1.8, and 1.11 are intended to clarify the rate setting methodology. It is expected that there will be a minimal economic impact on the facilities, the payer, and the consumer regarding the changes in the provisions of alcoholism services.

The proposed amendment to N.J.A.C. 8:31C-1.10 provides for a target occupancy of 70 percent to be applied to all cost centers except those centers whose cost would be considered variable with patient days. This amendment will have an impact only on those facilities whose occupancy is lower than 70 percent. It will protect the payers from reimbursing alcoholism facilities for inefficiencies due to low occupancy, and will ensure that the alcoholism facilities maintain a reasonable level of efficiency for the provision of alcoholism treatment services. This amendment will also provide that the cost to the consumer for the treatment of alcoholism be maintained at a reasonable level.

The proposed amendment to N.J.A.C. 8:31C-1.21 provides for the alcoholism facilities to receive the greater of the facility's latest approved rate effective July 1, 1987 or the screened rate effective July 1, 1988 through June 30, 1989. This amendment is intended to protect the alcoholism facilities from any reduction in their reimbursement rate effective July 1, 1988 through June 30, 1989, due to the Department of Health's proposed amendment to the screened rate methodology. It is expected that this change will have minimal impact on the payer and consumer.

Clarification of the rate setting methodology used in the Residential Alcoholism Treatment Facilities Guidelines precipitated the inclusion of N.J.A.C. 8:31C-1.18, 1.19, and 1.20. It is anticipated that these changes will have a minimal impact on the facilities, the payer, and the consumer.

The Department is proposing to eliminate N.J.A.C. 8:31C-1.5, 1.6, 1.7 and 1.9, regarding the calculation of the Capital Facilities Allowance (CFA). The inclusion of the CFA methodology would allow the possibility for the alcoholism facilities to receive reimbursement that would exceed their total actual costs in any particular rate year. This amendment, which removes the CFA calculation, would protect the payers and the consumer from excess payment, and establish reimbursement based upon reasonable cost, in accordance with P.L. 1978, c.136 and c.138, and the 1971 Health Care Facilities Planning Act.

Regulatory Flexibility Statement

The Residential Alcoholism Treatment Facilities in New Jersey are all included in the small business category, as the term is defined in N.J.S.A. 52:14B-16 et seq. The proposed amendments impose standardized reporting and recordkeeping in a consistent manner for all of the facilities and is necessary to insure the development of a reasonable reimbursement rate in accordance with the rules.

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

8:31C-1.1 Scope and purpose

(a)-(d) (No change.)

(e) While the rules have been given due consideration and are deemed to be fair and equitable, [an historical data base for Residential Alcohol Treatment Facilities was not available for detailed analysis prior to the development of the rules. Therefore,] it is the intention of the Department to review the dispersion of the data used to establish the medians and reasonableness limits for the reimbursement rates effective July 1, [1987] **1988**. The Department will recommend to the Health Care Administration Board any modifications to the rules that may be required to resolve identified problems.

(f) [All rates established pursuant to these rules will be subject to on-site audit verification of costs and statistics reported by RATFs.] **The Department of Health may perform a detailed on site review of costs and statistics to verify consistent reporting of data and extraordinary variations in data.**

HEALTH

PROPOSALS

8:31C-1.2 Definitions

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

"Administrative Payment Rate" means the payment rate developed following a review with the rate analyst of the Screened Rate.

"Capital Facilities Allowance (CFA)" means the reimbursement for capital-related costs based upon reasonable values of capital assets as determined in these rules.]

"Director" means the Director of Health Facilities Rate Setting.

"Final Administrative Rate" means the payment rate developed as a result of the rate established following an appeal to the Administrative Law Judge.

"Final Payment Rate" means the payment rate developed from the facility's latest payment rate following the certification of actual costs by Blue Cross and Blue Shield of New Jersey.

"Forms" means the data collection forms which a facility uses to report actual costs.

"Level I Appeal" means the appeal held with a Department of Health Analyst.

"Level II Appeal" means an appeal held before an Administrative Law Judge.

"Payers" means Blue Cross and Blue Shield of New Jersey, Inc. and government agencies that are contractual purchasers of health care services.

"Schedules" means the schedules to test the reasonableness of actual expenses and to determine reasonable increases.

"Screened Rate" means the administrative rate determined by applying the rate review guidelines to the facility's most current cost base as described in N.J.A.C. 8:31C-1.3.

8:31C-1.3 Reporting period: cost data

(a) Commencing with [fiscal] calendar years ending December 31, [1986,] 1987, RATFs [are to] will furnish required cost studies to the Department of Health, Health Facilities Rate Setting, within 90 days of the close of each [fiscal] calendar year. For rate review purposes, the period for which these actual data are reported will constitute the "base period" for establishing prospective per diem reimbursement rates commencing six months after the end of the base period. These rates will not be subject to routine retroactive adjustments except for matters as specified in the rules.

(b) Residential Alcoholism Treatment Facilities that fail to submit their actual cost reports by March 31, in a condition that would render them suitable for entry into the data base, shall forfeit their right to proceed under the screened methodology for determining a reasonable reimbursement rate. Where cost studies are received beyond the 90 day filing requirement, prospective per diem reimbursement rates will be established three months after receipt of the required cost studies. [During this interim period, existing reimbursement rates will remain in effect for cash flow purposes with] There will be no adjustment for inflation. The [interim] revised rate will not be subject to a retroactive adjustment to the beginning of the prospective rate period upon determination of the approved rate via the methodology described in this chapter. The Director of Health Facilities Rate Setting, upon review, may apply a 20 percent recoverable reduction per month to the facility's latest approved rate which will remain in effect until the cost report has been received by the Department of Health.

(c) Once the Department has determined that the actual cost study submission is suitable for entry into the data base, it shall be so entered, no further substitutions or rearrangement of costs will be accepted unless it is deemed necessary by those performing the detailed, on site review pursuant to N.J.A.C. 8:31C-1.1.

1. For any facility proceeding under the screened methodology which has requested an Administrative Payment Rate, a date for the detailed review with the analyst shall be set within 60 working days of the issuance of the Screened Rate. At least 10 working days prior to the date so established, the facility shall submit written documentation of all items to be discussed. This documentation will specify each item, the costs associated with the item, and the facility's rationale for the

request. Should the facility fail to submit the documentation in the allotted time or fail to appear on the established date, it shall have forfeited its right to an appeal and the Screened Rate will become the Final Administrative Rate.

[(c)] (d) The Director, Health Facilities Rate Setting, may [mitigate] reduce or waive the penalty specified in (b) above, for "good cause" shown:

1.-2. (No change.)

3. All requests for [mitigation] reduction and/or waiver of the penalty provision shall be submitted in writing, substantiating the reasons for the request in such detail as the Director may require.

[(d)] (e) The penalty rates indicated in (b) above will be applied to cost studies commencing with the reporting periods ending December 31, [1987] 1988.

8:31C-1.4 Rate components

(a) The prospective rates will be calculated by applying standards and reasonableness criteria "limits" to the following rate components.

[1. Capital Facilities Allowance (CFA);]

[2.] 1. Property operating expenses;

[3.] 2. Administrative costs;

[4.] 3. Raw food costs;

[5.] 4. Routine patient care expenses;

[6.] 5. General service expenses;

[7.] 6. Special patient care expenses;

[(b) The following considerations will be addressed in determining the Capital Facilities Allowance (CFA):

1. Buildings;

2. Land and land improvements;

3. Major moveable equipment;

4. Maintenance and replacements;

5. Property insurance;

6. Target occupancy levels;

(c) A provision for inflation will be added to reasonable base period costs to provide for inflation between the base period and the prospective rate period.]

(b) Compensation increases in excess of the economic factor should be made only through improved utilization of personnel, upgrading of the quality of employees, increases in productivity, and other cost containment efforts.

(c) The following components of cost will be limited to actual cost at the time of the development of the Final Payment Rate. Depreciation, interest, and rental and leases will not be increased by the economic factor.

1. Depreciation;

2. Interest;

3. Rental and lease costs;

4. Property taxes (land); and

5. Property taxes (building).

(d) (No change.)

(e) In related lease transactions, the rent paid to the lessor by the provider is not allowable as cost. The provider, however, would include in its costs the property expenses of ownership of the facility. These expenses include only depreciation, interest, property taxes and property insurance for the building and/or equipment. Other expenses of the lessor such as accounting fees, utilities, travel, and other direct or indirect overhead are non-allowable. The effect is to treat the facility as though it were owned by the provider.

[8:31C-1.5 Capital Facilities Allowance (CFA) buildings

(a) The Capital Facilities Allowance for buildings and fixed equipment will be based upon appraised 1986 replacement costs less wear and tear, subject to reasonableness limits as described in (c) and (d) below.

(b) The appraisals are to be conducted by the New Jersey Department of Transportation.

(c) Reasonableness limits on plant square feet will be set at 110 percent of median plant square feet per available bed of all existing licensed RATF's in the base period.

(d) A reasonableness limit on appraised value per square foot will be established at 110 percent of the median appraised value, at 1986 price levels, of existing RATFs in the base period.

PROPOSALS

Interested Persons see Inside Front Cover

HEALTH

(e) Two rates will be developed for calculating the CFA for RATFs.

1. Interest rate shall equal the Medicare return on equity rate for the 12 month period ending with December of 1986.

2. Amortization rate shall equal the ratio of annual debt service (principal and interest) to original principal required to amortize a loan in 25 equal annual installments, with an interest rate in accordance with 1. above.

(f) For the first 25 years of the life of a RATF beginning with the year of construction, the amortization rate will be applied to the 1986 reasonable appraised value of the building and fixed equipment.

(g) Beyond the 25th year after construction, the interest rate will be applied to the 1986 reasonable appraised value of buildings and fixed equipment.

(h) For RATFs built in multiple stages, a weighted average year of original construction will be established by weighting licensed beds by the age of the component multiple stages of the building in which the beds are located. Where inequities could result from this calculation, RATFs with suitable records may request that the weighted average year of construction be calculated based upon plant square feet constructed.

(i) With respect to new RAFTs and significant additions to existing RATFs, the appraised value will be determined based upon price levels at the time the construction is completed.

(j) For RATFs with other component services, data relative to common areas will be apportioned to residential alcoholism patients based upon base period square footage. After making such apportionments, appraised values will be subject to the reasonableness screens described in (c) and (d) above and, where applicable, to the weighted average year of construction calculations described in (h) above.

(k) For RATFs which were converted from other uses, the year of conversion will be used provided the conversion costs exceeded the acquisition cost of the building and building equipment. Otherwise, the original year of construction will be used.

(l) For existing RATFs, the State will not increase the CFA rate in future years should the Medicare return on equity rate increase. Should this rate decrease by more than the reasonable cost of refinancing, both the interest rate and the amortization rate will be reduced. Should financing through a governmental authority be obtained by a facility, the CFA rate will be adjusted as necessary based upon the lower of the previously established Medicare return on equity rate or the available financing rate incremented in accordance with the Medicare return on equity factor.

(m) For new RATFs, or for additions to existing RATFs, the amortization rate will be established based upon the lower of the latest Medicare return on equity rate published at the inception of operations, or the governmental financing rate incremented in accordance with the Medicare return of equity factor. The provisions of (l) above will apply in subsequent years.

(n) The Department will review, on a case by case basis, situations where the strict application of the provisions of this section would be inappropriate for existing licensed RATFs under particular circumstances, such as:

1. Situations where an existing debt must be refinanced in connection with obtaining funds to expand existing RATFs;

2. The existence of firm arms-length leases whose terms cannot be modified;

3. The inability of RATFs to obtain 25 year financing.]

[8:31C-1.6 Capital Facilities Allowance (CFA); land

(a) The 1986 value of land and land improvements as appraised by the New Jersey State Department of Transportation will be the basis for determining the CFA with respect to land, subject to reasonable land area established as follows:

1. For urban RATFs: two acres;

2. For nonurban RATFs: five acres;

3. For the purposes of this section, a city, town, or township is considered "urban" if its population exceeds 25,000 and its average population density exceeds 7,000 per square mile. All other areas are considered "nonurban".

(b) The interest rate (equal to the Medicare return on equity rate for the 12 month period ending December of 1986) will be applied to the reasonable 1986 appraised value.

(c) For existing RATFs, the department will not increase the CFA rate in future years should the Medicare return on equity rate increase. Should this rate decrease by more than the reasonable cost of refinancing, the interest rate will be reduced. Should financing through a governmental authority be obtained by a facility, the CFA rate will be adjusted as necessary based upon the lower of the previously established Medicare return on equity rate or the available financing rate incremented in accordance with the Medicare return on equity factor.

(d) For new RATFs, or for additions to existing RATFs, the interest rate will be established based upon the lower of the latest Medicare return on equity rate published at the inception of operations, or the governmental financing rate incremented in accordance with the Medicare return on equity factor. The provisions of (c) above will apply in subsequent years.

(e) With respect to new RATFs and significant additions to existing RATFs, the appraised value will be determined based upon price levels at the time the construction is completed.

(f) For RATFs providing other services, reasonable appraised values for land will be prorated to residential alcoholism patients based upon square footage allocations.

(g) The Department will review, on a case by case basis, situations where strict application of the provisions of this section would be inappropriate for existing licensed RATFs.]

[8:31C-1.7 Major moveable equipment

(a) An allowance for major moveable equipment will be developed for each RATF as follows:

1. Base period major moveable equipment depreciation and interest costs per bed will be ranked in descending order on a state-wide basis.

2. A reasonableness limit on major moveable equipment will be established at 110 percent of the median depreciation and interest costs per bed.

3. The dollar limit for major moveable equipment for each RATF will then be determined by multiplying the reasonableness limit per bed by the total number of licensed RATF beds.

4. Reimbursement will be based upon the lesser of actual depreciation and interest costs or the dollar limit per 3. above.

i. Seventy percent of the costs of leased major moveable equipment will be recognized as major moveable equipment costs.

5. The major moveable equipment per diem will then be determined by dividing the lesser of actual costs or the dollar limit per 4. above by total patient days in the base period.

6. The department will review on an individual basis any inequities existing RATFs believe are brought about by unusual circumstances.]

[8:31C-1.8] 8:31C-1.5 Maintenance [and replacements]

(a) An allowance for the maintenance of land, land improvements, buildings, and fixed equipment, [and for the replacement of fixed equipment] will be developed for each RATF as follows:

[1. Expenditures for capitalized maintenance and replacements will be reported for each RATF in the base period.

2. Expenditures for capitalized maintenance and replacements, per 1. above, will be prorated to RATF patients based upon the ratio of RATF square feet (including a prorated share of common areas) to total plant square feet.]

1. [3.] Fringed maintenance salaries and maintenance expenses will be reported for each RATF in the base period.

[4. Total eligible expenditures for maintenance and replacements for each RATF will be calculated by adding 2. and 3. above.]

(b) The reasonableness limit per plant square foot for the RATFs salary region is determined as follows:

A = Median Maintenance [and Replacement Costs] Costs

B = Median Labor Cost

C = A - B = Non-Labor Costs

Limited by Region = [(B ÷ Equalization Factor) + C] x 1.1

(c) (No change.)

HEALTH

PROPOSALS

(d) Reimbursement will be based upon the lower of total eligible expenditures for maintenance [and replacements] in (a) [4.] or the dollar limit in (c) above.

(e) (No change.)

(f) **In establishing the capital-related cost of assets where an ongoing facility is purchased through a bona fide sale after July 1, 1987, the capital-related cost of the new owner would be based on the acquisition cost of the asset as entered on the books of the prior owner, less any depreciation taken on the asset by the prior owner. In addition, the new owner's capital-related costs must be determined using the same useful life and method of depreciation as used for reimbursement purposes in calculating rates for the previous owners.**

(g) **Fair market value and any goodwill will not be recognized as an acceptable valuation of assets for reimbursement purposes.**

[8:31C-1.9 Property insurance

(a) An allowance for property insurance will be developed for each RATF as follows:

1. Base period property insurance costs per \$1,000 of appraised value will be calculated for all RATFs.

2. The property insurance costs per \$1,000 of appraised value will be ranked in descending order on a statewide basis.

3. A reasonableness limit on property insurance costs per \$1,000 of appraised value will be established at 110 percent of the median property insurance costs per \$1,000 of appraised value.

4. The dollar limit on property insurance will be established based upon the property insurance reasonableness limit per \$1,000 of reasonable RATF appraised value.

5. The dollar limit for each RATF, calculated per (a)4 will be compared to actual property insurance costs. Property insurance costs included in the prospective rate base will be based upon the lesser of the property insurance limit or actual property insurance costs.

6. The property insurance per diem will be calculated by dividing allowable property insurance costs, per (a)5 above, by target occupancy.]

[8:31C-1.10] **8:31C-1.6 Target occupancy levels**

(a) A target occupancy level of 70 percent of licensed bed days or actual base period patient days, whichever is greater, will be used to develop reasonable per diem amounts [for the following rate components:]. **Target occupancy will be applied to all cost centers excluding raw food, laundry and linen, laboratory, and pharmacy.**

[1. Property Taxes:

2. Utilities;

3. Capital Facilities Allowance for:

i. Buildings and Fixed Equipment;

ii. Land and Land Improvements;

iii. Maintenance and Replacements;

iv. Property insurance]

(b) If base period patient days exceed 90 percent of licensed bed days, then the [largest] occupancy will be entered at 90 percent of licensed bed days.

[(c) For new facilities, an occupancy rate of 70 percent of licensed bed days will be used for interim rates during the first year of operation subject to retroactive adjustments to actual occupancy should it exceed 70 percent of maximum bed days (but no higher than 90 percent of maximum bed days will be used).]

[8:31C-1.11] **8:31C-1.7 Property operating expenses**

(a) Property operating expenses include property taxes, insurance, and utilities.

1. Property taxes (**land and building**) will be considered reasonable so long as they are based upon reasonable [plant square feet, costs per square foot, and reasonable] land area and value.

2. Reasonable plant square feet (and related property taxes) will be determined as follows:

i. The ratio of plant square feet to licensed beds will be determined for all RATFs in the base period.

ii. The reasonableness limit on plant square feet will be established at 110 percent of the median plant square feet per available bed of all existing licensed RATFs in the base period.

3. a reasonableness limit on appraised value per square foot will be determined in accordance with the CFA building methodology contained in Section 8:31C-1.5.

4. For RATFs whose appraised value exceed this limit, the property taxes related to the excess will be excluded from the rate base. For this purpose, it will be assumed that assessed values for buildings vary directly in relation to their areas. The department will review on an individual basis any inequities which existing RATFs believe are brought about by unusual circumstances.]

Renumber existing 5. through 8. as 2. through 5. (No change in text.)

(b) Utility costs will be screened for reasonableness as follows:

1. Base period utility costs per bed will be deemed [apparently] unreasonable to the extent that they exceed 150 percent of the [s]Statewide median utility cost per bed.

(c) **Property insurance costs will be screened for reasonableness as follows:**

1. Base period property insurance costs per bed will be deemed unreasonable to the extent that they exceed 150 percent of the Statewide median property insurance cost per bed.

[8:31C-1.12] **8:31C-1.8 Administrative costs**

(a) The administrative screen will be applied to the aggregate reported costs of management, administrator, and other administrative costs for existing licensed RATFs in the base period. Total administrative costs will then be divided by actual patient days for each RATF in the base period. These per diem costs will be ranked in descending order on a [s]Statewide basis. The reasonableness limit will be set at 110 percent of the median cost per day.

1. Compensation and special fringe benefits of all owners, officers, and related parties[;], management contracts[;], and home office costs related to chain organizations will be excluded from the development of the reasonableness limit per (a) above. RATFs with such administrative costs will be excluded from the development of the reasonableness limit.

2. Non-working officer, owner, or related party compensation and special fringe benefits are [non-allowance] **non-allowable**.

Renumber existing N.J.A.C. 8:31C-1.13 and 1.14 as N.J.A.C. 8:31C-1.9 and 1.10 (No change in text.)

[8:31C-1.15] **8:31C-1.11 Equalized compensation and equalized cost**

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

(d) The term "equalized costs" means the net amount of equalized compensation plus other expenses, less expense recoveries and [nonallowable] **non-allowable** costs.

(e)-(f) (No change.)

[8:31C-1.16] **8:31C-1.12 Routine patient care expenses**

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

(c) Reasonableness limits for counseling services will be established as follows:

1. (No change.)

2. Total counseling costs for each RATF in the base period (per (c)[.] above) will then be divided by base period patient days. These per diem costs will then be ranked in descending order on a [statewide] **category** basis (**adult, adolescent**).

(3) (No change.)

Renumber existing N.J.A.C. 8:31C-1.17 and 1.18 as N.J.A.C. 8:31C-1.13 and 1.14 (No change in text.)

[8:31C-1.19 Inflation] **8:31C-1.15 Economic Factor**

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

[(c) No provision for inflation will be made with respect to costs for buildings, land, moveable equipment, and interest.]

[8:31C-1.20] **8:31C-1.16 Appeal process**

(a) When a RATF believes that, owing to an unusual situation, the application of these rules results in an inequity, two levels of appeals are available: a Level I Appeal heard by representatives from the Department of Health; and a Level II Appeal heard before an Administrative Law Judge.

PROPOSALS

Interested Persons see Inside Front Cover

HIGHER EDUCATION

1. Level I Appeal: A request for a Level I Appeal must be submitted in writing to the Department of Health, Health Facilities Rate Setting, Room 600, John Fitch Plaza, CN 360, Trenton, New Jersey 08625 within 30 days of receipt of the notification of rates.

i. The first level of appeal will be heard by analysts [and supervisory level representatives] from the Department of Health. A RATF should be prepared to provide such substantiating material as may be required for an informal discussion of the subject matter.

ii.-iii. (No change.)

iv. Adjustments resulting from the Level I Appeal will be retroactive to the beginning of the prospective rate year. [This includes any adjustments as a result of errors in the calculation of the rate by the Department of Health.]

2. Level II Appeals (Administrative Law Appeal): If a RATF is not satisfied with the results of the Level I Appeal, it may request a hearing before an Administrative Law Judge.

i.-iii (No change.)

iv. After the [hearing officer] **Administrative Law Judge** has filed his or her report, the Commissioner of Health will determine and approve the [effective payment rates] **Final Administrative Rates** and the RATF and its [payers] **payers** will be notified in the form of an administrative order over the signature of the Commissioner of Health.

[8:31C-1.21] **8:31C-1.17** Special rate provisions for rates effective July 1, [1987] **1988**

(a) For the rate period July 1, [1987] **1988** through June 30, [1988,] **1989** reimbursement rates will be established based upon the greater of [either the "historical" rate] **the facility's latest approved rate by the Department of Health effective July 1, 1987 through June 30, 1988,** or the screened rate calculated pursuant to the previous sections of these guidelines.

1. [The historical rate will be calculated by incrementing the RATF's 1986 Blue Cross rate with the general economic factor.] **The latest approved rate will be either the Blue Cross historical rate or the Department of Health's screened rate.**

2. [Acceptance of the historical rate shall constitute a waiver of any right of appeal concerning the rate.] **Reimbursement rates effective July 1, 1988 through June 30, 1989 will not be subject to an appeal under N.J.A.C. 8:31C-1.16.**

(b) For the rate periods July 1, [1988] **1989** and thereafter, historical rates will no longer be calculated and, as such, will not be utilized in establishing the effective reimbursement rate.

(c) For the rate periods July 1, [1988] **1989** and thereafter, the prospective reimbursement rates will be based upon the methodology described in the previous sections of these guidelines.

8:31C-1.18 Final Payment Rate

The Final Payment Rate will be based upon a certified audit performed by Blue Cross. The facility will be reimbursed at the lower of the approved rate or the Blue Cross certified rate. The Blue Cross certified rate will be subject to adjustments based upon major audit findings.

8:31C-1.19 Unpredictable and uncontrollable costs

Should a facility be faced during the year with unpredictable and uncontrollable changes in its costs, the facility should notify the Director of Facilities Rate Setting who will consider the necessity for an adjustment to give relief from such occurrences.

8:31C-1.20 Reimbursement rates for new facilities

In order to develop a reasonable rate, the Department of Health will evaluate the projected operating costs for the first year of operation, as well as the projection included in the Certificate of Need application. Facilities will be limited to the average of the Department of Health screened rate with those facilities of equivalent licensed beds. The facility will not be entitled to appeal the rate under N.J.A.C. 8:31C-1.16 of the RATF guidelines.

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

Licensing and Degree Approval Standards

Proposed Readoption with Amendments: N.J.A.C. 9:1

Authorized By: Board of Higher Education,

T. Edward Hollander, Chancellor and Secretary.

Authority: N.J.S.A. 18A:3-14e, m, and n.

Proposal Number: PRN 1988-625.

Submit comments by January 4, 1989 to:

Grey J. Dimenna, Esq.

Administrative Practice Officer

Department of Higher Education

20 West State Street

CN 542

Trenton, New Jersey 08625

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 9:1 expires on January 17, 1989. The Board of Higher Education has proposed the readoption of these rules, with certain amendments, in order to continue to provide for regulation of institutions of higher education within the State of New Jersey pursuant to the Board's authority.

The chapter sets forth standards for the licensure of colleges and universities within the State including certain requirements which those institutions must meet to operate and award collegiate degrees. The particular requirements set forth in each subchapter are detailed below.

Subchapter 1 contains certain general requirements that all institutions of higher education must follow. These requirements include organization and administration, finances, educational programs, faculty, libraries, student services, physical facilities and official publications. The subchapter also governs certain unique course offerings such as off-campus offerings and courses offered to high school students for college credit.

Subchapter 2 sets forth requirements for licensure of institutions and standards and procedures for the approval of academic degrees by the Board of Higher Education.

Subchapter 3 sets forth the requirements which an institution of higher education must meet in order to utilize the title of "university."

Subchapter 4 sets forth particular requirements which must be fulfilled by an institution to offer graduate programs. Included in this subchapter are guidelines and requirements for authorization and review of such programs, objectives, master's degree requirements, doctoral degree requirements, faculty, budget facilities and libraries.

Subchapter 5 lists the various standards which a proprietary institution must meet in order to award collegiate degrees. This subchapter includes sections on authorized degrees, reassessment of licensure, library requirements, organizational structure, faculty teaching loads and academic freedom.

Subchapter 6 sets forth requirements for out-of-State institutions seeking approval from the Board of Higher Education to offer credit-bearing collegiate coursework within the State of New Jersey.

Subchapter 7 includes rules implementing N.J.S.A. 18A:3-15.1 et seq. concerning the use of fraudulent academic degrees within the State of New Jersey.

The proposed amendments to certain of the rules are of a clarifying or technical nature.

Social Impact

The Board of Higher Education is statutorily responsible for the licensure of institutions of higher education and the approval of academic degree programs offered by such institutions. The standards set forth in the rules proposed for readoption ensure that the quality of the programs located at New Jersey's public and private colleges and universities are of a high level and that the students attending these institutions are receiving appropriate academic instruction. Application of these standards protects the citizens of New Jersey and others who attend such institutions from paying money through tuition to institutions which are not providing such an education. Further, receipt of a degree from such

HIGHER EDUCATION

PROPOSALS

institutions serves as evidence to the citizens of New Jersey that the graduate has completed certain basic requirements for the degree which the graduate holds or the field in which the graduate practices his or her profession.

Economic Impact

The rules proposed for readoption do not have a direct economic impact upon the State's institutions of higher education. They do, however, impact upon the institutions in the following sense. In order for institutions to meet the requirements set forth in this chapter, often institutions must dedicate both employees, materials, equipment and other resources to ensure compliance with the standards. The amount of monies necessary to meet the standards obviously varies from both institution to institution and within a particular institution depending upon the program or area involved.

Regulatory Flexibility Statement

The rules proposed for readoption impact upon certain proprietary schools which are considered to be small businesses. However, the rules only impact upon those proprietary schools which desire to offer collegiate degrees. Currently, only two such schools exist.

As stated above, the rules require such schools to meet certain program and institutional criteria in order to ensure the quality of the educational programs offered by those institutions. In order to meet these requirements, the schools must dedicate certain employees, materials, equipment and other resources. The rules do not contain numerous reporting requirements.

These proprietary schools are held to the same standards as colleges offering similar programs. The standards cannot be lessened for small businesses of this nature without seriously diluting the quality of the programs offered by those institutions.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 9:1.

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

SUBCHAPTER 1. [REGULATIONS]RULES FOR NEW JERSEY INSTITUTIONS OF HIGHER EDUCATION

[FOREWORD]9:1-1 Authority, purpose and scope

(a) New Jersey statutes provide that corporations furnishing instruction or learning leading to a diploma or degree shall obtain from the Board of Higher Education "a license to carry on the business under such rules as the Board of Higher Education may prescribe" (see N.J.S.A. 18A:68-3). The statutes further require that corporations submit and obtain approval of the basis and conditions of "any course or courses of study" leading to "the grade of a degree" prior to the conferring of such a degree (see N.J.S.A. 18A:68-6).[†] [†]Independent institutions whose charters antedate 1887 are exempt from approval of the basis or conditions for awarding the degree as stipulated in N.J.S.A. 18A:68-6.

(b) To assist institutions seeking to fulfill the necessary requirements outlined in N.J.S.A. 18A:68-3 and 18A:68-6, and to aid the Department of Higher Education and the Board of Higher Education in making judgments concerning institutions, the Board has from time to time set forth rules pertaining to licensure and approval. These newly revised rules have been drafted to serve the above mentioned purpose. These rules were reviewed by the Licensure and Approval Advisory Board and by the presidents of New Jersey institutions of higher education prior to their adoption by the Board of Higher Education. In developing and administering the rules for licensure, the Board and Department are mindful of the responsibilities vested in the trustees of individual institutions and of the institutional autonomy that is characteristic of American higher education. These rules delineate the Board's expectations for degree granting institutions of higher education; in the case of institutions already licensed and accredited, they do not contemplate that, in the absence of compelling reason, the Board will substitute its review processes (N.J.A.C. 9:1-2.1) for those of the institutions themselves or for those of the established accrediting agencies.

(c) The following assumptions governed the drafting of these regulations and serve to define their scope and intention:

1. [Regulations]**The rules in this chapter** shall apply to all colleges in New Jersey generally except where other statutes and Board of Higher Education [regulations] **rules** exist that supplement these [regulations] **rules** or more specifically govern the situation (other [regulations] **rules** are defined as written [regulations] **rules**, standards, or policy statements duly approved by the Board of Higher Education, such as "Regulations Governing County Community Colleges;" ["Standards for the Development and Evaluation of Graduate Programs in New Jersey Colleges and Universities,"] "State College Administrative Code," and so forth[;].

2. While it is desirable that [regulations] **rules** be written to permit as much institutional flexibility as possible, their primary purpose is to protect the public interest when institutional good will, competence or knowledge are absent[;].

3. Although the primary purpose of the [regulations] **rules** is to assure that minimum standards are met, they should also promote those facets of management that lead to institutional good health, productivity, and excellence beyond the minimum[;].

4. [Regulations]**The rules** are intended to make the applications of the law specific and have the effect of law (for example, "Copies of all statements of purpose shall be filed with the Chancellor. . . .") [;].

5. [Standards]**The standards set forth in these rules** specify desirable and acceptable practices which further implement the good intentions of the law but are not required in a specific form so that institutional flexibility may be maintained (for example, "Statements of institutional purpose should define the educational climate to be established. . . .") [;].

6. While the ultimate responsibility for the enforcement of the [regulations] **rules** must by law rest with the Chancellor and the Board of Higher Education, the Chancellor and the Board may choose to look to the educational community for the sources of good practice in academic and financial management that have already won peer group approval[;].

7. Because of changes in peer group emphasis on the details of good management and in order to permit flexibility on the part of the State when administering the [regulations] **rules** (and on the part of institutions governed by the [regulations] **rules**), where appropriate, the [regulations] **rules** shall use language such as "adequate," "suitable," "proper," "desirable," and so forth, to describe the end sought[;].

8. Specific interpretations of such words as "adequate," and so forth, are to be determined by the Chancellor and ultimately the Board of Higher Education in accord with existing standards of good peer group practice; and

9. Where peer group practice has evolved variations in desired requirements because of the nature of the degree offered, as in the case of faculty qualifications for associate level versus baccalaureate level degrees, the [regulations] **rules** and standards **therein** shall so specify.

(d) In addition to those provisions of Title 18 developed in these [regulations] **rules** and **the standards therein**, the Board of Higher Education is further charged by statute with special responsibilities for the public institutions. Other documents, such as the county community college regulations and standards and policy statements concerning the State colleges and the State university should be consulted.

9:1-[1.1]1.2 Definitions

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

...
"College" means an institution of higher education which offers instruction beyond the 12th grade level, has an independent board of trustees and whose programs satisfy the requirements for a degree at the associate, baccalaureate, and/or graduate level, and, with the exception of those institutions which have as their major mission the preparation of individuals for religious vocation, offer a range of degree programs. It has a faculty whose duties include some combina-

PROPOSALS

Interested Persons see Inside Front Cover

HIGHER EDUCATION

tion of the instruction of students and involvement in scholarship and research. **A college has policies and procedures that encourage the academic officers and the faculty to exercise their full responsibility for the academic direction of the institution. One indication of this type of collegiality is a system of tenure or a system of long-term contracts for the full-time faculty.** A junior/community college or county college is an institution of higher education which offers the associate degree. A senior college offers degrees up to the baccalaureate level and/or offers graduate and professional degrees.

...
 "Extension [C]center" means a physical facility located at a place other than the institution's principal campus with no complete credit-bearing certificate, diploma, or degree programs but more than 15 courses for credit or more than 350 course enrollments for credit in any academic year. The establishment of an extension center requires approval by the Chancellor of Higher Education.

...
 "Full-time faculty member" is one who is appointed as such and who occupies a full-time faculty position **with academic rank** and whose primary employment is directly related to teaching, research, and/or other aspects of the educational programs of institutions.

...
 "Proprietary institution" means a postsecondary institution which is operated for profit.

"School" is ordinarily a major subdivision of a college or university, and is organized to carry out instruction and/or research in related academic and/or professional fields.

...
 Renumber existing 9:1-1.2 through 1.5 as **1.3 through 1.6** (No change in text.)

9:1-[1.6]1.7 Off-campus offerings

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

(c) Upon receipt of a request for approval of an Extension Center or a Branch Campus, the Department of Higher Education shall provide to all New Jersey institutions of higher education a summary of the request to enable the institutions to inform the Department as to how they would be affected by the proposed Extension Center or Branch Campus. Extension Centers and Branch Campuses will be approved for a period of up to five years **for those institutions which are not Middle States accredited**; reapproval at the end of this period will be considered following the submission by the institution of a new request for approval. **Reapproval of branch campuses and extension centers for Middle States accredited institutions is contingent upon a positive evaluation of these sites at scheduled accreditation visits conducted by the Middle States team and the Department of Higher Education representatives. In every instance when a Board of Higher Education approved degree program, not previously offered at a particular branch campus, is contemplated as an addition to branch campus offerings, the procedures identified in (b) above and this subsection shall apply and Board of Higher Education approval is required.** An institution proposing to offer at a Branch Campus a degree program which has not been previously offered at the main campus shall submit the program for full Departmental review and Board of Higher Education approval required for any new program.

[(d)] Any existing Extension Center which has been operating but has not yet received approval by the Chancellor will be permitted to continue operating without such approval for a period no longer than five years from the effective date of this regulation. Any existing Branch Campus which has been operating but has not yet been approved by the Board of Higher Education must submit a formal request to the Board for approval within six months of the effective date of this regulation.]

[(e)](d) Off-campus sites at which credit courses are offered by a college in conjunction with or under contract with a non-collegiate organization must be approved by the Chancellor regardless of the size or scope of the effort. If a complete degree, certificate, or diploma program is offered under such an arrangement, it must be approved by the Board of Higher Education under the same procedure as holds for any Branch Campus. The approval process will include a review of the college's adherence to the following standards:

1. A college may grant credit only at the level and only in those areas for which it has degree granting authority; for example, a college may not award post-baccalaureate credit if it does not have authority to award graduate degrees[. N], nor may it offer graduate or post-baccalaureate courses in a field ([e.g.] for example, psychology) if such offerings are not acceptable in an authorized graduate degree program at that college.

2. (No change.)

3. The courses shall be clearly and publicly identified as belonging to the college; [i.e.] **that is**, both parties shall take appropriate steps to ensure that the public understands that the college assumes responsibility for the course.

4. In determining the amount of credit to be granted for participation in a course offered by a contracting agency, the college shall adhere to the minimum definition of the credit hour as defined in N.J.A.C. 9:1-[1.1]1.2. No more than 25 percent of a degree program shall be satisfied through such courses, except in the cases of arrangements between colleges and hospital-based programs in the health professions in which the clinical component of the program is provided by the hospital school. All course requirements, with respect to student attendance, amount of class time, amount of outside work, standards for performance, and prerequisites, shall be the same as for courses offered on campus. No more than one credit hour shall be granted for an experience compressed into one week's time or less.

5.-8. (No change.)

[(f)](e) All institutions shall submit [a] reports [to] **at the Chancellor's request** [by December 1 which will include the following information for] **on each off-campus site.** [for the previous academic year:

i. The location of the off-campus site;

ii. The number of credit courses offered at the site for the academic year; and

iii. The number of credit course enrollments at the site for the academic year.]

[(g)](f) For the purposes of State fiscal support of off-campus instruction to eligible institutions where such support is provided for in State appropriations, only students enrolled at reported off-campus locations or formally approved Extension Centers and Branch Campuses may be included in FTE enrollments for funding purposes.

[(h)](g) The Chancellor should be notified at the time an institution formally determines that there is no longer a need for approved off-campus sites and discontinues offerings at that site. **Discontinuance of a branch campus requires Board of Higher Education approval.**

9:1-[1.7]1.8 Faculty

(a)-(d) (No change.)

(e) Newly appointed faculty members [in ranks above instructor] in a two-year institution offering the associate degree should have earned the master's degree or the equivalent in the field of specialization in which they are teaching or must present unassailable compensating qualifications. A significant proportion of the faculty should have completed graduate work beyond the master's degree in an accredited graduate school.

(f) (No change.)

(g) Faculty members should be engaged in continuing professional study, publication, and research appropriate to their responsibilities.

Renumber existing 9:1-1.8 as 9:1-1.9 (No change in text.)

9:1-[1.9]1.10 Students and student services

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

(c) Each institution shall maintain accurate records of **each** individual student's academic progress.

(d) (No change.)

Renumber existing 9:1-1.10 through 1.12 as **1.11 through 1.13** (No change in text.)

9:1-2.2 Licensure and Approval Advisory Board

(a) The Licensure and Approval Advisory Board shall consist of a representative of Rutgers, The State University, designated by the President of the University; a representative of the New Jersey Institute of Technology, designated by the NJIT President; a represen-

HIGHER EDUCATION

PROPOSALS

tative of the University of Medicine and Dentistry of New Jersey, designated by the President of the University; two representatives of the State Colleges, designated by the [Council of State Colleges] **New Jersey State College Governing Boards Association**; two representatives of the County Colleges, designated by the Council of County Colleges; three representatives of the Association of Independent Colleges and Universities in New Jersey, designated by the Association; three persons representative of the independent colleges, not members of the aforesaid Association selected as hereinafter provided; and one representative of the Department of Higher Education, designated by the Chancellor serving as an ex officio non-voting member.

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

SUBCHAPTER 4. [REGULATIONS]RULES FOR GRADUATE PROGRAMS

9:1-4.1 through 4.5 (No change.)

9:1-4.6 [Sixth-year]Post-master's programs

(a) (No change.)

(b) All [six-year] **post-master's** programs shall possess a definite philosophy, purpose, design, and sequence, and shall be self-contained and terminal in nature.

(c) [They] **Post-master's programs** shall perform a definable function and not be merely a continuation of courses beyond the master's degree. A student admitted to a specialist's certificate program in education must have a master's degree in the same field in which the certificate is being offered. Students who possess a master's degree in an unrelated field will be required to complete preliminary coursework or demonstrate equivalent knowledge acquired through work experience.

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

9:1-5.2 Authorized degree

(a) The degree authorized for proprietary [schools] **institutions** shall be the Associate in Applied Science degree as defined in Standards Governing Community Colleges, specifically N.J.A.C. 9:4-1.6.

(b) **Certificate and diploma programs at proprietary institutions shall be eligible for Board of Higher Education approval only in those instances where all of the courses comprising the certificate or diploma program are currently being offered by the institution in a Board approved Associate in Applied Science degree program. Certificate and diploma programs shall be designed in accordance with N.J.A.C. 9:4-1.6.**

9:1-5.3 Reassessment of licensure and approval

In the event of a change in the ownership of a proprietary [school] **institution**, a reassessment of the licensure and approval shall be made within six months to one year's time after the change.

9:1-6.3 Department of Higher Education review procedures

(a) Petitions from out-of-state institutions invited by in-state parties to offer educational services to a specific and delimited constituency in New Jersey:

1.-8. (No change.)

(b) (No change.)

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Services Manual

CARE Guidelines; Buildings and Return on Equity

Notice of Correction: N.J.A.C. 10:63-3.10

Take notice that an error was made in the proposal which appeared in the New Jersey Register at 20 N.J.R. 2560(a). A phrase, "based on the special amortization provisions of this chapter" was inadvertently included in the proposal at N.J.A.C. 10:63-3.10(p). The text should read as follows:

(CITE 20 N.J.R. 2968)

[(p)] (n) **Any LTCF receiving reimbursement for expenses incurred in obtaining financing through a government authority under the special amortization provisions of this chapter will continue to receive such allowance under the terms originally approved. For LTCFs beginning operation on or after October 1, 1985, [E] expenses incurred in obtaining financing through or from a governmental authority may be [allowable] the basis for a separate allowance. [These expenses should be presented for treatment under the special amortization provision of the rates, and they will be evaluated on an individual basis in accordance with N.J.A.C. 10:63-3.7(a) and (b).] This allowance will terminate when the ownership of an LTCF is transferred or the premises are leased. The facilities determined to be eligible for the allowance will receive an adjustment in their CFA for building and fixed equipment calculated by applying the appropriate interest or amortization rate to the lesser of:**

1. Financing acquisition expenses attributable to long term care in accordance with (j) above, which are limited to:

i. FHA Fees;

ii. EDA Fees;

iii. Bond premiums;

iv. Bond printing;

v. Underwriting fees;

vi. Mortgager cost certification audit; or

2. The amount by which the facility's reasonable appraised value of the LTCF square feet is less than the building appraised limit.

Please refer to the Summary, Social Impact Statement, Economic Impact Statement, and Regulatory Flexibility Statement found at 20 N.J.R. 2560(a).

The public comment period has been reopened, for the above subsection, only (N.J.A.C. 10:63-3.10(p)).

Please submit all comments by January 4, 1989 to:

Henry Hardy, Esq., APO

Office of Legal and Regulatory Liaison/DMAHS

CN 712

Trenton, New Jersey 08625

(b)

DIVISION OF PUBLIC WELFARE

General Assistance Manual

Resident Defined

Proposed Amendment: N.J.A.C. 10:85-3.2

Authorized By: Drew Altman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 44:8-111(d).

Proposal Number: PRN 1988-600.

Submit comments by January 4, 1989 to:

Marion E. Reitz, Director

Division of Public Welfare

CN 716

Trenton, New Jersey 08625

The agency proposal follows:

Summary

Although residency is not a factor in determining a person's eligibility for General Assistance (GA), it is necessary to identify an individual's permanent residence for the purpose of determining payment responsibility of a municipality. For GA applicants or recipients in medical facilities, payment responsibility lies with the municipality of prior residence rather than the municipality in which the medical facility is located. The proposed amendment updates and reorganizes language at N.J.A.C. 10:85-3.2(f) concerned with the definition of residential therapeutic medical facilities and clarifies the general concept that permanent residence is not acquired in facilities providing medical therapeutic services. The proposed amendment also eliminates references to particular categories of medical facilities providing such services and deletes an inappropriate identification of a maternity home as a medical facility.

Social Impact

The proposed amendment simply clarifies the rule concerning residency of GA applicants or recipients in residential therapeutic medical facilities and affirms the definition of such facilities.

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

Economic Impact

The proposed amendment will have no significant economic impact since it primarily clarifies the current rule; however, a small administrative saving may result from having clearer language in the General Assistance Manual.

Regulatory Flexibility Statement

This proposed amendment has been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. This amendment imposes no compliance requirements on small businesses; therefore, a regulatory flexibility analysis is not required.

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

10:85-3.2 Application process

(a)-(e) (No change.)

(f) Resident defined: A resident of a municipality is a person who maintains a permanent customary home in the municipality, a person who is in the municipality with intention to remain, a person who did maintain such a home prior to entering a medical facility, or a person who enters a New Jersey medical facility from out of state and qualifies as a resident in accordance with (f)l(iii) below. No time intervals are relevant so long as the home is not established for a temporary purpose such as for a visit or vacation. A resident may live in his or her own home, a rented home or apartment, the home of a friend or relative, in a boarding home or, in accordance with (f)l(iii) below, in a residential medical facility.

1. [A person in a hospital, nursing home, intermediate care facility, maternity home or a center for treatment of drug or alcohol abuse shall be considered a resident of the last municipality in which he or she was a resident prior to entering the facility.]Any facility which is licensed by the New Jersey Department of Health to provide residential therapeutic medical care shall, except as specified below, be considered as a temporary residence of any General Assistance applicant or recipient residing in the facility. An applicant or recipient shall, therefore, be considered a resident of the last municipality in which he or she was a resident prior to entering the facility. (Exception: A GA recipient who continues to reside in a municipality in which GA payment status was acquired prior to May 31, 1978 by reason of having achieved "legal settlement" there as a private patient in a medical institution will continue to be considered as living [at] in that municipality.) When the last municipality of residence, other than a medical facility, was not in New Jersey and the person qualifies in accordance with (f)l(iii) below, that person shall be considered a resident of the municipality in which the medical facility is located. [Only facilities which are licensed by the New Jersey Department of Health in the stated categories are to be recognized as being a temporary residence of an applicant or recipient for medical care.] See (f)5 below for determination of municipal responsibility.

i.-iv. (No change.)

2.-5. (No change.)

(g)-(i) (No change.)

CORRECTIONS

(a)

THE COMMISSIONER

Medical and Health Services

Correctional Facility Infirmiry Care

Proposed Amendment: N.J.A.C. 10A:16-2.9

Authorized By: William H. Fauver, Commissioner, Department of Correction.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Proposal Number: PRN 1988-598.

Submit comments by January 4, 1989 to:

Elaine W. Ballai, Esq.

Special Assistant for Legal Affairs

Department of Corrections

CN 863

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment modifies N.J.A.C. 10A:16-2.9(b)3 to include licensed practical nurses, along with registered nurses, as staff members who may be scheduled to provide 24 hour medical care in the infirmiry of a correctional facility.

Social Impact

The proposed amendment will provide correctional facilities with additional administrative flexibility in the assignment of nurses to provide 24 hour per day medical care in their infirmiries. This increased flexibility will cause no reduction in the quality of inmate care.

Economic Impact

The proposed amendment will have no significant economic impact because no additional costs are necessary to implement or maintain this amendment.

Regulatory Flexibility Statement

The proposed amendment impacts on inmates and the Department of Corrections and does not affect small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

10A:16-2.9 Correctional facility infirmiry care

(a) (No change.)

(b) Written policies and procedures for infirmiry care shall be developed which include, but are not limited to, requirements that:

1.-2. (No change.)

3. A minimum of one [Registered Nurse] registered nurse or licensed practical nurse be on duty 24 hours per day;

4.-6. (No change.)

INSURANCE

(b)

DIVISION OF ACTUARIAL SERVICES

Credit Life and Credit Accident and Health Insurance

Pre-proposed Repeals: N.J.A.C. 11:2-3.1 through 11:2-3.19

Pre-proposed New Rules: N.J.A.C. 11:2-3.1 through 11:2-3.18

Pre-Proposal Number: PPR 1988-14.

Take notice that Kenneth D. Merin, Commissioner of the Department of Insurance, pursuant to his authority at N.J.S.A. 17:1C-6(e) and 17B:29-1, will receive preliminary comments with respect to the initiation of subsequent rulemaking proceedings relating to credit life and credit accident and health insurance.

New Jersey's credit insurance law, N.J.S.A. 17B:29-1 et seq., which authorizes rulemaking in this area, was substantially amended, effective November 24, 1982. The Department is pre-proposing that the State's present credit insurance rules, in effect since April 2, 1959, be repealed and replaced by these new rules which will provide more comprehensive standards and requirements pertaining to credit insurance.

This pre-proposal represents a preliminary stage of rulemaking and the Department is interested in alternate suggestions as well as specific comments on this draft.

Interested persons may submit in writing, data, draft rules, views and arguments relevant to the pre-proposal on or before February 3, 1989. These submissions and any inquiries should be addressed to:

Verice M. Mason, Assistant Commissioner

Legislative and Regulatory Affairs

Department of Insurance

CN-325

Trenton, New Jersey 08625-0325

Full text of the rules pre-proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 11:2-3.1 to 3.19.

Full text of the pre-proposal follows.

INSURANCE**PROPOSALS****SUBCHAPTER 3. CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE****11:2-3.1 Purpose and scope**

The purpose of this subchapter is to protect the interests of debtors and the public in this State by providing a system of rate, policy form, and operating standards for the transaction of credit life and credit accident and health insurance. These rules apply to credit life and credit accident and health insurance, group or individual, written on loans, retail installment sale contracts, or other credit transactions which are payable in any number of installments over any duration, except first real estate mortgage loans made to individual borrowers for the purpose of purchasing residential real estate.

11:2-3.2 Definitions

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

"Closed-end credit" means any credit plan other than open-end credit.

"Commissioner" means the Commissioner of the Department of Insurance.

"Credit accident and health insurance" means insurance as defined in N.J.S.A. 17B:29-2b.

"Credit insurance" means both credit life insurance and credit accident and health insurance.

"Credit life insurance" means insurance as defined in N.J.S.A. 17B:29-2a.

"Finance charge" means any interest, carrying or service charge.

"Indebtedness" means the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction.

"Monthly outstanding balance" means the premium system under which the creditor pays monthly premiums to the insurer. Monthly premiums are computed on outstanding insured balances using a monthly insurance rate set by the insurer. The creditor charges the insured debtor either:

1. A monthly insurance charge; or
2. A precomputed insurance charge which is included in the indebtedness.

A finance charge is not imposed on the insurance charge under the precomputed insurance charge option.

"Net indebtedness" means:

1. For credit life insurance on the single premium basis, the indebtedness reduced by the amount of unearned finance charge;
2. For credit life insurance on the monthly outstanding balance basis, the indebtedness reduced by the amount of unearned finance and insurance charges.

"Net written premium" means gross written premium minus refunds on terminations.

"Open-end credit" means a credit plan granted by a creditor to a debtor under which the creditor expects the debtor to make repeated transactions; and

1. The debtor may draw credit at will, that is, take loans or charge purchases, without renegotiating terms of the credit plan at each credit drawing;

2. The amount drawn and the total amount outstanding at any time is limited to a maximum;

3. The amount of credit available to the debtor is self-replenishing as the debtor repays amounts previously drawn; and

4. The creditor computes a finance charge on the outstanding principal and requires the debtor to repay the finance charge and a portion of the principal periodically, usually monthly.

"Precomputed insurance charge" means the amount the creditor charges to the debtor for insurance on a closed-end credit transaction. This insurance charge is computed on the scheduled balances of the transaction, assuming the debtor pays every installment when due, without adjustment for delinquency, late payment or other contingency.

"Single premium financed method" means the method of charging the debtor for insurance on a closed-end credit transaction under which:

1. A precomputed insurance charge is made to the debtor and included in the indebtedness; and

2. A finance charge is imposed on the insurance charge and included in the indebtedness.

11:2-3.3 Rights and treatment of debtors

(a) If a creditor makes available to the debtors more than one plan of credit life insurance or more than one plan of credit accident and health insurance, all debtors must be informed of such plans.

(b) When a creditor requires credit life insurance, credit accident and health insurance, or both, as additional security for indebtedness, the debtor shall be given the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by the debtor, or procuring and furnishing the required coverage through any insurer authorized to transact insurance business in this State. If this subsection is applicable, the creditor shall inform the debtor of the right to provide alternative coverage before the transaction is completed.

(c) All credit insurance must be evidenced by an individual policy, or, in the case of group insurance, by a certificate of insurance. An individual policy or certificate of insurance shall be delivered to the debtor in accordance with N.J.S.A. 17B:29-6 and must set forth the information required by N.J.S.A. 17B:29-6b and any other appropriate sections of the New Jersey Statutes.

(d) All credit insurance claims shall be processed in accordance with N.J.S.A. 17B:29-10.

(e) The requirements for termination of a group credit insurance policy are as follows:

1. If a debtor is covered by a group credit insurance policy providing for the payment of single premiums to the insurer, the policy must provide that upon termination for any reason, insurance coverage with respect to any debtor insured under such policy will be continued for the entire period for which the debtor has been charged for insurance on the single premium financed basis.

2. If a debtor is covered by a group credit insurance policy providing for the payment of premiums to the insurer on a monthly outstanding balance basis, the policy must provide that upon termination for any reason, notice of termination shall be given to the insured debtor at least 30 days prior to the effective date of termination except where replacement of the coverage by the same or another insurer in the same or greater amount takes place without lapse of coverage. The notice required in this paragraph shall be given by the insurer or, at the option of the insurer, by the creditor.

(f) If the creditor charges the debtor on the single premium financed basis, the creditor must pay a single premium at least as large as the precomputed insurance charge to the insurer within 30 days after the charge is added to the indebtedness. The single premium financed method is permitted for coverage on close-end debts with repayment terms of 63 months or less. For coverage on debts of duration greater than 63 months, only the monthly outstanding balance methods defined above are permitted.

(g) If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force must be terminated before any new insurance may be issued in connection with the renewed or refinanced debt. In all cases of such termination prior to scheduled maturity, a refund shall be paid or credited to the debtor as provided in N.J.A.C. 11:2-3.8. In any renewal or refinancing of the debt, the effective date of the coverage relative to any policy provision will be the first date on which the debtor became insured under the policy covering the debt which was renewed or refinanced, at least to the extent of the amount and term of the indebtedness outstanding at the time of renewal or refinancing of the debt.

(h) A provision in a policy or certificate that sets a maximum limit on total claim payments must apply only to that policy or certificate.

(i) If a debtor prepays the indebtedness on a closed-end debt other than as a result of death, the following apply:

1. Any credit life insurance covering such indebtedness shall be terminated and an appropriate refund of the precomputed credit life insurance charge shall be paid to the debtor in accordance with N.J.A.C. 11:2-3.8.

2. Any credit accident and health insurance covering such indebtedness shall be terminated and an appropriate refund of the credit accident and health insurance charge shall be paid to the debtor

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

in accordance with N.J.A.C. 11:2-3.8. If a credit accident and health insurance claim is in progress at the time of prepayment, the benefit payment must continue as if the prepayment did not occur. No refund need be paid during any period of disability for which credit accident and health insurance benefits are payable. A refund shall be computed as if prepayment occurred at the end of the disability period.

(j) When a debtor insured for credit life insurance dies during the term of insurance, a refund of any unearned credit accident and health insurance charge and any excess of credit life insurance proceeds over the net indebtedness shall be paid to the debtor's named beneficiary, or to the debtor's estate if no beneficiary is named.

(k) The following shall apply with respect to the amounts of indebtedness to be insured:

1. The amount of credit life insurance shall cover the remaining net indebtedness, subject to any applicable statutory or policy maximum; however, the value of any payments due the creditor that are more than two months overdue at death may be excluded from coverage.

2. For credit accident and health insurance, the amount of the monthly benefit shall equal the monthly payment required of the debtor subject to any policy maximum; benefits need not be provided for delinquent payments.

3. Precomputed insurance charge made to a debtor for either coverage on a closed-end debt shall not exceed charges for benefits determined according to the above amounts and the repayment schedule of the debt.

11:2-3.4 Policy forms and related material

(a) Credit insurance shall be issued only in the forms described in N.J.S.A. 17B:29-3.

(b) All policy forms, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders to be delivered or issued for delivery in this State, and the premium and charge rate schedules that apply to the forms, shall be submitted to and filed by the Commissioner as required by N.J.S.A. 17B:29-7.

11:2-3.5 Minimum loss ratio

Premium rates are considered reasonable in relation to benefits provided by credit insurance policies if the rates produce, or are reasonably expected to produce, a loss ratio of at least 70 percent.

11:2-3.6 Prima facie premium and charge rates

(a) The following credit life insurance premium and charge rates are presumed to produce a 70 percent minimum loss ratio:

1. The monthly outstanding balance rates are as follows:
 - i. \$.55 monthly per \$1,000 of insurance for coverage without an age restriction;
 - ii. \$.50 monthly per \$1,000 of insurance if debtors must be less than attained age 65 when the debt is incurred to be eligible for coverage;
 - iii. \$.52 monthly per \$1,000 of insurance if debtors must be less than attained age 70 when the debt is incurred to be eligible for coverage.

2. Single premium and charge rates shall be determined as follows:

- i. The following formula shall be used to compute single premium and charge rates.

$$SP_n = \frac{PF_n}{E_1} \sum_{t=1}^{t=n} E_t$$

where n = Duration of the debt in months

E_t = Scheduled amount of insurance in the t^{th} month of the debt

E_1 = Initial amount of insurance

F_n = Discount for interest and mortality factor;

$$F_n = \frac{24}{24 + .045 n}$$

F_n = 1 when n is greater than 63 months since the single premium financed method is not permitted for n greater than 63

p = Prima facie or experience based permissible monthly outstanding balance rate per \$100 of outstanding insurance

SP_n = Single premium and charge rate per \$100 of initial insurance

The above formula applies:

- (1) Whether the debt is payable in monthly installments or other than monthly installments;
- (2) Whether installments are equal or not; and
- (3) Whether the amount of insurance decreases, increases or remains level.

ii. The formula for monthly payment debts with odd first payment periods, that is, first payment period is other than a month, is as follows:

$$aSP_n = \frac{PF_{n+a-1}}{E_1} (aE_1 + \sum_{t=2}^{t=n} E_t)$$

The symbols here are the same as defined in (a) 2i above except that:

a = Number of months to first payment

$$a = \frac{12d}{365}$$

d = Number of days to first payment

$$F_{n+a-1} = \frac{24}{24 + .045(n+a-1)}$$

this equals 1 when n+a-1 is greater than 63 months.

aSP_n = Single Premium and charge rate per \$100 of initial insurance; n monthly payments, first payment at end of a months

iii. See Appendix A for single premium and single charge rate formulas.

3. Joint credit life insurance rates shall be determined as follows:

- i. The monthly outstanding balance rate shall be 150 percent of the applicable single life monthly outstanding balance rate.

ii. Single premium and charge rates for joint life shall be computed using the monthly joint life rate and the formulas in (a)2 above.

INSURANCE

PROPOSALS

(b) The premium rates in (a)1, 2 and 3 above apply to credit life insurance that is provided without evidence of insurability and has no exclusions other than for death resulting from suicide within six months of the debt's incurred date.

(c) The following credit accident and health insurance premium and charge rates for debts repayable in equal monthly installments are intended to produce a 70 percent minimum loss ratio:

1. Single premium rates which are set forth in Appendix B; and
2. If premiums are paid monthly on outstanding insured indebtedness, applicable rates shall be computed according to a formula approved by the Commissioner which produces rates actuarially equivalent to the single premium rates in Appendix B, or using the following formula:

$$P_n = \frac{20 (24 + .035n) SP_n}{24 (n + 1)}$$

where SP_n = Single premium rate per \$100 of initial insured indebtedness repayable in n equal monthly installments (Appendix B)

P_n = Monthly outstanding balance premium rate per \$1,000 of remaining insured indebtedness (equals the sum of the remaining installments)

n = Original repayment period in months

(d) The premium rates in (c) above apply to credit accident and health insurance that is provided without evidence of insurability and which contains the following:

1. A provision excluding or denying a claim for disability resulting from a pre-existing condition which disabled the insured debtor within six months preceding the effective date of the debtor's coverage and which caused the debtor to become disabled within six months immediately following the effective date of coverage;
2. No other provision which excludes or restricts liability in the event of disability caused in a specific manner except that it may contain provisions excluding or restricting coverage in the event of normal pregnancy and intentionally self-inflicted injuries;
3. No actively-at-work test requiring that the debtor be employed more than 30 hours per week;
4. No age restriction or only an age restriction making ineligible for coverage debtors of attained age 65 or over at the time the debt is incurred;
5. A daily benefit equal to one-thirtieth of the monthly benefit payable under the policy; and
6. A definition of "disability" which provides that the insured debtor is unable to perform the duties of his or her occupation.

(e) If an insurer submits for approval any form providing coverage more restrictive than that described in (a), (b), (c) and (d) above, the insurer shall demonstrate to the satisfaction of the Commissioner that the premium rates to be charged for such coverage will develop, or may be reasonably expected to develop, a loss ratio not less than the 70 percent minimum loss ratio contemplated for standard coverage at the premium rates described in (a) and (c) above.

(f) If no specific charge is made to the debtor for credit insurance, the standards of this section are not required to be used, but any premium rates which exceed the premium rate standards set out in (a) and (b) above for credit life insurance or (c) and (d) above for credit accident and health insurance, must be submitted to and filed by the Commissioner. For purposes of this subsection, it will be considered that the debtor is charged a specific amount for insurance if an identifiable charge for insurance is disclosed in the credit or other instrument furnished the debtor which sets out the financial

elements of the credit transaction, or if there is a differential in finance, interest, service or other similar charge made to debtors who are in like circumstances, except for their insured or noninsured status.

(g) Each insurer shall file its New Jersey credit insurance experience with the Commissioner by March 31 of each calendar year. Total New Jersey experience shall be filed unless the insurer has obtained the Commissioner's approval to use total experience of its multistate cases in applying the case rating procedures of N.J.A.C. 11:2-3.7.

1. Credit insurance experience is to be filed separately for:
 - i. Single life insurance;
 - ii. Joint life insurance; and
 - iii. Each accident and health insurance plan, that is, each qualification period and retroactivity.
2. The Experience Reporting Form to be used is set forth in Appendix C.

11:2-3.7 Experience based premium rates—case rating procedures

(a) The procedures and formulas in this section are designed to produce premium rates that will achieve loss ratios at least as great as the 70 percent minimum loss ratio in N.J.A.C. 11:2-3.5.

(b) The case is the basic entity for rating purposes. To be a case, the entity must develop at least 25 percent credibility; see (d) below for a description of credibility. A case may consist of an account, a multiple account or a pooled account described as follows:

1. An account is one plan of credit life insurance or credit accident and health insurance coverage written through one creditor; coverage may be on either the group or individual policy basis. This is a single account case.
2. A multiple account is a combination of two or more accounts which have similar underwriting characteristics; it must be approved by the Commissioner. For example, if an insurer covers several banks transacting substantial amounts of mobile home business, the insurer could combine the mobile home business into a multiple account case with the Commissioner's approval.
3. A pooled account is a combination of all accounts which individually do not meet the 25 percent minimum credibility requirement. All of the accounts must have the same plan of benefits and cover the same class of business.

(c) Each single account and multiple account case as defined in (b) above must develop credibility equal to or greater than the minimum credibility level of 25 percent in (d)2 below to be case rated. A pooled account case is case rated whether or not it develops minimum credibility.

(d) Credibility shall be determined as follows:

1. Credibility of experience is measured by a factor which ranges from .25 to 1.00 in steps of .05; the factor's symbolic name is Z. The factor applies for a case. The factor is determined by either the case's number of life years (usually called lives) or number of incurred claims. The insurer must elect to use one or the other, and notify the Commissioner of its choice in advance of use. The insurer must adhere to its choice (lives or claims) for all of its business in this state. The insurer may change its choice only with the Commissioner's approval.

i. Credibility factors based on lives require an underlying claim frequency. Thus, the number of lives corresponding to a given credibility level varies for plans of credit insurance since their claim frequencies vary. Credibility measured by number of claims is independent of claim frequency, so the factors based on claims do not vary by coverage or plan of insurance.

2. Based on its prior choice, the insurer takes from the Credibility Table below the factor corresponding to the average number of life years or number of claims incurred, developed by the case during the experience period.

i. "Average number of life years" means the average number of group certificates or individual policies in force during the experience period times the number of years in the experience period, or some equivalent calculation.

ii. "Incurred claim count" means the number of claims incurred under the case during the experience period. It is made up of the total number of claims reported during the experience period,

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

whether paid or in the process of payment, plus the number of claims incurred but not reported at the end of the experience period, less the number of claims incurred but not reported at the beginning of the experience period. The number of incurred but unreported claims should be estimated by a method which is consistent with the calcu-

lation of the claim reserve. If a debtor has been issued more than one certificate for the same plan of insurance, only one claim is counted. If a debtor receives disability benefits, only the initial claim payment for that period of disability is counted.

iii. The Credibility Table follows:

| Average Number of Life Years | | | Incurred Claim Count | Credibility Factor Z |
|------------------------------|---|--------|----------------------|----------------------|
| Credit Life | Credit Accident and Health Plans Retroactive and Nonretroactive Waiting Periods | | | |
| | 14 Day | 30 Day | | |
| 1 | 1 | 1 | 1 | .00 |
| 1,800 | 141 | 209 | 9 | .25 |
| 2,400 | 188 | 279 | 12 | .30 |
| 3,000 | 234 | 349 | 15 | .35 |
| 3,600 | 281 | 419 | 18 | .40 |
| 4,600 | 359 | 535 | 23 | .45 |
| 5,600 | 438 | 651 | 28 | .50 |
| 6,600 | 516 | 767 | 33 | .55 |
| 7,600 | 594 | 884 | 38 | .60 |
| 9,600 | 750 | 1,116 | 48 | .65 |
| 11,600 | 906 | 1,349 | 58 | .70 |
| 14,600 | 1,141 | 1,698 | 73 | .75 |
| 17,600 | 1,375 | 2,047 | 88 | .80 |
| 20,600 | 1,609 | 2,395 | 103 | .85 |
| 25,600 | 2,000 | 2,977 | 128 | .90 |
| 30,600 | 2,391 | 3,558 | 153 | .95 |
| 40,000 | 3,125 | 4,651 | 200 | 1.00 |

(1) The integral numbers in the Table represent the lower end of the bracket for each Z factor. The upper end is one less than the lower end for the next higher Z factor. For example, at Z = .55 the upper ends of the lives brackets are 7,599 for credit life insurance and 593 and 883 for the two credit accident and health insurance plans respectively; the upper end of the claim count bracket is 37.

(e) All experience is measured on the calendar year basis. However, for group insurance, the insurer may request the Commissioner's approval to conduct its case rating on the policy year basis. An insurer who so requests shall rate all its cases on this basis. The experience period is one, two or three calendar years, depending upon credibility. The insurer shall apply the procedures of this section to each case's experience promptly after the end of the case's experience period.

1. The experience period of a case that develops 100 percent credibility in three years or less is the number of years it takes to develop 100 percent. Therefore, the experience period is one, two or three years when 100 percent credibility develops in one, two or three years, respectively.

2. In other cases, the insurer may use an experience period of either three years, or the number of years it takes to develop the minimum 25 percent credibility. This means that when minimum credibility develops in one or two years, the experience period may be one or two years, respectively.

(f) The case's credible loss ratio is the key element in determining the case's permissible rate.

1. The credible loss ratio is a composite of the case's actual loss ratio based on the experience that developed during the experience period, and the minimum loss ratio. The case's credibility factor is used in the compositing process.

2. The minimum loss ratio is the 70 percent loss ratio set forth in N.J.A.C. 11:2-3.5.

3. The actual loss ratio is the ratio of the case's incurred claims to earned premiums at prima facie rates.

4. The case's credibility factor is obtained from the Credibility Table in (d)2iii above.

(g) Case rates shall be determined in the following manner:

1. Permissible upward deviated rates are prima facie rates plus 110 percent of the excess credible claim cost (the amount by which the credible claim cost exceeds the expected claim cost).

2. Mandatory downward adjusted rates are prima facie rates less 110 percent of the deficient credible claim cost (the amount by which expected claim cost exceeds credible claim cost).

(h) The tolerance limit for rate action is five percent of current payable rates. Rate increases are permitted if the permissible rate, called the new case rate, is more than five percent higher than the current rate, that is, more than 105 percent of the current rate. Rate reductions must be made automatically when the permissible rate is more than five percent lower than the current rate, that is, less than 95 percent of the current rate.

(i) Case rate determination procedure and formulas are as follows:

1. Symbols and definitions used in the formulas are as follows:

- NCR = New Case Rate
- PFR = Prima Facie Rate
- ALR = Actual Loss Ratio at PFR
- MLR = Minimum Loss Ratio required by N.J.A.C. 11:2-3.5.
- Z = Case Credibility Factor
- CLR = Credible Loss Ratio at PFR
- = (ALR) + (1-Z) (MLR)

2. Determine the Case Z factor and CLR. Then compare the CLR to the MLR.

i. If CLR is greater than MLR, the case rate is calculated by the formula:

$$NCR = PFR [1 + 1.10 (CLR - MLR)]$$

ii. If CLR is less than MLR, the case rate is calculated by the formula:

$$NCR = PFR [1 - 1.10 (MLR - CLR)]$$

In this formula, PFR is:

(1) For credit life insurance, the applicable prima facie monthly outstanding balance premium rate. Single premium and charge rates are computed using the resulting monthly outstanding balance NCR and the formulas in N.J.A.C. 11:2-3.6(a)2 and Appendix A.

(2) For credit accident and health insurance, the applicable table of single premium or monthly outstanding balance rates, as the case may be, from Appendix B.

(j) The insurer may use a rate which is equal to or less than the case rate determined in (i) above for:

- 1. An account that is a single account case;
- 2. Each account in a multiple account case; and
- 3. Each account in a pooled account case.

(k) For accounts that have experience in this and other states, the insurer shall use only the experience in New Jersey to determine the

INSURANCE

PROPOSALS

case rate unless the Commissioner approves a request from the insurer to use the case's multi-state experience.

(l) The case rate determined in (i) above will be allowed to continue in use for a period of time equal to the experience period, that is, for one, two or three years. At the end of that time, the insurer shall redetermine the case rate. The insurer may file a new case rate before the end of the case rate period, but not before the current case rate has been in force for at least 12 months.

(m) If a creditor changes insurers, the experience and the case rate of the creditor's account follow the account and must be used by the new insurer. Thus, the new insurer shall continue to use the account's case rate for the remainder of the account's case rate period, or until a new case rate is determined for the account. The rules of this subsection apply whether the new insurer provides coverage only on new debtors, or on new debtors and on debtors already insured on the change date.

(n) Rates for new accounts shall be determined as follows:

1. If the insurer has a new account that has previous experience in this State, the insurer shall use the account's most recent experience to the extent needed to make up an experience period. The augmented experience shall then be used with the case rating procedure to determine the account's case rate. The insurer shall follow this procedure when it first files case rates for the account as required by (o) below. Before that time, the prior insurer's rate shall be used for the account.

2. If the new account does not have experience in this State, the account's case rate is the prima facie rate set forth in N.J.A.C. 11:2-3.6.

3. An insurer who requests and receives approval to use multi-state experience must use the account's multi-state experience if the new account does not have experience in this State.

(o) The filing requirements of N.J.A.C. 11:2-3.4(b) apply when the insurer either intends to increase rates or is required to decrease rates. Proposed rates shall be submitted along with an Experience Summary and Rate Determination Form, as provided in Appendix D. Rate filings shall be submitted promptly after the end of the experience period to comply with the following:

1. Approved increased rates may be placed in effect by the insurer on or after the approval date, but no later than 90 days following the filing date unless the Commissioner approves a later date.

2. Decreased rates shall be placed in effect by the insurer no later than 90 days following the filing date unless the Commissioner approves a later date.

3. When the insurer's rate filing has new rate increases and decreases, the insurer may not use new increased rates until the insurer has put required rate decreases into effect.

4. All rate filings shall be signed and submitted by an officer of the insurer empowered to make filings.

(p) The following definitions are for use in this section:

1. Earned premiums at prima facie rates are the actual earned premiums adjusted to the amount which would have been earned if the prima facie rates had been charged and in force.

2. Earned premiums at rates in use are the actual earned premiums developed by the premium rates charged and in force during the experience period.

3. "Experience" includes the key elements of experience rating, which are earned premiums, incurred claims, incurred claim count, and number of life years insured.

4. Experience period for minimum credibility case is the most recent period of time for which experience is reported, but may not be more than three full years. If the insurer has a new case (with or without previous coverage) which develops 25 percent minimum credibility in less than three years, the insurer may use either the number of full years that develop the minimum credibility or three full years. This provision allows the insurer to start case rating after less than three years, if the insurer wishes to do so.

5. Incurred claims means the total claims paid during the experience period adjusted for the change in claim reserves.

6. "Prima facie rates" means the rates shown in N.J.A.C. 11:2-3.6.

7. Plan of insurance may be any one of the following:

i. Credit life insurance on closed-end credit written at a flat rate. It includes single and joint life coverage, decreasing term and level

term insurance, outstanding balance and single premium administration;

ii. Credit life insurance on open-end credit;

iii. Credit life insurance written at age-graded rates;

iv. Credit accident and health insurance with one qualification (elimination or waiting) period and one retroactivity provision, on closed-end credit, including outstanding balance and single premium administration; or

v. Same as (p) 7iv above except on open-end credit. Only outstanding balance administration may be used for open-end credit coverage.

(q) The following shall apply to single premium administration and premium determinations:

1. For single premium administration, to determine credit life insurance earned premiums at prima facie rates, the insurer must eliminate the discount for interest and mortality in the prima facie single premium rate, that is, earned premiums at prima facie rates used to get actual loss ratio must exclude the reducing effect of the discount. An acceptable method for doing this is to apply the undiscounted prima facie monthly rate to the sum of the amount of insurance in force each month during the experience period. Other methods may be used if submitted to and approved by the Commissioner.

2. Similarly, for single premium administration, credit accident and health insurance earned premiums at prima facie rates must be adjusted to eliminate the interest discount. An acceptable method for determining undiscounted earned premiums at prima facie rates is to use the average term of the case's credit accident and health insurance business as follows:

i. Earned premiums at prima facie rates = actual earned premiums times the ratio of prima facie single premium rate to actual single premium rate; both single premium rates are for the average term.

ii. Undiscounted earned premiums at prima facie rates = the result from (q) 2i above multiplied by the discount factor for the average term, that is,

$$\frac{24 + .035n}{24} \cdot n = \text{average term}$$

3. In (q) 2 above, average term should be determined as a weighted average of paid single premiums distributed by term if terms are dispersed reasonably closely around the average. Otherwise, both the average prima facie and actual single premium rates should be determined using the three most popular terms in the case's insured portfolio. Other methods may be used if submitted to and approved by the Commissioner.

11:2-3.8 Refunds

(a) Refunds required under N.J.S.A. 17B:29-8 shall be calculated as follows:

1. For credit insurance on the single premium financed basis, or precomputed single charge non-financed basis:

i. If the debt is payable in equal monthly installments and both the debt and amount of insurance are scheduled to decrease to zero at maturity, the refund shall be the product of the amount charged to the debtor and a refund factor calculated by the following formula:

$$\frac{r - a \frac{i}{r}}{n - a \frac{i}{n}}$$

where r = remaining term at termination in months

n = initial term in months

i = debt monthly interest rate
(= annual percentage rate ÷ 12)

$$a \frac{i}{r} = \frac{1 - v^r}{i} \quad v^r = \frac{1}{(1+i)^r}$$

$$a \frac{i}{n} = \frac{1 - v^n}{i} \quad v^n = \frac{1}{(1+i)^n}$$

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

ii. If the debt and/or insurance is/are other than as described in (a)li above, refunds shall be the product of the amount charged to the debtor and a refund factor calculated by the following formula:

$$\frac{\sum_{t=n-r+1}^{t=n} E_t}{\sum_{t=1}^{t=n} E_t}$$

where n = initial term in months
r = remaining term in months

E_t = amount of insurance in the t^{th} month of the debt

iii. The value of r is based on the number of days that have elapsed in the month when termination occurs. If this is 16 or more days, a full month's credit may be taken for earned charge. If the number is less than 16 days, no portion of the month may be taken for earned charge. However, an insurer who wishes to compute refunds on the exact number of days basis, may do so by notifying the Commissioner of its intent; such an insurer shall then use exact number of days for all refunds.

2. When a debtor insured for credit accident and health insurance dies during the term of insurance, a refund of the unearned credit accident and health insurance charge computed according to (a) above must be paid to the debtor's named beneficiary or estate.

3. Amounts less than \$1.00 need not be refunded. When both credit life and credit accident and health insurance are present, the \$1.00 minimum applies to the sum of the life and accident and health refunds.

4. The policy and certificate forms must describe the method of calculating the refund and must specify any minimum refund amount.

(b) When insurance terminates under the single premium financed method, the unearned portion of the finance charge on the insurance charge must be refunded to the debtor. Such refunds are automatic when the debt and the insurance terminate at the same time. In all other instances such refunds shall be calculated and granted when insurance terminates.

11:2-3.9 Eligibility conditions

(a) Information obtained from the debtor's application required under N.J.A.C. 11:2-3.10 will be administered as follows:

1. If a debtor correctly states that his or her age is greater than the age eligibility limit or that he or she does not meet the gainful employment test, but is nevertheless furnished an insurance certificate, the debtor's insurance will be in full force and effect and the policy or certificate must so provide.

2. If a debtor incorrectly states his or her age to be within the age eligibility limit, the insurer may rescind the debtor's insurance at any time during the term of insurance and refund all insurance charges.

3. If a debtor incorrectly states that he or she meets the gainful employment test, the insurer may contest the debtor's insurance during the policy's contestable period.

(b) In determining the maximum amount of insurance, the following shall apply:

1. The insurer shall establish procedures to ensure that insurance charges to debtors are consistent with the debtor's debts and insurance benefits, and that computation of the charges takes into account the benefits and maximums.

2. If a debtor is charged for more than the permissible amount of insurance, the insurer may correct the error within 45 days from the time the charge was made. After 45 days, the debtor's amount of insurance will be consistent with the charge. If the debtor becomes a claimant before the error is corrected, the claim payment will be consistent with the charge.

11:2-3.10 Insurance application

(a) If the debtor is charged for insurance, the debtor shall be furnished an insurance application containing:

1. A notification that insurance is available to the debtor;

2. A description of the insurance benefits and limitations unless the application is accompanied by a notice of proposed insurance;

3. The cost of insurance to the debtor, shown separately for credit life insurance and credit accident and health insurance;

4. Facility for the debtor to elect or decline insurance; and

5. Space for the debtor to date and sign the application.

(b) When the debtor must satisfy eligibility and/or evidence of insurability requirements to obtain insurance, the application must disclose the requirements and contain facility for the debtor to respond to them.

(c) When joint credit life insurance is offered, the application must provide:

1. Disclosure that the joint debtors may elect joint or single coverage;

2. Facility for each debtor to respond to eligibility or evidence of insurability requirements;

3. Facility for each debtor to elect or decline insurance coverage; and

4. Space for each debtor to date and sign the application.

(d) The application must be completed by the debtor before insurance charges are applied.

(e) A copy of the completed application shall be furnished to the debtor(s).

(f) The above requirements for insurance election and cost disclosures may be satisfied by Federal Truth-in-Lending optional credit insurance election and cost disclosure provisions contained in the credit instrument or in a separate disclosure statement furnished to the debtor, provided a notice of proposed insurance or similar insurance disclosure accompanies the Truth-in-Lending disclosures.

11:2-3.11 Permissible coverages

(a) The Commissioner will consider for approval the following types of coverages in accordance with the Credit Life and Health Insurance Act, N.J.S.A. 17B:29-1 et seq.:

1. Credit life insurance may be written on the following types of indebtedness:

i. Indebtedness payable in more than one monthly installment.

(1) Decreasing term insurance on indebtedness payable in equal monthly installments during the term of the debt when the indebtedness and insurance are coterminous.

(2) Decreasing term insurance on indebtedness payable in equal monthly installments except for the larger final payment (called a balloon note) when the amount of each equal payment is determined using an amortization period greater than the term of the debt in months, and the final payment is the remaining principal of the indebtedness on the final payment date, that is, it is the present value of the equal monthly payment for a term equal to the difference between the amortization period and the number of equal monthly payments. Credit life insurance on balloon debts may be written on the single premium financed basis only if the sum of the number of equal monthly payments and the number of equal monthly payments whose present value on the final payment due date equals the final payment is 63 months or less.

ii. Indebtedness payable in installments less frequently than monthly will be considered for approval by the Commissioner provided the debts satisfy the requirements of (a)li above, including the limitation on insurance written on the single premium financed basis.

iii. Indebtedness payable in one installment (term not to exceed 18 months for group credit life insurance).

(1) Level term coverage equal to the amount financed, that is, accrued interest not covered.

(2) Increasing term coverage equal to amount financed plus accrued interest.

2. Credit accident and health insurance may be written in the following manner:

i. Monthly installment benefit plans with qualification periods (elimination or waiting periods) of 14 or 30 days may be written with or without a pre-existing condition exclusion; other qualification periods are not permitted.

ii. Monthly installment benefit plans without a pre-existing condition exclusion may be written at rates 10 percent higher than the

INSURANCE**PROPOSALS**

rates in Appendix B, provided that no other limitations or conditions relating to physical impairments, such as evidence of insurability, are imposed. When such other limitations or conditions are imposed, the Appendix B rates apply, that is, the higher rates may not be used.

iii. As an alternative to monthly benefit plans, a lump sum benefit plan with features not more restrictive than the following may be written on open-end credit:

- (1) Ninety-day qualification period;
- (2) Benefit equal to the account balance outstanding on the day disability began, that is, 90-day retroactive; and
- (3) Pre-existing condition exclusion which applies to conditions that disabled the debtor within six months before becoming insured and which again disabled the debtor within six months after becoming insured, and is applicable only when the account first becomes insured.

(b) In addition to meeting the criteria in (a) above, to be considered for approval, a credit insurance plan must:

1. Provide benefits during the whole term of a closed-end debt if required premiums are paid to the insurer. Truncated plans are not permitted based on N.J.S.A. 17B:29-7e(2).
2. Cover only credit transactions where there is an insurable interest, such as an irrevocable debt. Leases are not irrevocable debts unless the lessee or lessee's heirs or estate have an obligation to complete lease payments in the absence of insurance. Coverage of leases of agricultural equipment will be considered for approval if the insurer demonstrates to the Commissioner's satisfaction that the equipment would be needed for the balance of the lease term if the lessee dies during the lease term.

11:2-3.12 Rules for insurance on open-end credit

(a) In addition to the requirements of N.J.A.C. 11:2-3.10, the debtor application for credit insurance must contain notice to the debtor that:

1. The debtor has the right to discontinue insurance by notifying the creditor or insurer; and
2. Insurance benefits could be reduced or premium rates increased while insurance is in force, and the creditor will give the debtor advance notice of the change and remind the debtor of the right to discontinue insurance.

(b) If existing open-end accountholders are offered insurance by mail solicitation, the application must also contain the following which may serve in lieu of a notice of proposed insurance:

1. A brief description of insurance benefits, including any limitations and exclusions;
2. The effective date of insurance if purchased;
3. Notice of termination of insurance based on attained age;
4. For debtors who opt for insurance, notice that a certificate will be furnished within 30 days after receipt by the creditor of the debtor's application;
5. For credit accident and health insurance, a statement of the pre-existing condition exclusion, if any; and
6. The method used to compute the monthly insurance charge, and a statement that the charge will be disclosed separately on the monthly bill furnished by the creditor.

(c) The amount of credit life insurance on an insured debtor shall be the outstanding unpaid amount, subject to any policy maximum, which the debtor is obligated to pay on the date of death. This amount shall include:

1. Any amount of credit drawn (loan obtained or amount of purchase charged) by the debtor while alive but not yet charged on the creditor's books at the debtor's death; and
2. Any unpaid accrued interest.

(d) The following apply to determination of credit accident and health insurance monthly and total benefits:

1. The monthly disability benefit shall be the minimum monthly payment required of the debtor on the date disability began, subject to any policy maximum.
2. Monthly benefits shall continue to be paid while the debtor remains disabled until the sum of the debtor's account balance on the date disability began and the accrued interest on that balance is paid off by the monthly benefits.

3. The lump sum credit accident and health insurance benefit may not exceed the debtor's account balance on the date disability began plus unpaid interest accrued on that balance during the qualification period.

4. If the pre-existing condition exclusion in N.J.A.C. 11:2-3.6(d)1 is included, the effective date of coverage shall mean the effective date of insurance on the account. The pre-existing condition exclusion cannot apply to subsequent advances of credit.

5. Amounts of credit drawn during disability may be excluded from insurance.

6. The monthly disability benefit and/or the total disability benefit may be limited to maximum amounts stated in the policy and group certificate. When one or both benefits is/are limited, the resulting total benefit must be consistent with the unlimited benefit in (d)2 above.

7. Evidence of insurability, when used, may be applied when the account is established, or applied separately to each amount of credit drawn by the debtor. When the latter method is used, the debtor may not be charged for insurance on an amount of credit drawn until the evidence has been accepted as satisfactory by the insurer. The first charge on that amount of credit may be made on the billing date first following the date the insurer accepts the evidence as satisfactory.

8. Evidence of insurability must be in the form of health questions to be answered by the debtor. No claim control measures other than evidence of insurability may be used by insurers. Practices such as basing the amount of insurance on the account balance on a past billing date, pre-existing condition exclusions, or other devices similar to the foregoing will not be permitted.

9. Credit accident and health insurance monthly charges may not be charged to a debtor who qualifies for disability benefits. In such event, while the debtor continues to be disabled, monthly credit accident and health insurance charges shall be waived or paid to the creditor by the insurer as part of the monthly disability benefit. The method chosen must be reflected in the policy and group certificate. Credit life insurance charges may continue to be made while a debtor is disabled.

(e) If a debtor's insurance terminates, the termination date shall be the billing date at or next following termination. Termination of insurance will not prejudice any claim already incurred on the termination date. Insurance may be terminated when:

1. The debtor attains the limiting age stated in the policy and group certificate; the limiting age may not be less than 66 years;
2. The debtor's open-end account terminates; or
3. The debtor defaults in making the required payment to the creditor, but termination for this reason may not occur before the debtor is in default for two payments.

(f) Premiums and charges for open-end coverage may only be on the monthly outstanding balance basis.

(g) Premiums paid by the creditor on a premium due date must be at least equal to the charges to the insured debtor during the premium payment period just elapsed.

(h) The credit life prima facie rate is the rate in N.J.A.C. 11:2-3.6(a)1, except that for home equity line of credit a rate of \$.55 monthly per \$1,000 of insurance may be used without reduction for age limitation when the attained age 66 cutoff applies.

(i) Credit accident and health insurance prima facie premiums and charges may be computed by using monthly outstanding balance rates that vary by term, or by using rates independent of term.

1. When term graded rates are used, applicable rates are obtained from Appendix B for the appropriate term.

2. Under some open-end credit plans, the debtor's minimum monthly payment is redetermined each time the debtor draws new credit; while under other plans, the minimum monthly payment is redetermined on each billing date. Accordingly, an insurer who uses term graded rates shall provide that rates will be redetermined so as to be consistent with the terms produced by redetermining the minimum monthly payment.

3. The rates in Appendix B apply to the remaining total of payments. Typically, insurance rates for coverage of open-end credit apply to the account balance, that is, principal amount. Accordingly,

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

Appendix B rates may be adjusted to take account of the fact that the minimum monthly payment covers principal and interest.

4. The following flat rates may be used in lieu of term graded rates. They are rates per \$1,000 of monthly outstanding account balance:

| Plan | Rate |
|------------------------|--------|
| 14-Day Non-Retroactive | \$1.00 |
| 14-Day Retroactive | \$.80 |
| 30-Day Non-Retroactive | \$1.25 |
| 30-Day Retroactive | \$1.00 |
| 90-Day Lump Sum | \$1.50 |

(j) The insurance charge made to a debtor should generally be computed on the same basis that the creditor uses to compute interest for the billing period. The following methods are acceptable; the charge equals the product of the applicable rate and:

1. The debtor's account average daily balance during the billing period; or
2. The debtor's account balance at the end of the billing period; or
3. The debtor's account balance at the beginning of the billing period.

(k) Insurance rates for open-end credit are subject to the experience based rating procedures in N.J.A.C. 11:2-3.7. Subject to approval by the Commissioner, the experience of closed-end and open-end accounts may be combined for experience-based rate determination purposes.

11:2-3.13 Three party paper

(a) This section governs credit insurance present in "three party paper" retail installment sale transactions in which the credit contract and credit insurance originate with a dealer who does not carry the financing of the installment sale contract but "sells" the contract to an "ultimate" creditor, such as a sales finance company, bank, or similar organization; and other situations described in (c) below.

(b) The dealer in a "three party paper" retail installment sale transaction has a direct interest in the credit insurance either as a group credit insurance policyholder, a licensed agent who sells individual credit insurance policies to debtors who purchase goods from the dealer, or otherwise. Since the dealer does not carry the financing and the ultimate creditor does not have a direct interest in the credit insurance, administrative procedures governing credit insurance must be established and enforced by insurers who provide credit insurance to or through "three party paper" dealers. Specifically, the interests of debtors who finance purchases through such dealers must be protected because the dealer does not control the credit transaction but continues to be the link between the insured debtor and insurer. Accordingly, the insurer has the obligation to protect the debtor's interest in the insurance by establishing procedures to enforce the following:

1. The debtor shall be provided with an individual policy or a group certificate in the case of a group policy issued to the dealer. If the dealer is unable to furnish these documents when the debtor applies for insurance, a notice or a copy of the application shall be furnished to the debtor and a procedure shall be established for delivery of an individual policy or a group certificate to the debtor within 30 days. The dealer and ultimate creditor may agree to use the coupon book process for this purpose. Alternatively, the insurer or dealer must deliver the appropriate document.
2. Procedures must be established for presentation and payment of credit insurance claims by beneficiaries and debtors. The dealer must be responsible for claims processing when the dealer is the primary beneficiary of the credit insurance, and must inform the ultimate creditor of applicable procedures, including ensuring that the retail installment sales contract will be cancelled by the ultimate creditor, or dealer in the case of recourse, if the insured debtor dies. Similarly, installment payments covered by credit accident and health insurance must be promptly credited to the debtor's account by the ultimate creditor.
3. Insurers shall establish procedures to ensure refunds to debtors on early terminations of insurance in arrangements between the dealer and ultimate creditor. The refund to the debtor may be made by the ultimate creditor, the dealer, or the insurer, but the necessary

procedures shall be established and enforced by the insurer. To ensure that debtors are informed, the insurer shall provide the dealer with a notice of insurance documents, a copy of which shall be required by the insurer to be furnished by the dealer to each insured debtor. The notice must contain at least the following statements:

- i. That the credit insurance is provided through the dealer, either as the group credit insurance policyholder or as agent in connection with an individual policy, and that the dealer is responsible for administration of the insurance;
- ii. That evidence of insurance will be furnished within 30 days, including the name and location of the entity that will furnish it unless evidence of insurance, the individual policy or group certificate is furnished immediately;
- iii. A statement of how and to whom (including location) claims are to be presented, and how and by whom the ultimate creditor will be notified of the claim, including notification to cancel the installment sales contract when payment of a death claim or credit accident and health insurance benefits occurs;
- iv. A description of the refund process when insurance terminates early including the name and address of the entity responsible for computing and paying the refund, how such entity will notify the ultimate creditor and how the debtor will receive the refund; and
- v. That the debtor should contact the insurer if the refund is not received on a timely basis, specifying the name, location, and telephone number of the contact person.

4. When a group credit insurance policy is issued to the dealer, the policy must recite all the obligations set forth in (b)1 through 3 above. When the dealer is the insurer's agent for individual policies, the insurer shall provide the dealer with an instruction manual setting forth these obligations.

5. The notice of insurance documents shall be submitted to the Commissioner along with filing submissions of insurance forms, premium rates, charges to debtors, and refunds for "three party paper" arrangements. Filing shall be made separately for each case.

(c) The rules in (b) above shall also apply to all situations where the ultimate creditor is neither the group credit insurance policyholder nor the entity or licensed agent administering individual policies. Such situations include association, trustee or other arrangements whereby dealers participate in group or individual policy programs; and debt trading in secondary markets. Further, the modus operandi, insurance forms, premiums and charges for each such credit insurance program must be submitted separately and filed by the Commissioner.

(d) Credit insurance forms, premiums and charges approved for general use may not be used for the types of programs to which this section applies.

11:2-3.14 Supervision of credit insurance operations

(a) Each insurer transacting credit insurance in this State shall conduct a thorough periodic review of creditors with respect to their credit insurance business with such creditors to assure compliance with the insurance laws of this State and the rules of this subchapter. The review shall be conducted annually or more frequently if necessary. When irregularities are found, the insurer shall correct them promptly and conduct another review within 90 days after revised procedures are put into effect. The periodic review shall include, but not be limited to, examination of the creditor's:

1. General administration of the insurance;
2. Procedures to ensure that debtors receive notice of proposed insurance as required;
3. Compliance with the requirements of N.J.A.C. 11:2-3.9, 3.10 and 3.12(a) and (b), particularly those requirements pertaining to the debtor application. In connection with the review of debtor application administration, the insurer shall also determine from the creditor's records the percentage of debtors eligible for insurance who elect insurance coverage separately for credit life insurance and credit accident and health insurance; and
4. Procedures and methods for determining amounts charged to debtors for insurance, and whether the procedures and methods comply with the terms of the group policy and the rules of this subchapter.

INSURANCE

PROPOSALS

(b) Written records of such reviews shall be maintained by the insurer and submitted to the Commissioner for review within 60 days after the insurer conducts the review of the creditor and corrects any discrepancies.

11:2-3.15 Prohibited transactions

(a) The following practices, when engaged in by insurers in connection with the sale or placement of credit insurance, or as an inducement thereto, shall constitute unfair methods of competition and shall be subject to the provisions of the Trade Practices and Discriminations Act, N.J.S.A. 17B:30-1 et seq.:

1. The offer or grant by an insurer to a creditor of any special advantage or any service not set out in either group insurance contract or in the agency contract, other than the payment of agents' commissions;

2. Agreement by an insurer to deposit with a bank or financial institution money or securities of the insurer with the design or intent that the same shall affect or take the place of a deposit of money or securities which otherwise would be required of the creditor by such bank or financial institution as a compensating balance or offsetting deposit for a loan or other advancement; and

3. Deposit by an insurer of money or securities without interest or at a lesser rate of interest than is currently being paid by the creditor, bank or financial institution to other depositors of like amounts. This paragraph shall not be construed to prohibit the maintenance by an insurer of such demand deposits or premium deposit accounts as are reasonably necessary for use in the ordinary course of the insurer's business.

11:2-3.16 Compensation

(a) Compensation for the sale, service or administration of credit insurance may be paid only as follows:

1. Guaranteed compensation of any form is considered a commission and may be paid only to persons licensed or authorized under N.J.S.A. 17:22A-1, et seq.

2. Dividends or experience rating refunds may be paid to group credit insurance policyholders. Such dividends or refunds must be determined retrospectively based upon the experience of at least one group policy year under the group policy; the group policy period may not be less than 12 months. Dividends and experience rating refunds shall be determined on a nondiscriminatory basis using the insurer's dividend or experience refund formula adopted by the insurer's board of directors, and shall be determined and paid only at the end of the group policy period. The determination shall reflect the excess of earned premiums over incurred claims and expenses (including all insurer administrative and acquisition expenses, taxes, licenses, fees, reserves, contingency charges, profits, etc.)

3. Any allowance made in the insurer's dividend or experience rating refund formula for acquisition of a case or for selling the insurance to debtors shall be construed as a commission and be paid or credited accordingly.

4. Paragraphs (a)1 through 3 above apply equally to compensation paid to any person or entity connected directly or indirectly with the creditor.

5. Guaranteed compensation may be paid to any third party, not connected directly or indirectly with the creditor, for acquiring, servicing or administering credit insurance if the recipient is licensed or authorized under N.J.S.A. 17:22A-1 et seq.

11:2-3.17 Severability

If any provision or clause of this subchapter or the application thereof to any person or situation is held invalid, such invalidity shall not affect any other provision or application of the subchapter which can be given effect without the invalid provision or application, and to this end the provisions of this subchapter are declared severable.

11:2-3.18 Effective date

(a) This subchapter shall take effect August 1, 1989 as to premium rates.

(b) Approval of all forms not in compliance with this subchapter are hereby withdrawn as of July 1, 1989. No such form may be issued after this date unless it has been submitted to and filed by the Commissioner subsequent to August 1, 1989, or unless a rider ap-

proved subsequent to such date has been attached bringing such form into compliance with this subchapter.

(c) Any deviations thought to be appropriate by an insurer as a result of promulgation of this subchapter shall be filed in accordance with the provisions of N.J.A.C. 11:2-3.7 no later than August 1, 1989.

(d) Certificates, notices of proposed insurance, and premium rates in connection with existing group policies shall conform to the requirements of this subchapter not later than the anniversary date of the group policy next following the effective date of this subchapter.

(e) Any group policy issued to replace an existing group policy of credit insurance or an amendment to an existing group policy of credit insurance shall be ignored for the purposes of determining the anniversary date if such change is made on or after June 1, 1989.

Appendix A

Credit life insurance single premium and single charge formulas based on the general formula in N.J.A.C. 11:2-3.6(a)2i.

(a) Definitions.

- n = Debt term in months
- i = Debt monthly simple interest rate
= $\frac{\text{Annual rate}}{12}$
- p = Credit life monthly rate per \$1
- F_n = Discount for interest and mortality factor, term n
= $\frac{24}{24 + .045n}$
- a_n^i = $\frac{1 - v_n^i}{i}$, $v_n^i = \frac{1}{(1+i)^n}$
- SPR_n = Single Premium Rate, term n
- SCR_n = Single Charge Rate, term n
- Q_n = Credit accident and health insurance single premium rate per \$1, term n
- Q_n^1 = Credit accident and health insurance single charge rate per \$1, term n
- AF = Amount Financed
- A = Cash advance for a loan; or
- A = Unpaid cash balance for a retail installment sale contract
- m = Monthly payment
- a = Number of months at end of which first payment is due.
= $\frac{12d}{365}$ where d = number of days to first payment. This element applies when first payment period is other than a regular monthly payment period, that is, odd first payment period.

(b) The formulas below are for odd first payment period transactions unless otherwise indicated. This approach reduces the number of formulas that must be presented in the compendium, since odd first payment period formulas are readily converted to regular first payment period formulas by setting a = 1.

1. Single premium financed - terms of 63 months or less.

i. Decreasing term.

(A) SPR_n per \$1 of AF = $K_1 p F_{n+a-1}$

(B) SPR_n per \$1 of A with credit accident and health insurance

$$= \frac{K_1 K_2 p F_{n+a-1}}{1 - K_1 K_2 p F_{n+a-1}}$$

(C) SPR_n per \$1 of A with credit life insurance only

$$= \frac{K_1 p F_{n+a-1}}{1 - K_1 p F_{n+a-1}}$$

The K values above are:

$$K_1 = \frac{ai(1+a^i_{n-1}) + (i+ai)[(n-1) - a^i_{n-1}]}{i(1+a^i_{n-1})}$$

$$K_2 = \frac{1 + a^i_{n-1}}{(1 + a^i_{n-1}) - n(1 + ai)Q_n}$$

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

ii. Balloon transactions where the monthly payment is based on an amortization period greater than the debt term.

(A) SPR_n per \$1 of AF = K_3PF_{n+a-1}

(B) SPR_n per \$1 of A with credit accident and health insurance

$$= \frac{K_4PF_{n+a-1}}{1 - K_4PF_{n+a-1}}$$

(C) SPR_n per \$1 of A with credit life insurance only

$$= \frac{K_3PF_{n+a-1}}{1 - K_3PF_{n+a-1}}$$

In the above formulas:

$$K_3 = \frac{ai(1+a^i_{t-1}) + (1+ai)[(n-1) - (a^i_{t-1} - a^i_{t-n})]}{i(1+a^i_{t-1})}$$

$$K_4 = \frac{ai(1+a^i_{t-1}) + (1+ai)(n-1) - (a^i_{t-1} - a^i_{t-n})}{i[(1+a^i_{t-1}) - (1+ai)nQ_n]}$$

t = Number of months in amortization period used to compute monthly payment.

2. Monthly outstanding balance precomputed nonfinanced single charges.

i. Decreasing term.

(A) SCR_n per \$1 of A with credit accident and health insurance

$$= \frac{(n+2a-1)(1+f)K_5 - 2(f+Q_n^1)K_6}{2(1-Q_n^1)K_5 - [(n+2a-1)K_5 - 2K_6]p}$$

(B) SCR_n per \$1 of A with credit life insurance only

$$= \frac{(n+2a-1)(1+f)K_5 - 2fK_6}{2K_5 - [(n+2a-1)K_5 - 2K_6]p}$$

In the above formulas:

f = Interest factor = $\frac{n(1+ai) - (1+a^i_{n-1})}{1+a^i_{n-1}}$

$$K_5 = a \frac{(1+a^i_{n-1})}{(1+ai)} + \frac{(n-1) - a^i_{n-1}}{i}$$

$$K_6 = aK_5 + \frac{1}{i} \left[\frac{(n-1)n}{2} - \frac{(n-1) - a^i_{n-1}}{i} \right]$$

ii. Balloon transactions where monthly payment is based on an amortization period greater than the debt term.

(A) SCR_n per \$1 of A with credit accident and health insurance

$$= \frac{(n+2a-1)(1+f)K_7 - 2(f+Q_n^1)K_8}{2(1-Q_n^1)K_7 - [(n+2a-1)K_7 - 2K_8]p}$$

(B) SCR_n per \$1 of A with credit life insurance only

$$= \frac{(n+2a-1)(1+f)K_7 - 2fK_8}{2K_7 - [(n+2a-1)K_7 - 2K_8]p}$$

In the above formulas:

f = Interest factor = $\frac{n(1+ai) - (1+a^i_{t-1})}{1+a^i_{t-1}}$

$$K_7 = a \frac{1+a^i_{t-1}}{1+ai} - \frac{(n-1) - (a^i_{t-1} - a^i_{t-n})}{i}$$

$$K_8 = aK_7 + \frac{1}{i} \left[\frac{(n-1)n}{2} - \frac{(n-1) - (a^i_{t-1} - a^i_{t-n})}{i} + (n-1)a^i_{t-n} \right]$$

3. Single payment debts.

i. Single premium basis.

(A) Level insurance - interest not insured.

SPR_n per \$1 of AF = npF_n

SPR_n per \$1 of A = $\frac{npF_n}{1-mpF_n}$

(B) Increasing insurance - earned interest insured.

SPR_n per \$1 of AF = $pF_n S_n^i$

SPR_n per \$1 of A = $\frac{pF_n S_n^i}{1-pFnS_n^i}$

Where $S_n^i = \frac{(1+i)^n - 1}{i}$

ii. Monthly outstanding balance basis.

(A) Level term insurance - only A insured.

SCR_n = per \$1 of A = np

(B) Increasing term insurance - earned interest and insurance charge insured.

SCR_n per \$1 of A = $pS_n^{(i+p)}$

Where $S_n^{(i+p)} = \frac{(1+i+p)^n - 1}{i+p}$

4. Credit insurance on "simple interest" accrual basis.

Here debtors are charged interest and insurance monthly based on the debt daily balance and daily rates (interest and insurance). Monthly charges are the product of the sum of the debt daily balances from the date the debtor last paid an installment to the current payment date, and a daily charge rate. There are no fixed precomputed interest or insurance charges since the debtor's costs depend upon his/her installment payment habits. However, creditors must disclose estimated charges "up front" based on the assumption that the debtor will pay all installments when due.

The following formulas are for estimated insurance charges. Symbols are as previously defined unless otherwise indicated. Estimated charges are per \$1 of A.

i. Decreasing term insurance.

Credit life insurance

$$= \frac{r(1+a^r_{n-1}) + (1+ar) [(n-1) - a^r_{n-1}]}{r(1+a^r_{n-1})} p$$

Credit accident and health insurance

$$= \frac{r(1+a^r_{n-1}) + (1+ar) [(n-1) - a^r_{n-1}]}{r(1+a^r_{n-1})} q_n$$

In the above formulas:

$r = i + p + q_n$

$a^r_{n-1} = \frac{1-v^{n-1}}{r}$

$v^r_{n-1} = \frac{1}{(1+r)^{n-1}}$

$q_n = \frac{nrQ_n}{n-a^r_n}$

Since r includes q_n , this is an iterative formula; it converges to the final q_n quickly. Any reasonable first q_n may be used in r. A good first q_n is $\frac{2Q_n}{n+1}$

Note also that for credit life insurance only, $r = i + p$; for credit accident and health insurance only, $r = i + q_n$

ii. Balloon transactions where monthly payment is based on t greater than n.

Credit life insurance

$$= \frac{r(1+a^r_{t-1}) + (1+ar) [(n-1) - (a^r_{t-1} - a^r_{t-n})]}{r(1+a^r_{t-1})} p$$

Credit accident and health insurance

$$= \frac{r(1+a^r_{t-1}) + (1+ar) [(n-1) - (a^r_{t-1} - a^r_{t-n})]}{r(1+a^r_{t-1})} q_n$$

$$q_n = \frac{nrQ_n}{n-(a^r_n - a^r_{t-n})}$$

Appendix B

Credit Accident and Health Insurance Premium and Charge Rates
Single Premium Rates Per \$100 of Initial Insured Indebtedness

| Number of Monthly Installments | Non-Retroactive | | Retroactive | | Number of Monthly Installments | Non-Retroactive | | Retroactive | |
|--------------------------------|-----------------|---------|-------------|---------|--------------------------------|-----------------|---------|-------------|---------|
| | 14-Days | 30-Days | 14-Days | 30-Days | | 14-Days | 30-Days | 14-Days | 30-Days |
| 1 | 0.19 | 0.00 | 0.27 | 0.00 | 61 | 1.68 | 1.37 | 2.01 | 1.73 |
| 2 | 0.29 | 0.17 | 0.41 | 0.29 | 62 | 1.69 | 1.38 | 2.01 | 1.74 |
| 3 | 0.39 | 0.22 | 0.55 | 0.39 | 63 | 1.70 | 1.39 | 2.03 | 1.74 |
| 4 | 0.49 | 0.29 | 0.69 | 0.49 | 64 | 1.71 | 1.40 | 2.04 | 1.76 |
| 5 | 0.59 | 0.34 | 0.83 | 0.59 | 65 | 1.71 | 1.41 | 2.04 | 1.76 |
| 6 | 0.69 | 0.39 | 0.96 | 0.68 | 66 | 1.72 | 1.41 | 2.05 | 1.77 |
| 7 | 0.73 | 0.44 | 1.01 | 0.73 | 67 | 1.74 | 1.42 | 2.06 | 1.78 |
| 8 | 0.78 | 0.47 | 1.07 | 0.77 | 68 | 1.74 | 1.43 | 2.07 | 1.79 |
| 9 | 0.82 | 0.51 | 1.12 | 0.82 | 69 | 1.75 | 1.44 | 2.08 | 1.79 |
| 10 | 0.86 | 0.56 | 1.18 | 0.87 | 70 | 1.76 | 1.45 | 2.09 | 1.81 |
| 11 | 0.91 | 0.59 | 1.23 | 0.91 | 71 | 1.77 | 1.46 | 2.10 | 1.81 |
| 12 | 0.96 | 0.64 | 1.29 | 0.96 | 72 | 1.78 | 1.46 | 2.11 | 1.82 |
| 13 | 0.98 | 0.66 | 1.31 | 0.99 | 73 | 1.79 | 1.47 | 2.11 | 1.83 |
| 14 | 1.00 | 0.68 | 1.33 | 1.01 | 74 | 1.80 | 1.49 | 2.13 | 1.84 |
| 15 | 1.02 | 0.70 | 1.35 | 1.03 | 75 | 1.81 | 1.49 | 2.14 | 1.85 |
| 16 | 1.04 | 0.72 | 1.37 | 1.05 | 76 | 1.81 | 1.51 | 2.14 | 1.86 |
| 17 | 1.06 | 0.74 | 1.39 | 1.07 | 77 | 1.83 | 1.51 | 2.16 | 1.87 |
| 18 | 1.09 | 0.76 | 1.41 | 1.09 | 78 | 1.84 | 1.53 | 2.16 | 1.89 |
| 19 | 1.11 | 0.78 | 1.44 | 1.12 | 79 | 1.84 | 1.54 | 2.17 | 1.89 |
| 20 | 1.13 | 0.80 | 1.46 | 1.14 | 80 | 1.86 | 1.55 | 2.19 | 1.91 |
| 21 | 1.15 | 0.82 | 1.48 | 1.16 | 81 | 1.86 | 1.56 | 2.19 | 1.91 |
| 22 | 1.17 | 0.84 | 1.50 | 1.19 | 82 | 1.87 | 1.57 | 2.20 | 1.93 |
| 23 | 1.19 | 0.86 | 1.52 | 1.21 | 83 | 1.89 | 1.58 | 2.21 | 1.94 |
| 24 | 1.21 | 0.89 | 1.54 | 1.23 | 84 | 1.89 | 1.59 | 2.22 | 1.95 |
| 25 | 1.23 | 0.90 | 1.56 | 1.24 | 85 | 1.90 | 1.60 | 2.23 | 1.96 |
| 26 | 1.24 | 0.91 | 1.57 | 1.26 | 86 | 1.91 | 1.61 | 2.24 | 1.97 |
| 27 | 1.25 | 0.93 | 1.58 | 1.26 | 87 | 1.92 | 1.62 | 2.25 | 1.98 |
| 28 | 1.26 | 0.94 | 1.59 | 1.28 | 88 | 1.93 | 1.63 | 2.26 | 1.99 |
| 29 | 1.28 | 0.96 | 1.61 | 1.29 | 89 | 1.94 | 1.64 | 2.27 | 2.00 |
| 30 | 1.29 | 0.97 | 1.62 | 1.31 | 90 | 1.95 | 1.65 | 2.28 | 2.01 |
| 31 | 1.31 | 0.99 | 1.64 | 1.32 | 91 | 1.96 | 1.66 | 2.29 | 2.01 |
| 32 | 1.32 | 1.01 | 1.65 | 1.34 | 92 | 1.97 | 1.67 | 2.30 | 2.03 |
| 33 | 1.33 | 1.02 | 1.66 | 1.34 | 93 | 1.98 | 1.68 | 2.31 | 2.04 |
| 34 | 1.34 | 1.04 | 1.67 | 1.36 | 94 | 1.99 | 1.69 | 2.31 | 2.04 |
| 35 | 1.36 | 1.05 | 1.69 | 1.37 | 95 | 2.00 | 1.70 | 2.33 | 2.06 |
| 36 | 1.37 | 1.06 | 1.70 | 1.39 | 96 | 2.01 | 1.71 | 2.34 | 2.06 |
| 37 | 1.39 | 1.08 | 1.71 | 1.40 | 97 | 2.01 | 1.71 | 2.34 | 2.07 |
| 38 | 1.40 | 1.09 | 1.73 | 1.41 | 98 | 2.02 | 1.73 | 2.35 | 2.09 |
| 39 | 1.41 | 1.10 | 1.74 | 1.43 | 99 | 2.03 | 1.74 | 2.36 | 2.09 |
| 40 | 1.42 | 1.11 | 1.76 | 1.44 | 100 | 2.04 | 1.74 | 2.37 | 2.10 |
| 41 | 1.44 | 1.13 | 1.77 | 1.46 | 101 | 2.05 | 1.76 | 2.38 | 2.11 |
| 42 | 1.45 | 1.14 | 1.79 | 1.47 | 102 | 2.06 | 1.76 | 2.39 | 2.12 |
| 43 | 1.46 | 1.15 | 1.80 | 1.49 | 103 | 2.06 | 1.77 | 2.39 | 2.13 |
| 44 | 1.48 | 1.16 | 1.81 | 1.50 | 104 | 2.07 | 1.79 | 2.40 | 2.14 |
| 45 | 1.49 | 1.18 | 1.83 | 1.51 | 105 | 2.08 | 1.79 | 2.41 | 2.15 |
| 46 | 1.50 | 1.19 | 1.84 | 1.53 | 106 | 2.09 | 1.80 | 2.42 | 2.16 |
| 47 | 1.51 | 1.20 | 1.86 | 1.54 | 107 | 2.10 | 1.81 | 2.43 | 2.17 |
| 48 | 1.53 | 1.21 | 1.87 | 1.56 | 108 | 2.11 | 1.82 | 2.44 | 2.18 |
| 49 | 1.54 | 1.23 | 1.88 | 1.57 | 109 | 2.11 | 1.83 | 2.44 | 2.19 |
| 50 | 1.55 | 1.24 | 1.89 | 1.59 | 110 | 2.12 | 1.84 | 2.45 | 2.19 |
| 51 | 1.56 | 1.25 | 1.90 | 1.60 | 111 | 2.13 | 1.85 | 2.46 | 2.21 |
| 52 | 1.58 | 1.26 | 1.91 | 1.61 | 112 | 2.14 | 1.86 | 2.46 | 2.21 |
| 53 | 1.59 | 1.28 | 1.92 | 1.63 | 113 | 2.14 | 1.86 | 2.47 | 2.22 |
| 54 | 1.60 | 1.29 | 1.94 | 1.64 | 114 | 2.15 | 1.87 | 2.48 | 2.23 |
| 55 | 1.61 | 1.30 | 1.94 | 1.65 | 115 | 2.16 | 1.89 | 2.49 | 2.24 |
| 56 | 1.62 | 1.31 | 1.96 | 1.66 | 116 | 2.16 | 1.89 | 2.49 | 2.25 |
| 57 | 1.64 | 1.33 | 1.96 | 1.68 | 117 | 2.17 | 1.90 | 2.50 | 2.26 |
| 58 | 1.65 | 1.34 | 1.98 | 1.69 | 118 | 2.18 | 1.91 | 2.51 | 2.26 |
| 59 | 1.66 | 1.35 | 1.99 | 1.71 | 119 | 2.19 | 1.92 | 2.51 | 2.28 |
| 60 | 1.67 | 1.36 | 2.00 | 1.72 | 120 | 2.19 | 1.93 | 2.52 | 2.29 |

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

Appendix C

CREDIT LIFE AND CREDIT ACCIDENT AND HEALTH INSURANCE

Experience Reporting Form

For the year ended December 31, 19

Of the _____ Insurance Company

Address (City, State and Zip Code) _____

NAIC Group Code _____ NAIC Company Code _____

To be filed on or before April 1

Direct Business in the State of New Jersey

PART 1—CREDIT LIFE INSURANCE

| | Single | Joint | Total |
|---|--------|-------|-------|
| 1. Earned Premiums: | | | |
| A. Gross written premiums | | | |
| B. Refunds on terminations | | | |
| C. Net written premiums (A-B) | | | |
| D. Premium reserves, start of period | | | |
| E. Premium reserves, end of period | | | |
| F. Actual earned premiums (C + D - E) | | | |
| G. Earned premiums at prima facie rates | | | |
| 2. Incurred Claims: | | | |
| A. Claims paid | | | |
| B. Unreported claim reserve, start of period | | | |
| C. Unreported claim reserve, end of period | | | |
| D. Claim reserves, start of period | | | |
| E. Claim reserves, end of period | | | |
| F. Incurred claims (A - B + C - D + E) | | | |
| 3. Loss Ratio: | | | |
| A. Actual loss ratio (2F/1F) | % | % | % |
| B. Loss ratio at prima facie rates (2F/1G) | % | % | % |
| 4. Mean insurance in force | | | |
| 5. Losses per \$1,000 mean insurance in force [(1,000 x 2F)/4] | | | |

INSURANCE

PROPOSALS

PART 2—CREDIT ACCIDENT AND HEALTH INSURANCE

| | 7 Day Retro | 14 Day Retro | 14 Day Non-Retro | 30 Day Retro | 30 Day Non-Retro | Other | Total |
|--|----------------|-----------------|---------------------|-----------------|---------------------|---------|---------|
| 1. Earned Premiums: | | | | | | | |
| A. Gross written premiums | | | | | | | |
| B. Refunds on terminations | | | | | | | |
| C. Net written premiums (A-B) | | | | | | | |
| D. Premium reserves, start of period | | | | | | | |
| E. Premium reserves, end of period | | | | | | | |
| F. Actual earned premiums (C + D - E) | | | | | | | |
| G. Earned premiums at prima facie rates | | | | | | | |
| 2. Incurred Claims: | | | | | | | |
| A. Claims paid | | | | | | | |
| B. Unreported claim reserve, start of period | | | | | | | |
| C. Unreported claim reserve, end of period | | | | | | | |
| D. Claim reserves, start of period | | | | | | | |
| E. Claim reserves, end of period | | | | | | | |
| F. Incurred claims (A - B + C - D + E) | | | | | | | |
| 3. Loss Ratio: | | | | | | | |
| A. Actual loss ratio (2F/1F) | _____ % | _____ % | _____ % | _____ % | _____ % | _____ % | _____ % |
| B. Loss ratio at prima facie rates (2F/1G) | _____ % | _____ % | _____ % | _____ % | _____ % | _____ % | _____ % |

PART 3—RECONCILIATION

| Section A Credit Life Insurance | Amount | Section B Credit Accident & Health Insurance | Amount |
|--|--------|--|--------|
| 1. Premiums: | | 1. Premiums: | |
| A. Total—Part 1—Line 1C | | A. Total—Part 2—Line 1C | |
| B. Dividends and experience refunds not deducted in Part 1 | | B. Dividends and experience refunds not deducted in Part 2 | |
| C. Net premiums written on business not reported | | C. Net premiums written on business not reported | |
| D. Other (explain) | | D. Other (explain) | |
| E. Total credit premiums in state (A - B + C + D) (To agree with state page) | | E. Total credit premiums in state (A - B + C + D) (To agree with state page) | |
| 2. Claims Paid: | | 2. Claims Paid: | |
| A. Total—Part 1—Line 2A | | A. Total—Part 2—Line 2A | |
| B. Claims paid on business not reported | | B. Claims paid on business not reported | |
| C. Other (explain) | | C. Other (explain) | |
| D. Total credit claims in state (A + B + C) (To agree with state page) | | D. Total credit claims in state (A + B + C) (To agree with state page) | |

Appendix D

Case Rating

Experience Summary and Rate Determination Form

Insurer Name _____

Case Name _____ Case Number _____

Credit Life Single Joint Both Credit A&H _____ Plan _____

Single Premium _____ Monthly Outstanding Balance _____ Open End _____

Experience Period: From _____ To _____

Experience Period: _____ Years

Credibility Basis: Life Years _____ Number of claims _____

Experience Data

| Year | <u>Written Premium</u> | <u>Unearned Premium</u> | | <u>Actual Earned Premium</u> | <u>Prima Facie Earned Premium</u> | <u>Payable Premium Rate</u> |
|-------|------------------------|-------------------------|------------|------------------------------|-----------------------------------|-----------------------------|
| | | <u>BOY</u> | <u>EOY</u> | | | |
| 1st | | | | | | |
| 2nd | | | | | | |
| 3rd | | | | | | |
| Total | | | | | | |

| Year | <u>Paid Claims</u> | <u>Claim Reserve</u> | | <u>Incurred Claims</u> | Loss Ratios | |
|-------|--------------------|----------------------|------------|------------------------|-------------------|-----------------------|
| | | <u>BOY</u> | <u>EOY</u> | | <u>On Payable</u> | <u>On Prima Facie</u> |
| 1st | | | | | | |
| 2nd | | | | | | |
| 3rd | | | | | | |
| Total | | | | | | |

| Year | <u>Number of Life Years</u> | <u>Number of Claims</u> | <u>Average Amount of Credit Life Inforce</u> |
|-------|-----------------------------|-------------------------|--|
| | | | |
| 2nd | | | |
| 3rd | | | |
| Total | | | |

Case Rate Determination

Credibility Factor Z _____ 1-Z _____

ALR _____

MLR _____

$$CLR = Z \times ALR + (1-Z) \times MLR$$

$$NCR = PFR 1 + 1.10 (CLR - MLR)$$

(a)

OFFICE OF THE COMMISSIONER**Automobile Insurance: Standards for Written Notice for Policyholders Seeking Renewal of Coverage (Buyer's Guide and Coverage Selection Form)****Proposed Amendments: N.J.A.C. 11:3-14.1, 14.3, 14.6, and 14.7****Proposed Repeals: N.J.A.C. 11:3-13.5 and 14.5****Proposed Repeals and New Rules: N.J.A.C. 11:3-15.1 through 15.8**

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1C-6(e) and 39:6A-23.

Proposal Number: PRN 1988-624.

Submit comments by January 4, 1989 to:

Verice M. Mason, Assistant Commissioner
 Department of Insurance
 CN 325
 20 West State Street
 Trenton, New Jersey 08625

The agency proposal follows:

Summary

N.J.S.A. 39:6A-23, as amended by P.L. 1988, c.119 (effective January 1, 1989, with exceptions), provides that no new automobile insurance policy can be issued unless the application for the policy is accompanied by a written notice identifying and containing a Buyer's Guide and Coverage Selection Form. The Buyer's Guide must contain a brief description of all available policy coverages and benefit limits, and identify the coverages which are mandatory and which are optional under State law, together with all options offered by the insurer. The statute also requires that the Commissioner of the Department of Insurance promulgate standards for the written notice and Buyer's Guide required to be provided. The proposed new rules, amendments, and repeals implement this statutory mandate.

Prior to the enactment of P.L. 1988, c.119, and since 1983, written notice identifying and containing a Buyer's Guide and Coverage Selection Form had been required. However, since P.L. 1988, c.119 makes significant changes to the private passenger automobile insurance laws concerning coverages, options and rate credits, the written notice, including the Buyer's Guide and Coverage Selection Form, needs to be substantially amended.

N.J.A.C. 11:3-13.5 is proposed for repeal consistent with the regulatory changes proposed in this Notice of Proposal.

N.J.A.C. 11:3-14.1 is proposed for amendment consistent with P.L. 1988, c.119. N.J.A.C. 11:3-14.3(d) is proposed for deletion since it is inconsistent with P.L. 1988, c.119. N.J.A.C. 11:3-14.3 (e) and (g) are proposed for amendment for consistency with P.L. 1988, c.119. N.J.A.C. 11:3-14.5 is proposed for repeal because it is inconsistent with P.L. 1988, c.119. N.J.A.C. 11:3-14.6 and 14.7 are proposed for amendment for consistency with P.L. 1988, c.119.

N.J.A.C. 11:3-15.1 through 15.8 are proposed for repeal since they are inconsistent with P.L. 1988, c.119.

Proposed new N.J.A.C. 11:3-15.1 and 15.2 provide the purpose and scope of the new rules. Proposed N.J.A.C. 11:3-15.3 is a definition section. Proposed N.J.A.C. 11:3-15.4 provides that no private passenger automobile insurance policy or renewal can be issued after January 1, 1989, unless the application for the policy or renewal is accompanied by a written notice meeting the minimum standards prescribed in this subchapter. Because the new rules will become effective after January 1, 1989, the requirements in the proposed new rules will be separately promulgated by order.

Proposed N.J.A.C. 11:3-15.5 requires that the written notice provide the New Jersey Auto Insurance Buyer's Guide, a Coverage Selection Form, and for a limited period of time only, a Transmittal Letter.

Proposed N.J.A.C. 11:3-15.6 identifies the minimum standards for the Buyer's Guide and reproduces the text of the Buyer's Guide.

Proposed N.J.A.C. 11:3-15.7 identifies the minimum standards for the Coverage Selection Form and reproduces the text of the Coverage Selection Form.

Proposed N.J.A.C. 11:3-15.8 identifies the minimum standards for the Transmittal Letter and reproduces the text of the Transmittal Letter.

(CITE 20 N.J.R. 2984)

NEW JERSEY REGISTER, MONDAY, DECEMBER 5, 1988

N.J.A.C. 11:3-15.9 is being retained as it currently appears in the New Jersey Administrative Code, as it pertains to the effect of the Buyer's Guide in other notice requirements.

Social Impact

The social impact of the proposed new rules will be to inform the public about new coverages, options, and rate credits available resulting from changes in the private passenger automobile insurance laws. Also, new minimum standards for text of the Buyer's Guide and an attractive printed format will encourage consumers to read the document and will enhance their opportunity to understand the choices available to them.

The social impact on the Department will be insignificant because the Buyer's Guide will reduce the Department's need to inform consumers about the law. It is anticipated there will be fewer telephone calls and letters seeking basic information.

Social impact on the insurance companies and New Jersey Automobile Full Insurance Underwriting Association (NJAFIUA) servicing carriers will be insignificant after the transition from the old Buyer's Guide to the new. The new standards require distribution in a fashion similar to past practice. Printing of the Buyer's Guide is facilitated because the Department, for the first time, is providing camera-ready typeset. The plain language requirements of the Buyer's Guide, and the numbered matching text coordinating the Buyer's Guide with the Coverage Selection Form, should make it easier for companies to market their products and to explain coverages to policyholders and applicants.

Economic Impact

The economic impact on the public will be the ability to make informed choices about where they spend their insurance dollars, thereby eliminating spending for unnecessary coverage, increasing coverage where the consumer sees the need, and utilizing available dollars in the most efficient fashion.

The economic impact on the Department should be insignificant. The Department already has the equipment for producing the camera-ready typeset. No additional staff or budget is needed to produce the materials or review the filings.

The economic impact on the insurance companies and NJAFIUA servicing carriers should be positive. They are being provided with pre-approved typeset and with an easily understood Buyer's Guide and Coverage Selection Form, so less staff time should be spent answering consumer questions, and the information solicited from policyholders and applicants should be more accurate and thus will enable a company to better conduct its underwriting activity. Also, costs will be contained because the Transmittal Letter required by these proposed rules has an expiration date, unlike the previous Transmittal Letter ordered in 1984.

Regulatory Flexibility Statement

The proposed repeals, amendments, and new rules will affect insurers authorized to write private passenger automobile coverage in New Jersey. It is the Department's belief that most, if not all, such insurers are not "small businesses" as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. However, it is possible that one or two such insurers are small businesses, as so defined, and, accordingly, a Regulatory Flexibility Statement is provided below (see N.J.S.A. 52:14B-19).

The reporting, record-keeping, and other compliance requirements being proposed are essentially those as are identified in the proposed rules and amendments. Since all insurance companies and NJAFIUA servicing carriers authorized to sell private passenger automobile coverage in New Jersey already are required to prepare and transmit to their policyholders and applicants a Buyer's Guide and Coverage Selection Form, professional services other than those already utilized will likely not be required. These services include those of a professional printer.

The initial capital costs should be less than the previous written notice and Buyer's Guide because camera-ready typeset is provided by the Department. Annual costs of compliance may be slightly different from costs of distributing the previous written notice, Buyer's Guide and Coverage Selection. Mailing costs may be slightly higher because minimum paper quality is mandated. On the other hand, staff time explaining coverages to policyholders and applicants should be reduced thereby saving money.

The Transmittal Letter is an added cost, but it will last only one year. The cost is similar to that of a previous Transmittal Letter which was required by an order of the Commissioner effective in 1984 through 1987.

The proposed new rules are applicable to all insurers authorized to sell private passenger automobile insurance, without exception based on size or any other characteristic, since the statutory provision being implemented requires universality.

Full text of the proposed subchapter repeal appears in the New Jersey Administrative Code at N.J.A.C. 11:3-15.

Full text of the proposed new rules, amendments, and other repeals follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

11:3-13.5 [Notice requirements]

(a) Effective January 1, 1984, every insurer shall furnish an applicant for private passenger automobile insurance with a schedule of collision and comprehensive deductibles on a form attached to or accompanying all applications.

(b) At least annually, every insurer shall furnish its insured with a written notice of its schedule of collision and comprehensive deductibles. **(Reserved)**

11:3-14.1 Purpose

The New Jersey Automobile Insurance Freedom of Choice and Cost Containment Act of 1984 (P.L. 1983, c. 362) requires each automobile insurer offering personal injury protection coverage to provide, at [approximately] **appropriately** reduced premiums, optional deductibles [,] **and/or** exclusions [and setoffs]. This subchapter establishes rules for the implementation of these requirements.

11:3-14.3 Optional medical expense benefit deductibles for personal injury protection coverage

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

[(d) Pursuant to Section 17 of P.L. 1983, c. 362 the notice of the deductibles shall be in writing and shall be accompanied by a statement of the possible coordination of other health benefit coverages, prescribed by the Commissioner of Insurance. The minimum language which must be included in the notice is as follows:

The law permits you to select a deductible for the medical portion of your Personal Injury Protection Coverage. You can, under this law, select an "aggregate" deductible of \$500.00, \$1,000 or \$2,500. The deductible is "aggregate" in that the medical bills of all persons to whom the deductible applies are combined to satisfy it. This option may be of interest to those persons who have other health insurance that will pay the deductible amount.

Is a PIP medical expense deductible the right choice for you? If you are willing to pay the amount of the deductible yourself, or if you have health insurance such as Blue Cross-Blue Shield, Medicare, or medical expense benefits from another source that covers you and your resident relatives in auto accidents, you may wish to consider selecting a PIP deductible. Bear in mind health coverages may also contain coinsurance provisions and deductibles which you may have to pay and, your health coverage may not apply to every resident relative in your household.

If you select a deductible, it means that your auto insurance will not pay up to the amount of the deductible for any medical bills for you or your resident relatives which result from injuries suffered in an accident. Costs above that figure will continue to be met by your auto insurance carrier.

For example, if you and three resident relatives are injured in an auto accident and you have selected a \$500.00 aggregate deductible, you will be responsible for a total of \$500.00 in medical costs.

Medical bills for each of four persons covered by the deductible are added together to satisfy the \$500 amount. If you select a \$2,500 deductible and you and three resident relatives are injured in an auto accident, you will be responsible for \$2,500 in medical costs.

You are not required to select a deductible, of course, and you are free to continue to carry the identical coverage you now have.

Whether or not to choose a deductible, should depend upon your ability to pay a portion of your medical costs, or whether your health insurance carrier will meet the cost.

You should bear in mind that not all health insurance policies contain provisions for payment of a PIP medical expense deductible amount, so it is important that you examine your health policy or contact your health insurer or employer to determine your health policy's provisions.

CAUTION: BEFORE YOU CHOOSE A PIP MEDICAL EXPENSE DEDUCTIBLE, YOU SHOULD FIND OUT IF AND TO WHAT EXTENT YOUR HEALTH CARE COVERAGE WILL PAY FOR MEDICAL EXPENSES FROM AUTO ACCIDENTS.]

[(e)] (d) The buyer's guide and written notice specified in [section 17 of P.L. 1983, c. 362] N.J.S.A. 39:6A-23 shall satisfy the requirements of this subchapter.

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

[(g)] (f) Should an applicant or policyholder fail to elect a deductible, [full coverage shall be provided by the insurer] **the basic \$250.00 deductible provided by N.J.S.A. 39:6A-23 shall apply and an appropriate premium shall be charged.**

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

11:3-14.5 [Setoff option entitling an automobile insurer paying PIP medical expense benefits to reimbursement under certain conditions]

(a) Automobile insurers offering personal injury protection coverage shall, at appropriately reduced premiums, provide a setoff option whereby the named insured agrees to reimburse the insurer from any award, judgment or settlement for non-economic loss for the medical expense benefits paid by it, up to a maximum of 20 percent of the award, judgment or settlement.

(b) A setoff option elected by the named insured in accordance with this section shall apply only to the named insured, who is not a named insured under another automobile insurance policy and any resident relative in the named insured's household, but not to any other person eligible for personal injury protection benefits to be provided in accordance with N.J.S.A. 39:6A-4.

(c) No new automobile insurance policy shall be issued on or after July 1, 1984 unless the setoff option in accord with this section is made available to the applicant. In the case of any automobile policy in force on July 1, 1984, the named insured shall be provided no later than May 15, 1984 with the opportunity to elect, effective July 1, 1984, the setoff option in accord with this section. Any notice of renewal of an automobile insurance policy with an effective date subsequent to July 1, 1984 shall be accompanied by a notice to the named insured providing the opportunity to elect the setoff option in accord with this subchapter.

(d) A premium credit calculated and represented as a percentage of the applicable premium shall be provided for the setoff option. The premium percentage shall be uniform by filer on a statewide basis.

(e) The buyer's guide and written notice specified in section 17 of P.L. 1983, c.362 shall satisfy the requirements of this subchapter.

(f) Should an applicant or named insured fail to elect the setoff option, a full appropriate premium shall be charged.

(g) The setoff option elected by a named insured shall continue in force as to subsequent renewal or replacement policies until the insurer or its authorized representative receives a properly executed written request to eliminate the option. **(Reserved)**

11:3-14.6 Refund or credit of unearned premium

Every automobile insurer offering personal injury protection coverage shall establish a fair, practicable and non-discriminatory plan for the refund or application of credit of any unearned premium resulting from the selection of any deductible [,] **and/or** exclusion [or setoff] option pursuant to this subchapter.

11:3-14.7 Filing requirements

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

[(c) Within 30 days of the effective date of this subchapter, every automobile filer shall submit to the Commissioner for approval filings of rates or manual rules which provide the setoff option entitling an insurer to reimbursement for medical expense benefits pursuant to section 13c of P.L. 1983, c. 362.]

Recodify existing (d) and (e) as (c) **and** (d) (No change in text.)

SUBCHAPTER 15. STANDARDS FOR WRITTEN NOTICE: BUYER'S GUIDE AND COVERAGE SELECTION FORM

11:3-15.1 Purpose

(a) N.J.S.A. 39:6A-23 requires the Commissioner of the Department of Insurance to promulgate standards for the written notice to be provided to applicants for automobile insurance and to policyholders seeking renewal of coverage. This written notice includes a Buyer's

Guide and a Coverage Selection Form as required by N.J.S.A. 39:6A-23. This subchapter implements this statutory requirement and establishes the necessary minimum standards insurance companies authorized to transact the business of private passenger automobile insurance and New Jersey Automobile Full Insurance Underwriting Association (NJAFIUA) servicing carriers shall use in giving notice of available coverages, options and rate credits.

(b) The purpose of the standards is to help consumers understand the choices they will make. The standards prescribe an attractive format and plain language describing the choices in general, thereby encouraging consumers to read the documents and to make informed choices about the auto insurance coverages and options available to them.

11:3-15.2 Scope

This subchapter applies to every insurance company authorized to transact the business of private passenger automobile insurance in this State and to the servicing carriers for the New Jersey Automobile Full Insurance Underwriting Association (NJAFIUA).

11:3-15.3 Definitions

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

"Department" means the Department of Insurance of the State of New Jersey.

"Insurance company" means any person, corporation, association, partnership, company and any other legal entity issuing a contract of insurance.

11:3-15.4 Compliance

Pursuant to N.J.S.A. 39:6A-23, as amended by P.L. 1988, c. 119, no new private passenger automobile insurance policy or renewal shall be issued on or after January 1, 1989, unless the application for the policy or renewal is accompanied by a written notice which meets the minimum standards prescribed in this subchapter.

11:3-15.5 Content of written notice

(a) The written notice shall include the New Jersey Auto Insurance Buyer's Guide as it appears in this subchapter.

(b) The written notice shall include the Coverage Selection Form as it appears in this subchapter.

(c) For a limited period of time, and for policy renewals only, the written notice shall include the Transmittal Letter as it appears in this subchapter. The Transmittal Letter shall accompany six-month policy renewals issued January 1, 1989 through June 30, 1989, and one-year policy renewals issued January 1, 1989 through December 31, 1989. The Transmittal Letter shall not be included thereafter.

11:3-15.6 Minimum standards for New Jersey Auto Insurance Buyer's Guide

(a) Any insurance company or NJAFIUA servicing carrier may comply with this subchapter by using a camera-ready typeset Buyer's Guide produced by the Department. To obtain this camera-ready Buyer's Guide, an insurance company or NJAFIUA servicing carrier may contact the Division of Public Affairs, Department of Insurance, 20 West State St., CN-325, Trenton, New Jersey 08625-0325.

(b) Insurance companies or NJAFIUA servicing carriers that wish to produce their own plates may do so according to the requirements prescribed in this subchapter.

(c) In preparing the Buyer's Guide, insurance companies or NJAFIUA servicing carriers shall use the text provided in this subchapter. The text shall be used in its entirety without changes, except where specific alterations are permitted as indicated by **1**, **2**, **3**, and **4** (see (n), (o), (e), and (q) below). Insurance companies or NJAFIUA servicing carriers may add information to the Buyer's Guide provided that the additional information is consistent with the purpose of the written notice.

(d) To assure conformity with this subchapter, each insurance company and NJAFIUA servicing carrier shall file its Buyer's Guide with the Division of Public Affairs. The filing shall include a sample copy of the insurance company's or NJAFIUA servicing carrier's Buyer's Guide and a letter listing all alterations, if any, made from the text appearing in this section. The filing shall be made once when the first

Buyer's Guide is issued by the insurance company or NJAFIUA servicing carrier and again whenever changes are made.

(e) The size of the pages of the Buyer's Guide shall not be smaller than three and a half inches by eight and one-half inches. The camera-ready Buyer's Guide produced by the Department shall use pages measuring five and one-half inches by eight and one-half inches.

(f) An insurance company or NJAFIUA servicing carrier which uses the Department's camera-ready Buyer's Guide shall not reduce the image or the size of its pages. It shall print the 16-page booklet on four pieces of paper measuring eight and one-half inches by 11 inches, folded in half at the center and bound by glue or staples. If an insurance company or NJAFIUA servicing carrier intends to fit this printed booklet in a common-size four-inch by nine-inch business envelope, the booklet may be folded once lengthwise.

(g) The Buyer's Guide shall be printed on paper of a quality not less than 50-pound offset. The cover may be of the same or better paper quality as the pages.

(h) The type size used in the Buyer's Guide shall be at least 10-point. The camera-ready material provided by the Department shall be 12-point type.

(i) The type style used shall be within the discretion of the insurance company or NJAFIUA servicing carrier, but it shall be suitable for the use of italics or boldface type for emphasis. In the text required by this subchapter, material which is underlined shall be printed in italics or boldface type. The type style used in the camera-ready material provided by the Department shall be New Century Schoolbook.

(j) To provide adequate white space for an attractive format, the typeset shall be paragraphed consistent with the text of the Buyer's Guide in (m) below. Additionally, at least one line shall be skipped between each paragraph.

(k) The Buyer's Guide shall have a cover with the following title in large type: "New Jersey Auto Insurance Buyer's Guide." In regular type, the cover shall state, "This contains only general information and is not a legal document." An insurance company or NJAFIUA servicing carrier may include its name and/or company logo on the cover.

(l) An insurance company which writes at least two percent of the New Jersey private passenger automobile market, and each NJAFIUA servicing carrier, shall print its name and toll-free telephone number on the last page of the Buyer's Guide. To facilitate compliance with this requirement, the Department shall, upon request, provide a camera-ready final page of the Buyer's Guide with the insurance company's name and toll-free telephone number.

(m) The text of the New Jersey Auto Insurance Buyer's Guide follows:

Buying auto insurance can be both expensive and confusing. One important way to keep costs down is to read your policy and consider whether you are buying the coverages which are appropriate for you and your family.

This Buyer's Guide can help you do that. It explains the purpose of each type of coverage. It tells you what the law requires you to buy and what options are available to you.

It will help you fill out the Coverage Selection Form.

For more details, read your policy. The policy, not this Buyer's Guide, is the legal contract between you and your insurance company.

EXPLANATION OF COVERAGES

Your auto insurance policy is actually several kinds of policies, or coverages, rolled into one.

For each coverage, you are charged a separate price, which is known as the premium.

You pay only one price for auto insurance, but that price is determined by adding the premiums for all the coverages you buy.

Use your Coverage Selection Form to indicate what coverages you will buy in accordance with New Jersey law.

The coverages are:

LIABILITY
PERSONAL INJURY PROTECTION
UNINSURED/UNDERINSURED MOTORISTS
COLLISION
COMPREHENSIVE

Use these explanations to help you complete the Coverage Selection Form.

LIABILITY COVERAGE**(Required by Law)****Item 1 on the Coverage Selection Form**

Liability coverage pays for injuries to other people or damages to their property, if you are legally responsible for their losses. The company **1** will pay only as much in damages as the amount of coverage you have chosen.

There are two kinds of liability coverage:

Bodily injury coverage involves cases in which another person is hurt or dies as a result of an auto accident. If you are legally responsible, it will compensate for pain, suffering or other personal hardships, and will also pay for some economic damages, such as lost wages.

Property damage coverage will reimburse other people if you are legally liable for damage to their belongings as a result of an auto accident.

If a liability claim is filed against you, your insurance company **1** will investigate the claim and will decide whether it should be paid, negotiated, or defended in court. Your insurance company **1** will pay the legal bills.

Under state law, you must buy a coverage which will pay, for each accident, at least the following amounts: **2**

- \$15,000 for any one person's injuries;
- \$30,000 when more than one person is injured;
- \$5,000 for property damage.

Some companies sell a combined, single limit, which must be at least \$35,000 per accident.

Higher limits of liability coverage are available at relatively low cost.

If you cause an accident and don't have enough insurance to cover your legal responsibilities, you then are personally responsible and could lose some of your assets or spend years paying this debt.

COST SAVER: Lawsuit Threshold**Item 2 on the Coverage Selection Form**

Liability claims often involve costly lawsuits. In order to hold down insurance premiums, New Jersey motorists may now choose to limit when they may sue for non-economic loss, which means pain, suffering and inconvenience resulting from an auto accident.

The Lawsuit Threshold is a "verbal threshold" because it uses words, rather than a dollar amount of medical bills, to describe when a suit may be filed. If you select this limitation, then you, your spouse and children living with you who are not covered by name by another auto insurance policy will not be able to sue unless the injury sustained appears on this list:

"death; dismemberment; significant disfigurement; a fracture; loss of a fetus; permanent loss of use of a body organ, member, function or system; permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system; or a medically determined injury or impairment of a non-permanent nature which prevents the injured person from performing substantially all of the material acts which constitute that person's usual and customary daily activities for not less than 90 days during the 180 days immediately following the occurrence of the injury or impairment."

(N.J.S.A. 39:6A-8, effective January 1, 1989)

You can reject this threshold and retain the right to sue for any auto-related injury. This option, called No Threshold, will increase the price of your insurance policy.

Under state law, you must choose either the Lawsuit Threshold or the No Threshold option. The same choice should be made under all policies that you have. If you do not choose one of these options, you are considered by law to have selected the Lawsuit Threshold option.

PERSONAL INJURY PROTECTION (PIP)**(Required by Law)****Item 3 on the Coverage Selection Form**

New Jersey law requires Personal Injury Protection, sometimes called PIP or no-fault coverage, which pays all reasonable medical bills regardless of who caused an auto accident.

In addition to paying medical bills, the Basic PIP Coverage provides these benefits:

- **Income Continuation:** If you can't work because of an auto accident injury, you can collect up to \$100 a week for one year for lost wages.

- **Essential Services:** You can collect as much as \$12 a day for one year to pay someone to do necessary services that you normally do yourself, such as cleaning your house, mowing your lawn, shoveling snow or doing laundry.

- **Death Benefit:** If you die from auto accident injuries, your family or estate will receive any benefits you haven't already collected under the income continuation and essential services coverages.

- **Funeral Expense Benefit:** In addition to the death benefit, reasonable funeral expenses are covered up to \$1,000.

COST SAVER: PIP Medical Expenses Only

If you wish, you can buy PIP medical coverage without any income continuation, essential services, death benefits and funeral expense benefits. This is called PIP Medical Expenses Only.

You might want this cost-saving option if you and relatives who live with you wouldn't lose income if any of you were disabled by an auto accident. For example, this option should be considered if your sources of income are pensions, Social Security or investments which would continue regardless of an auto accident, and if someone is always available to care for your personal needs, and if your funeral expenses are covered in some other way.

But the option is a package deal. Either you keep all four of these PIP benefits, or you drop them all. You can't pick and choose.

Additional PIP Coverage

On the other hand, you and relatives who live with you might want higher benefits for income protection and essential services than the amounts provided in the basic PIP plan.

If you buy these additional benefits, the price of your insurance will be higher.

3 You have various options for income continuation. You can buy amounts as high as \$700 a week, lasting for either a two-year period or an unlimited period of disability. However, this benefit may not be more than 75 percent of your actual income before the accident, and it may be reduced by other insurance benefits. This additional benefit ends at death.

Based on your choice for income continuation, your essential services benefit would be either \$12 per day for two years or \$20 per day for two years. This additional benefit ends at death.

If you die due to an auto accident, funeral expenses are covered up to \$2,000 under all Additional PIP Coverage options.

Also under all Additional PIP Coverage options, the policy provides a \$10,000 death benefit if death occurs within two years of the accident. **3**

PIP Medical Expenses Deductible**Item 4 on Coverage Selection Form**

This option involves only the medical bills paid by PIP, not the income continuation, essential services or funeral expense benefits.

Under New Jersey law, your auto insurance policy will cover your medical bills if you are injured in an auto accident. It is one of the broadest such policies in the nation because there is no limit to the amount of medical expenses payable.

However, for the first \$5,000 of medical bills per accident, your auto policy will pay only part of the cost of your treatment or the treatment of others covered by your policy. There is a \$250 deductible, meaning the first \$250 will not be covered. The deductible applies only once per accident regardless of the number of people injured.

There is also a 20 percent co-payment, which means that for the bills from \$251 to \$5,000, the policy will pay only 80 percent. Medical bills above \$5,000 are paid in full by the policy.

COST SAVER: Higher PIP Medical Expense Deductibles

A way to lower the price of your auto insurance is to have a larger PIP deductible. Instead of PIP not paying the first \$250 of medical bills, you can choose a \$500 deductible, a \$1,000 deductible or a \$2,500 deductible. The 20 percent co-payment still applies to expenses between the deductible chosen and \$5,000.

You should consider the \$2,500 PIP deductible if you are already covered by a health insurance policy, Medicare and a Medicare supple-

ment policy, or a health maintenance organization (HMO). In most cases, those plans will pay part of the medical bills which auto insurance won't pay.

Before taking this option, ask your health insurance company or HMO two things:

● Will your health policy or HMO cover auto-related medical bills not paid by auto insurance? The state Department of Insurance requires that health insurance sold in New Jersey cover treatment for auto-related injuries the same as other injuries. But your policy may not follow this rule because you may be covered by a health insurance group based out of state or an employer self-insurance plan. Find out.

● What are your health policy's or HMO's own deductibles, co-payments and exclusions? Find out what your health plan covers. For instance, it may cover only hospitalization but not doctor visits. Also, your health insurance or HMO has its own rules regarding what you pay out of your own pocket for medical treatment. Those rules will apply if you use your health plan to cover the \$2,500 PIP deductible.

UNINSURED/UNDERINSURED MOTORIST COVERAGE

(Required by Law)

Item 5 on the Coverage Selection Form

Despite New Jersey law, which requires auto insurance, many cars are not covered by insurance. Some motorists break the law. Many other motorists are residents of other states which don't require auto insurance by law.

Because these motorists can cause accidents, you are required to buy uninsured motorist coverage. This coverage does not benefit the uninsured driver. It will provide benefits to you, your passengers or relatives living with you if a motorist without insurance is legally liable for injuries to these persons for damage to your car or its contents.

You must by law purchase coverage which will pay, for each accident, at least the following amounts: **2**

- \$15,000 for any one person's injuries;
- \$30,000 when more than one person is injured;
- \$5,000 for property damage.

Many companies sell a combined, single limit, which must be at least \$35,000. The property damage coverage has a basic \$500 deductible, which means you pay the first \$500 of a claim under that coverage.

You can buy higher uninsured/underinsured motorist coverage limits than what is required by law. You should consider whether you want to buy this additional protection for yourself for the damages caused by other motorists.

A higher limit of uninsured/underinsured motorist coverage may help if damages are caused by a motorist who has insurance, but not enough insurance to pay all of your damages—in other words, an "underinsured" motorist. In such an accident, your policy will pay the uncompensated damages up to the dollar difference between your underinsured motorist coverage limit and the other driver's liability coverage limit.

COLLISION AND COMPREHENSIVE COVERAGES **4**

(Optional)

Items 6 and 7 on Coverage Selection Form

Collision coverage and comprehensive (also known as "other than collision") **4** coverage pay for damage to your car. These coverages will pay to repair your car or pay for its value at the time of the loss if it is stolen or declared a total loss.

These coverages are not required by law. But, if you borrowed money to buy your car or if you are leasing the car, the lender or lessor may require you to buy these coverages.

Collision pays for damage caused by your car hitting things like other cars, trees or telephone poles, or for the car overturning, or for other moving objects hitting your car.

Comprehensive **4** insurance pays for nearly every other kind of damage to your car, such as fire, theft, flood, vandalism, or contact with a bird or animal.

COST SAVER: No Collision or No Comprehensive **4**

If your car is older and is paid for, consider eliminating collision or comprehensive **4** coverage, or both. This decision will reduce your premium.

To make the decision, consider what you will pay for these coverages versus the possible benefit if you file a claim.

Collision and comprehensive **4** coverage will reimburse you only for the actual cash value of your car. This is the maximum payout you will ever receive from any collision or comprehensive **4** claim. The insurance payment probably will be less than the actual cash value because of deductibles.

COST SAVER: Collision and Comprehensive **4** Deductibles

If you decide that you need collision or comprehensive **4** coverage or both, a significant way to hold down the price of your insurance policy is to select higher deductibles.

If you file a claim, a deductible is the amount of money you will pay before the insurance company **1** starts paying. Deductibles are a way of controlling insurance company costs, and thereby reducing the price of your insurance policy.

For example, during the late 1970s and early 1980s, the "basic" deductibles were \$200 for collision coverage and \$100 for comprehensive **4** coverage. Now, to hold down auto insurance prices, New Jersey law says the "basic" deductible for each coverage is \$500.

You still have the right to buy collision or comprehensive **4** coverage with smaller deductibles, but the lower the deductible, the higher the price of your insurance policy.

It may be a more efficient use of your insurance dollars to pay for coverage for large losses—for such things as auto theft or a major wreck—than to pay extra for deductibles less than \$500.

Your insurance policy will cost even less if you have deductibles of \$1,000, \$1,500 or \$2,000. But only you can decide whether you can afford to pay that much if you have an accident. Also, if you are paying a car loan or are leasing your car, you should check if your contract requires certain deductibles.

In deciding what to do, think about how much collision and comprehensive **4** coverages cost and about what would happen if you file a claim.

* * *

If you have any questions about your insurance policy, call your company, **1** agent or broker.

(n) Where **1** appears in (m) above, an insurance company or NJAFIUA servicing carrier may substitute its name.

(o) Where **2** appears in (m) above, an insurance company or NJAFIUA servicing carrier which offers only split limits may delete language explaining combined limits, and an insurance company which offers only combined limits may delete language regarding split limits. If an insurance company does not offer limits as low as the minimums required by law, that information may be inserted in this paragraph.

(p) The symbol **3** appears twice in (m) above, forming a bracket around the explanation of Additional PIP benefits. An insurance company which offers higher benefits than described in the text may modify this paragraph to explain those higher benefits.

(q) Where **4** appears in (m) above, an insurance company or NJAFIUA servicing carrier which uses only one term, "Comprehensive" or "Other Than Collision," to describe this coverage, may delete reference to the inappropriate term.

11:3-15.7 Minimum standards for Coverage Selection Form

(a) The Coverage Selection Form shall be printed on at least two pages of paper, size eight and one-half inches by 11 inches. A space shall be provided at the top of the front page for the consumer's name to be handprinted, and a space shall be provided at the bottom of the last page for the consumer's signature and date.

(b) The insurance company or NJAFIUA servicing carrier may include additional lines for application number, policy number or other necessary information.

(c) An insurance company of NJAFIUA servicing carrier may expand the form to solicit additional information, including, but not limited to, the names of resident relatives eligible for PIP benefits, or different collision and comprehension deductibles applying to different vehicles covered by the same policy.

(d) The type size shall be at least 12-point.

(e) The Department will not provide camera-ready typeset for the Coverage Selection Form.

(f) The Coverage Selection Form shall include the range of premium rate differences as indicated by this subchapter. Each insurance company or NJAFIUA servicing carrier shall determine the numbers for use in these sections.

(g) The Coverage Selection Form shall include the language in (h) below, except that language marked "(NOTE)", which describes language which the insurance company or NJAFIUA servicing carrier shall insert.

(h) The text of the Coverage Selection Form follows:

(NOTE: Company's name may be included here.)

(NOTE: If a company has more than two percent of the New Jersey private passenger automobile market, or is a NJAFIUA servicing carrier, it shall include its name and toll-free number here.)

COVERAGE SELECTION FORM

Name: _____

You must choose one option for each item below.

The item numbers match the explanations in the New Jersey Automobile Insurance Buyer's Guide. Read the Buyer's Guide for information and help in completing this form.

1. Liability Coverage

How much coverage do you choose for damage you may do to others?

-
-
-
-

(NOTE: At least four of the most popular coverage limits shall be listed, including the lowest limit offered.)

(NOTE: If a complete list is not provided, state that other coverage limits are available.)

2. Lawsuit Threshold

Do you accept the basic limit on the right to sue if injured in an auto accident?

Yes. I want the Lawsuit Threshold.

No. I want No Threshold. My _____ premium will be _____ % to _____ % higher if I select the No Threshold option.

(NOTE: The range of percentage increase shall be included, with the words before "premium" describing what premium was the base for computing the percentage, i.e., bodily injury liability premium, the total liability premium, etc.)

3. Personal Injury Protection (PIP). Choose the kind of coverage you want.

Basic PIP Coverage.

PIP Medical Expenses Only coverage, for a _____ % to _____ % savings in the _____ premium. (NOTE: Include the range of percentage savings and the base, i.e., basic PIP premium.)

Additional PIP Coverage, at an extra cost. Contact company or insurance producer for details. (NOTE: Company's name may be used here or a chart listing options may be enclosed.)

4. PIP Deductible. Choose only one:

\$250 deductible, minimum required by law.

\$500 deductible, for a _____ % to _____ % reduction in the _____ premium.

\$1,000 deductible, for a _____ % to _____ % reduction in the _____ premium.

\$2,500 deductible, for a _____ % to _____ % reduction in the _____ premium.

5. Uninsured/Underinsured Motorists Coverage

How much coverage do you choose for damage which another driver who has little or no insurance may do to your car, your family, your passengers or yourself?

-
-
-
-

(NOTE: List the same options available for liability coverage above.)

6. Do you choose "collision" coverage?

No. I do not wish to be covered for collision damage.

Yes, with the basic \$500 deductible. This premium is _____ % to _____ % lower than the collision rate with the \$200 deductible, which was the basic deductible under prior law.

Yes, with a _____ deductible. Write in one of these deductibles: (NOTE: List all the available deductibles.)

7. Do you choose "comprehensive" coverage? (NOTE: If appropriate, use the term "other than collision" coverage throughout this section.)

No. I do not wish to be covered for comprehensive damage.

Yes, with the basic \$500 deductible. This premium is _____ % to _____ % lower than the comprehensive rate with the \$100 deductible, which was the basic deductible under prior law.

Yes, with a _____ deductible. Write in one of these deductibles: (NOTE: List all the available deductibles.)

I have read the Buyer's Guide outlining the coverage options available to me. My choices are shown above. I agree that each of these choices will apply for all vehicles insured by my policy and to each subsequent renewal, continuation, replacement or amendment until the insurance company or its authorized representative receives my written request that a change be made.

I understand that, if I do not make a written choice for Item 2, I will receive the Lawsuit Threshold option. If I carry collision or comprehensive coverage without making a written choice for Item 6 or Item 7, I will receive the \$500 deductible unless my previous deductible was higher. Otherwise, if I do not complete choices, I will receive the same coverage as in my previous policy.

I understand that these choices do not take effect immediately. They will take effect upon policy renewal, or if the choices are delivered after policy renewal, they will take effect upon receipt by the company or by an insurance producer with the company's appropriate binding authority.

SIGNATURE _____ DATE _____

(i) To assure conformity with this subchapter, each insurance company and NJAFIUA servicing carrier shall file its Coverage Selection Form with the Division of Public Affairs. Whenever the Coverage Selection Form is changed, the new form shall be filed.

11:3-15.8 Minimum standards for Transmittal Letter

(a) The purpose of the Transmittal Letter is to alert policyholders to two major policy changes which will occur upon renewal: the new tort threshold options, and the basic \$500.00 collision and comprehensive deductibles. The Transmittal Letter is not intended to be a substitute for the Buyer's Guide, but is intended to call the public's attention to the Buyer's Guide.

(b) The text material contained in (e) below shall be included in the Transmittal Letter in its entirety. In addition, an insurance company or NJAFIUA servicing carrier may include its name and may, provided that the additional information enhances the purpose of the Transmittal Letter as stated in (a) above, provide more information regarding:

1. The new tort thresholds;
2. Collision or comprehensive deductibles; and/or
3. Other policy changes occurring upon renewal.

(c) The Transmittal Letter shall be a separate document.

(d) The Transmittal Letter type size shall be at least 12-point.

(e) The text of the Transmittal Letter follows:

SPECIAL NOTICE:

Major changes are being made in your policy as it renews in 1989. Please review the changes now and decide what you want your policy to cover.

If you don't act now, your policy will change automatically as required by a New Jersey law enacted in September 1988.

Please read the New Jersey Auto Insurance Buyer's Guide and complete, sign and return the Coverage Selection Form.

Pay special attention to Item 2, the Lawsuit Threshold.

There are new threshold options which determine when a lawsuit seeking damages for pain and suffering may be filed by you, your spouse or children living with you who are not covered by name by another auto insurance policy.

The right to sue will no longer be based on the amount of the injured party's medical bills. Under prior law, your choice was between a \$200 medical expense threshold or a \$1,950 "higher" threshold. Under the new law, the options available to you are different.

The Buyer's Guide explains the new threshold options. Please make your choice by completing Item 2. Otherwise, the law will automatically assign to you the Lawsuit Threshold.

Also, if you carry collision or comprehensive (also known as "other than collision" coverage), pay special attention to Items 6 and 7. The "basic" deductibles are now \$500 for both collision and comprehensive coverages, instead of the previous \$200 deductible for collision and \$100 for comprehensive.

Please complete Items 6 and 7. Otherwise, if you had smaller deductibles previously, they will by law become \$500 deductibles automatically when your policy renews.

Please return the completed form as soon as possible.

(f) The text of the Transmittal Letter may be modified to use the words "comprehensive" or "other than collision", as appropriate.

(g) The insurance company or NJAFUA servicing carrier may, at its discretion, send an abbreviated Transmittal Letter without reference to collision and comprehensive coverages to its renewals which do not carry those coverages.

(a)

DIVISION OF ACTUARIAL SERVICES

Term Life Insurance Comparison Survey

Proposed New Rules: N.J.A.C. 11:4-31

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1C-6(e), 17:23-4, 17:29A-1 et seq., specifically 17:29A-5.5, and 17B:21-3.

Proposal Number: PRN 1988-621.

Submit comments by January 4, 1989 to:
Verice M. Mason, Assistant Commissioner
Legislative and Regulatory Affairs
Department of Insurance
CN-325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

In an effort to properly perform its regulatory functions, and to better inform the public, the Department of Insurance has determined that it is necessary to conduct an annual price comparison survey of current annual premiums for term life insurance. This information will be compiled and published annually as a consumers comparison guide for term life insurance policies.

Under the proposed new rules, all authorized insurers writing annual, renewable, convertible term life policies in New Jersey must submit information yearly on such policies which are issued within a specified time frame. Application of the proposed new rules means that on or before March 31, 1989, all subject insurers must submit the information for policies issued during January 1, 1988 through and inclusive of December 31, 1988. Thereafter, subject insurers will file survey forms annually on or before March 31 for policies issued during the 12 month period of January 1 through December 31 immediately preceding the March 31 deadline.

The survey will compile premium information on annual, renewable, convertible term life policies issued over a 12 month period to males and females aged 25, 35, 45 and 50 years, broken down between standard and non-standard risk. In this instance, a standard risk is an individual who does not smoke and has no health problems; other individuals are categorized as non-standard risks. Also, the survey requests information on dividends, and the general manner of underwriting these particular policies.

The information will be published by the Department of Insurance in a comparison format, to be used by the general public. The expected date of publication is as yet undetermined.

Social Impact

The social impact of the proposed new rules is primarily two-fold. Compilation of information on premiums, differentials, and dividends on term life policies issued by various insurers, when made available in a comparative format to the general public, will allow the consumer to be better informed as to the choices available, and to determine whether term life is the best option for the particular individual at various stages of life, under various conditions. Disclosure of relevant information will also assist the Commissioner in monitoring the ratings used by insurers and will facilitate compliance with rules pertaining to life insurance contracts.

The impact upon the insurance companies will be negligible. The proposed new rules require insurers to furnish information to the Commissioner which is readily available or easily accessible to the company through its own records. All information requested is collected and used by the insurance companies on a regular basis; thus, no new record-keeping, categorization, or other break-down method is required. No reforms or revisions to existing record-keeping requirements are being mandated.

Economic Impact

The economic purpose of the proposed new rules is to produce an annual price comparison compilation for dissemination to the consumer, in order to permit the consumer the option to choose the coverage and premium rates best suited to the consumer's individual needs and economic means.

No substantial economic impact, in terms of premiums lost or gained, is expected from these rules. It is anticipated that the market is already competitively priced. Shifts of insureds may arise between age groups and risk categories, and shifts may occur based upon potential availabilities of dividends and underwriting, but the overall economic flux is expected to be slight and indiscernible.

The costs incurred by the companies to comply with the proposed new rules should be minimal. An increase in administrative expenses may occur initially as information is gathered, but all of the requested information should be readily accessible to the companies, and should not require outside efforts. Moreover, the majority of insurers are already required to supply other similar information for monitoring purposes; therefore, they are familiar with the data-gathering and reporting process. The added burden will be minor.

The added administrative costs expected to be incurred by the Department of Insurance will be absorbed by the current staff within the current budget.

Regulatory Flexibility Statement

The Department believes that few, if any, insurers subject to the proposed new rules are "small businesses" as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Additionally, the proposed new rules impose no undue burden or adverse economic impact upon insurers which may qualify as "small businesses."

Small companies can expect to incur modest additional administrative expenses, but compliance with the proposed new rules requires only minimal additional reporting, and the requested information should impose little or no change in the companies' present record-keeping systems. It is anticipated that the insurers presently maintain, or otherwise provide for, all services which may be required in order to comply with the proposed new rules. All companies should be able to easily absorb these costs.

Because the cost of compliance with these proposed new rules is minimal, and represents no adverse economic impact upon small businesses, and because the survey would be ineffective without total participation, no exceptions to compliance for use by small insurance companies have been incorporated into the rules. All insurers which fit the definitions of the proposed new rules must act in accordance with it.

Full text of the proposal follows:

SUBCHAPTER 31. TERM LIFE INSURANCE COMPARISON SURVEY

11:4-31.1 Purpose and scope

(a) This subchapter requires annual submission of data by insurers to the Department of Insurance, relevant to premium information on annual, renewable, convertible term life insurance policies, in order to assist the Department in its compilation of an annual Term Life Insurance Comparison Guide for use by the general public.

(b) This subchapter applies to every insurer authorized to provide and sell term life insurance policies in the State of New Jersey.

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

(c) This subchapter applies to all policies for annual, renewable, convertible term life insurance which were issued between January 1, 1988 and December 31, 1988, inclusive of those dates, and shall apply to such policies subsequently issued between January 1 through December 31, inclusive, thereafter.

11:4-31.2 Definitions

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

"Annual, renewable, convertible term life insurance" means a policy insuring against an individual's death for a term, issued with both renewal and conversion privileges for the policyholder.

"Commissioner" means the Commissioner of the Department of Insurance of the State of New Jersey.

"Department" means the Department of Insurance of the State of New Jersey.

"Insurer" means an authorized corporation, association, partnership, or other legal entity writing term life insurance in the State of New Jersey.

"Non-standard risk" means the definitional value, determined through actuarial methods, calculating the expected cost of insuring a particular individual, which is assigned to those insureds who do not qualify for standard risk categorization, for purposes of the term life insurance policy.

"Standard risk," means the definitional value, determined through actuarial methods, calculating the expected cost of insuring a particular individual, which is assigned to those insureds who do not smoke and who have no health problems, for purposes of the term life insurance policy.

11:4-31.3 Coverage option survey

(a) Every insurer shall prepare and file a premium survey relevant to premiums charged on annual, renewable, convertible term life

insurance policies with a face amount of \$100,000 in the following manner:

1. Insurers shall use the forms prescribed and provided by the Commissioner, which appear as Appendices A, B, and C of this subchapter, and are incorporated herein by reference as part of this subchapter.

2. The survey shall reflect the total number of annual term life insurance policies containing renewal and conversion privileges issued between January 1 through December 31 inclusive, of the preceding calendar year.

3. The survey shall provide the premium differentials which apply to male and female insureds in age groups of 25, 35, 45 and 50 years, based upon their categorization as a standard or non-standard risk, for the year in which the individual policy is issued.

4. The survey shall provide the annual dividend rate, if any, which applies to male and female insureds in each age group, categorized as standard and non-standard risks, for the year in which the individual policy is issued.

5. The survey shall provide the projected premium and dividend rates which apply to male and female insureds in each age group, based upon their categorization as a standard or non-standard risk, for the 6th and 11th policy year of the individual policy.

6. Survey forms shall be filed with the Department not later than the 31st day of March next following the survey period. Completed coverage option survey forms shall be submitted to:

Director of Consumer Affairs
State of New Jersey
Department of Insurance
20 West State Street
CN-325
Trenton, New Jersey 08625-0325

APPENDIX A

NJ DEPARTMENT OF INSURANCE TERM LIFE QUESTIONNAIRE

COMPANY _____ .
 PERSON FILING FORM (TITLE) _____ .
 PHONE _____ .
 NUMBER OF INDIVIDUAL ANNUAL RENEWABLE TERM POLICIES IN FORCE IN NJ (AS OF DECEMBER 31, 19__) _____ .
 TOTAL INDIVIDUAL ANNUAL RENEWABLE TERM PREMIUM WRITTEN 1988 (INCLUDE ONLY NEW BUSINESS, NOT RENEWAL, ON AN ANNUALIZED BASIS) IN NJ? _____ .
 DOES COMPANY PAY ANNUAL DIVIDENDS? _____ .
 HOW IS THE POLICY SOLD? AGENTS _____ DIRECT MAIL _____ .
 OTHER (EXPLAIN) _____ .
 A.M. BEST CO. RATING _____ .

PLEASE PROVIDE PREMIUM RATES FOR A \$100,000 FACE AMOUNT, ANNUAL, RENEWABLE, CONVERTIBLE TERM LIFE POLICY FOR THE FIRST POLICY YEAR. RATES SHOULD INCLUDE EXPENSE CHARGES AND REFLECT THE EXACT PREMIUM AS PAID BY A CONSUMER. DO NOT LIST RATES PER \$1,000.

| ISSUE * AGE | *UNDER- WRITING | MALE | | | | FEMALE | | | |
|----------------|--------------------|-----------------|----------|-------------------------------|----------|-----------------|----------|-------------------------------|----------|
| | | <u>STANDARD</u> | | <u>NON-STAND.¹</u> | | <u>STANDARD</u> | | <u>NON-STAND.¹</u> | |
| | | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND |
| 25 | | | | | | | | | |
| 35 | | | | | | | | | |
| 45 | | | | | | | | | |
| 50 | | | | | | | | | |

*PLEASE ANSWER BY USING APPROPRIATE LETTER A) MEDICAL EXAM _____ B) QUESTIONNAIRE
 C) OTHER, EXPLAIN _____ .

¹ WHEN MORE THAN ONE NON-STANDARD RATE EXISTS, INCLUDE THE PREMIUM FOR THE LOWEST AS WELL AS THE HIGHEST NON-STANDARD RATE.

(EXHIBIT A)
 PLEASE RETURN TO:
 LEONARD N. KARP
 DIRECTOR OF CONSUMER AFFAIRS
 NEW JERSEY DEPARTMENT OF INSURANCE
 20 W. STATE STREET
 TRENTON, NJ 08625

**APPENDIX B
NJ DEPARTMENT OF INSURANCE TERM LIFE QUESTIONNAIRE**

PLEASE PROVIDE PREMIUM RATES FOR A \$100,000 FACE AMOUNT, ANNUAL, RENEWABLE, CONVERTIBLE TERM LIFE POLICY FOR THE SIXTH POLICY YEAR. RATES SHOULD INCLUDE EXPENSE CHARGES AND REFLECT THE EXACT PREMIUM AS PAID BY A CONSUMER. DO NOT LIST RATES PER \$1,000.

| <u>ISSUE</u> <u>AGE</u> | <u>*UNDER-</u> <u>WRITING</u> | <u>MALE</u> | | | | <u>FEMALE</u> | | | |
|----------------------------|----------------------------------|-----------------|----------|-------------------------------|----------|-----------------|----------|-------------------------------|----------|
| | | <u>STANDARD</u> | | <u>NON-STAND.¹</u> | | <u>STANDARD</u> | | <u>NON-STAND.¹</u> | |
| | | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND |
| 25 | | | | | | | | | |
| 35 | | | | | | | | | |
| 45 | | | | | | | | | |
| 50 | | | | | | | | | |

*PLEASE ANSWER BY USING APPROPRIATE LETTER A) MEDICAL EXAM _____ B) QUESTIONNAIRE _____
 C) OTHER, EXPLAIN _____
¹WHEN MORE THAN ONE NON-STANDARD RATE EXISTS, INCLUDE THE PREMIUM FOR THE LOWEST AS WELL AS THE HIGHEST NON-STANDARD RATE.

(EXHIBIT B)
 PLEASE RETURN TO:
 LEONARD N. KARP
 DIRECTOR OF CONSUMER AFFAIRS
 NEW JERSEY DEPARTMENT OF INSURANCE
 20 W. STATE STREET
 TRENTON, NJ 08625

**APPENDIX C
NJ DEPARTMENT OF INSURANCE TERM LIFE QUESTIONNAIRE**

PLEASE PROVIDE PREMIUM RATES FOR A \$100,000 FACE AMOUNT, ANNUAL, RENEWABLE, CONVERTIBLE TERM LIFE POLICY FOR THE *ELEVENTH* POLICY YEAR. RATES SHOULD INCLUDE EXPENSE CHARGES AND REFLECT THE EXACT PREMIUM AS PAID BY A CONSUMER. DO NOT LIST RATES PER \$1,000.

| ISSUE AGE | *UNDER- WRITING | MALE | | | | FEMALE | | | |
|--------------|--------------------|-----------------|----------|-------------------------------|----------|-----------------|----------|-------------------------------|----------|
| | | <u>STANDARD</u> | | <u>NON-STAND.¹</u> | | <u>STANDARD</u> | | <u>NON-STAND.¹</u> | |
| | | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND | PREMIUM | DIVIDEND |
| 25 | | | | | | | | | |
| 35 | | | | | | | | | |
| 45 | | | | | | | | | |
| 50 | | | | | | | | | |

*PLEASE ANSWER BY USING APPROPRIATE LETTER A) MEDICAL EXAM _____ B) QUESTIONNAIRE _____
 C) OTHER, EXPLAIN _____
¹ WHEN MORE THAN ONE NON-STANDARD RATE EXISTS, INCLUDE THE PREMIUM FOR THE LOWEST AS WELL AS THE HIGHEST NON-STANDARD RATE.

(EXHIBIT C)
 PLEASE RETURN TO:
 LEONARD N. KARP
 DIRECTOR OF CONSUMER AFFAIRS
 NEW JERSEY DEPARTMENT OF INSURANCE
 20 W. STATE STREET
 TRENTON, NJ 08625

LABOR

(a)

DIVISION OF WORKPLACE STANDARDS

Safety and Health Standards for Public Employees; Access to Employee Exposure and Medical Records

Proposed Amendment: N.J.A.C. 12:100-4.2

Authorized By: Charles Serraino, Commissioner, Department of Labor.

Authority: N.J.S.A. 34:1-20, 34:1A-3(e), and 34:6A-25 et seq., specifically 34:6A-30.

Proposal Number: PRN 1988-619.

Submit comments by January 4, 1989 to:

Alfred B. Vuocolo, Jr.
Chief Legal Officer
Office of the Commissioner
New Jersey Department of Labor
CN 110
Trenton, New Jersey 08625-0110

The agency proposal follows:

Summary

The Public Employees Occupation Safety and Health Act, N.J.S.A. 34:6A-25 et seq., requires the Department of Labor to establish health and safety standards for public employees.

On November 5, 1984, rules were promulgated by the Commissioner which adopted the Federal Occupational Safety and Health Administration (OSHA) standards by reference in N.J.A.C. 12:100, Safety and Health Standards for Public Employees.

On September 29, 1988, the Federal OSHA issued a final regulation on revision to Access to Employee Exposure and Medical Records, at 29 CFR 1910, Subpart C, Section 1910.20.

This revision provides for employee, designated representative, and OSHA access to employer maintained exposure and medical records relevant to employees exposed to toxic substances and harmful physical agents. This regulation incorporates essentially the same provisions as those promulgated May 23, 1980 by Federal OSHA. The major exceptions to these are: First aid records and medical records of short-term employees are exempted from records retention requirements; the microfilm storage of all employee x-rays except chest x-rays is permitted; and union representatives are required to show an occupational health need for requested records when seeking unconsented access to employee exposure records.

N.J.S.A. 34:6A-39 states, in part: ". . . the Commissioner shall provide, at the minimum, for the adoption of all applicable occupational safety and health standards, amendments or changes adopted or recognized by the Secretary under the authority of the Occupational Safety and Health Act of 1970 . . ."

These final OSHA regulations are amendments and standards as described in N.J.S.A. 34:6A-39 and are regulations which the Division of Workplace Standards of the Department of Labor proposes to adopt into the State rules by reference. These new Federal regulations can be adopted by reference by amending N.J.A.C. 12:100-4.2(a).

This Federal regulation becomes effective November 11, 1988. This date represents an implementation date set by the United States Department of Labor for the protection of employees in the private sector and imposed upon private employers. The effective date of the amendment applicable to public employers and employees in New Jersey will be the date of publication of the adoption of the amendment in the New Jersey Register.

Social Impact

The proposed amendment concerning Access to Employee Exposure and Medical Records will continue to benefit the health and safety of public employees, as employee medical and exposure records can be vitally important to the detection, treatment, and prevention of occupational disease. Access to the records will enable workers and their personal physicians to uncover patterns of health impairment and disease, and long-term preservation of these records may also facilitate formal occupational health research on substances for which little or no scientific health data presently exists.

The proposed amendment does not require employers to maintain any new records; rather, it eliminates the requirement for retention of certain exposure and medical records.

Economic Impact

Compliance with the proposed amendment concerning Access to Exposure and Medical Records will not impose any increased costs on public employers. The reduction in the imposed recordkeeping and storage burden should result in noticeable savings to employers.

Regulatory Flexibility Statement

The proposed amendment does not place any additional reporting, recordkeeping or compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., as only public employers in the State of New Jersey will be affected by the proposed amendment. Therefore, a regulatory flexibility analysis is not required.

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

12:100-4.2 Adoption by reference

(a) The standards contained in 29 CFR Part 1910, General Industry Standards with the amendments published in the Federal Register through [April 6, 1988] **September 29, 1988**, with certain exceptions noted in (b) and (c) below, are adopted as occupational safety and health standards and shall include:

1.-19. (No change.)

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

LAW AND PUBLIC SAFETY

(b)

BOARD OF OPTOMETRISTS

Delegation of Duties to Ancillary Personnel

Proposed New Rule: N.J.A.C. 13:38-2.11

Notice of Public Hearing

Take notice that the Board of Optometrists will discuss proposed new rule N.J.A.C. 13:38-2.11, published in the September 19, 1988 New Jersey Register at 20 N.J.R. 2363(a), at a public hearing on Wednesday, January 11, 1989, at 10:00 A.M. in the Bureau of Securities' Hearing Room, 8th Floor, Gateway Two, Newark, New Jersey.

Interested persons wishing to provide comment at the public hearing should contact, by December 30, 1988:

Jan C. Gavzy, Executive Director
Board of Optometrists
1100 Raymond Boulevard
Room 501
Newark, New Jersey 07102
(201) 648-2012

NEW JERSEY RACING COMMISSION

The following proposals are authorized by Charles K. Bradley, Deputy Director, New Jersey Racing Commission.

Submit comments by January 4, 1989 to:

Charles K. Bradley, Deputy Director
New Jersey Racing Commission
CN 088, 200 Wolverton Street
Trenton, NJ 08625

(c)

Thoroughbred Rule

Horsemen's Associations

Proposed Amendment: N.J.A.C. 13:70-1.30

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1988-603.

LAW AND PUBLIC SAFETY

PROPOSALS

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 13:70-1.30 would place a limitation on the amount of money that could be generated as surplus without identifying a specific purpose for its use or justifying to the New Jersey Racing Commission how the excess funds will be utilized.

Social Impact

The social impact of the proposed amendment would be a positive one because surplus funds generated from monies received as a result of statutory allocations would be required to be used for new or expanded benevolent programs.

Economic Impact

The economic impact of the proposed amendment would be positive because any surplus revenue received as a result of the statutorily allocated funds would be used to support new programs or to expand benevolent programs in existence. The Racing Commission recognizes that the horsemen's organizations need a surplus of money for unexpected increases in existing programs. However, the Commission feels that \$250,000 is a reasonable surplus for working capital and funds in excess of that should be used for the benefit of the racing industry.

Regulatory Flexibility Act

There are no compliance requirements on small businesses in this amendment, as it deals with placing a limitation on the amount of money that could be generated as surplus without identifying a specific purpose for its use by horsemen's organizations. Such organizations are not small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

13:70-1.30 Horsemen's associations

(a)-(i) (No change.)

[(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, or as may be approved by the Commission.]

(j) If the accumulated surplus exceeds \$250,000 at the end of a calendar year, horsemen's organizations are required to utilize the amount in excess of the \$250,000 for new or expanded benevolent programs or justify to the Racing Commission why they do not intend to utilize the excess funds.

(k) (No change.)

(a)

Thoroughbred Rule Claims

Proposed Amendment: N.J.A.C. 13:70-9.29

Authority: N.J.S.A. 5:5-30.
Proposal Number: PRN 1988-604.

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 13:70-9.29 will allow an apprentice jockey a five pound weight allowance from the date of their first mount and will allow them the five pound weight allowance until they have ridden a total of 40 winners from the date of their first winning mount. The proposed amendment would allow them to continue a five pound allowance until they have a total of 40 winners or they have the allowance for one more year from the date of their fifth winning mount, whichever comes first.

Social Impact

The social impact of this amendment is positive in that it allows individuals to serve an apprenticeship as a jockey with a five pound weight allowance. This would assist young riders in securing mounts in races in the State of New Jersey.

Economic Impact

The economic impact of this amendment would be positive in that it would allow the opportunity for apprentice riders to enter the racing industry with a weight allowance which would assist them in securing

mounts at racetracks in New Jersey. Horses are assigned weights by the race secretary or by the conditions of the race, and a weight allowance for a jockey may be deemed an advantage by owners and trainers that employ jockeys.

Regulatory Flexibility Act

There are no small business compliance requirements in this amendment, as it deals with the weight allowance provided for jockeys, who are individuals and not small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

13:70-9.29 Claims

(a) Any person who has never previously been licensed as a jockey in any country, and who has complied with the conditions set forth in [Section 27 of this Subchapter] N.J.A.C. **13:70-9.27**, may claim in all overnight races except handicaps the following allowances:

- [1. Ten pounds until he or she has ridden five winners;
- 2. Seven pounds until he or she has ridden an additional 35 winners;

3. If he or she has ridden a total of 40 winners prior to the end of a period of one year from the date of riding his or her fifth winner, he or she shall have an allowance of five pounds until the end of that year.]

1. An apprentice jockey shall ride with a five pound weight allowance beginning with his or her first mount and for one full year from the date of his or her fifth winning mount.

2. If, after riding one full year from the date of his or her fifth winning mount, the apprentice jockey has failed to ride a total of 40 winners from the date of his or her first winning mount, he or she shall continue to ride with a five pound weight allowance for one more year from the date of his or her fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes first.

(b)

Thoroughbred Rules Apprentice Contracts

Proposed Amendment: N.J.A.C. 13:70-9.30

Authority: N.J.S.A. 5:5-30.
Proposal Number: PRN 1988-605.

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 13:70-9.30 would mandate that a jockey be at least 16 years of age to enter into a contract with a racing stable or, in the event they do not have a contract, an apprentice jockey certificate could be issued by the stewards not to exceed a period of three years from date of issuance.

Social Impact

The social impact of the proposed amendment is positive in that an apprentice jockey, who does not have a contract with a racing stable, would be eligible for a jockey certificate which would allow him or her to be an apprentice jockey for a period of three years.

Economic Impact

The proposed amendment would have a minimal economic benefit but would allow individuals the opportunity to have an apprentice jockey's license which would allow them to participate in racing with a weight allowance for a period of three years.

Regulatory Flexibility Act

There are no small business compliance requirements in this proposed amendment, as it deals with the age requirement for a jockey to enter into a contract. A jockey is an individual, not a small business as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

13:70-9.30 Apprentice contracts

(a) An apprentice jockey must be at least 16 years of age to enter into [between the ages of 16 and 25 may enter into] a contract with

PROPOSALS

Interested Persons see **Inside Front Cover**

LAW AND PUBLIC SAFETY

a racing stable for a period not to exceed three years. Such contracts must be filed with the Racing Commission, and submitted to the stewards for their approval, and are binding in all respects on the signatories thereof.

(b) In lieu of a contract, an apprentice jockey certificate may be issued by the stewards and must be filed with the Racing Commission. The certificate shall terminate three years from date of issuance, except as set forth in N.J.A.C. 13:70-9.32.

(a)

Harness Rules

Horsemen's Associations

Proposed Amendment: N.J.A.C. 13:71-1.25

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1988-602.

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 13:71-1.25 would place a limitation on the amount of money that could be generated as surplus without identifying a specific purpose for its use or justifying to the New Jersey Racing Commission how the excess funds will be utilized.

Social Impact

The social impact of the proposed amendment would be a positive one because surplus funds generated from monies received as a result of statutory allocations would be required to be used for new or expanded benevolent programs.

Economic Impact

The economic impact of the proposed amendment would be positive because any surplus revenue received as a result of the statutorily allocated funds would be used to support new programs or to expand benevolent program in existence. The Racing Commission recognizes that the horsemen's organizations need a surplus of money for unexpected increases in existing programs. However, the Commission feels that \$250,000 is a reasonable surplus for working capital and funds in excess of that should be used for the benefit of the racing industry.

Regulatory Flexibility Act

There are no compliance requirements on small businesses in this amendment, as it deals with placing a limitation on the amount of money that could be generated as surplus without identifying a specific purpose for its use by horsemen's organizations. Such organizations are not small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

13:71-1.25 Horsemen's associations

(a)-(i) (No change.)

[(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, or as may be approved by the Commission.]

(j) If the accumulated surplus exceeds \$250,000 at the end of a calendar year, horsemen's organizations are required to utilize the amount in excess of the \$250,000 for new or expanded benevolent programs or justify to the Racing Commission why they do not intend to utilize the excess funds.

(k) (No change.)

(b)

DIVISION OF CRIMINAL JUSTICE

Administration of Victim and Witness Advocacy Fund

Proposed New Rules: N.J.A.C. 13:78

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

Authority: N.J.S.A. 2C:43-3.1a(5).

Proposal Number: PRN 1988-601.

Submit comments by January 4, 1989 to:

Donald R. Belsole, Director

Division of Criminal Justice

Richard J. Hughes Justice Complex

25 Market Street

CN 085

Trenton, New Jersey 08625

The agency proposal follows:

Summary

In recent years there has been a growing awareness that the criminal justice system should be made more responsive to the needs of crime victims and witnesses. One element of this endeavor was the enactment at N.J.S.A. 2C:43-3.1a of the Victim and Witness Advocacy Fund (the Fund), which is legislatively mandated to be used to support the development and provision of various services to such persons. The Director of the Division of Criminal Justice is directed by N.J.S.A. 2C:43-3.1a(5) to promulgate rules and regulations to effectuate its purposes.

Social Impact

It is commonly recognized that all persons involved in the criminal justice system have the responsibility to alleviate, as much as possible, the injury and inconvenience associated with being a victim or a witness of a crime. Further, the cooperation of such persons is essential to the effective operation of the system. The Fund was created to assist in achieving these goals. The following rules were developed to govern the distribution of monies from the Fund, in order to implement the Attorney General Standards to Ensure the Rights of Crime Victim's promulgated pursuant to N.J.S.A. 52:4B-44a and b. These Standards mandate that basic rights and services be provided to victims and witnesses by the law enforcement community when investigating and prosecuting criminal cases. Accordingly, these rules are intended to benefit victims and witnesses of crimes and, through more efficient criminal justice, the general public.

Economic Impact

These rules provide that monies from the Victim and Witness Advocacy Fund may be distributed, at the discretion of the Director of the Division of Criminal Justice, to the State Office of Victim-Witness Advocacy; the County Offices of Victim-Witness Advocacy; and to municipalities or other public entities as deemed appropriate for the implementation of the Attorney General Standards. The rules contain detailed procedures by which the 21 county prosecutor's offices may apply for funding to assist with the operation of their county Office of Victim-Witness Advocacy for the coming year. The rules make it clear that distributions from the Fund may not supplant regular county funding or any other outside funding source currently in existence.

Regulatory Flexibility Statement

Since these proposed rules do not impose reporting, recordkeeping or other compliance requirements on small businesses, the analysis mandated by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is not required.

Full text of the proposal follows.

CHAPTER 78

ADMINISTRATION OF VICTIM AND WITNESS ADVOCACY FUND

SUBCHAPTER 1. GENERAL PROVISIONS

13:78-1.1 Purpose

The rules in this chapter govern the administration of the Victim and Witness Advocacy Fund created pursuant to N.J.S.A.

LAW AND PUBLIC SAFETY

PROPOSALS

2C:43-3.1a. This Fund is legislatively mandated to support the development and provision of services to victims and witnesses of crimes, and for related administrative costs. All monies distributed according to this chapter shall be used to implement the Attorney General Standards to Ensure the Rights of Crime Victims, promulgated pursuant to the provisions of N.J.S.A. 52:4B-44a and b

13:78-1.2 Legal authority

The Director of the Division of Criminal Justice within the Department of Law and Public Safety is charged with the responsibility to establish rules deemed necessary to effectuate the purposes of the Fund under N.J.S.A. 2C:43-3.1a(5).

SUBCHAPTER 2. USE OF FUND DISTRIBUTIONS

13:78-2.1 Use of Victim and Witness Advocacy Fund distributions

Monies from the Fund which are distributed to the county prosecutors shall be applied exclusively toward the implementation of the Attorney General Standards, and shall not supplant regular county funding or any other outside funding currently in existence. These monies may be used to establish or enhance victim-witness waiting rooms, to hire personnel to provide services in accordance with the Standards, to purchase computer equipment to maintain communications with victims and witnesses, or for such other purposes as the Director of the Division of Criminal Justice may authorize.

SUBCHAPTER 3. DISBURSEMENT FROM FUND

13:78-3.1 Disbursement from Victim and Witness Advocacy Fund

(a) Monies deposited in the Victim and Witness Advocacy Fund shall be distributed as follows:

1. To the State Office of Victim-Witness Advocacy as follows:
 i. Monies first shall be allocated to provide complete funding for the State Office of Victim-Witness Advocacy within the Division of Criminal Justice established pursuant to N.J.S.A. 52:4B-43, and shall be in an amount sufficient to provide for all staff salaries and any other necessary operational expenses.

ii. After deductions are made from the Fund for the operation of the State Office of Victim-Witness Advocacy, any remaining monies may be distributed, according to the Director's discretion, to the entities in (a)2 and 3 below.

2. To the county Offices of Victim-Witness Advocacy. In distributing monies to the 21 county Offices of Victim-Witness Advocacy within each county prosecutor's office established pursuant to N.J.S.A. 52:4B-44b and 52:4B-45, the following procedures shall be followed:

i. Each year, immediately preceding the fiscal year budget preparation period for county prosecutors' offices, the Director shall inform the county prosecutors of the monies available to assist with the operation of their county Office of Victim-Witness Advocacy for the next year.

ii. Upon receipt of this notification, each county prosecutor shall provide the State Office of Victim-Witness Advocacy with the fiscal year budget request figures regarding the county Office of Victim-Witness Advocacy, which are to be submitted to the respective county governing body. These figures shall be supplied on forms provided by the State Office of Victim-Witness Advocacy. The budget request figures shall indicate the salary costs for the county victim-witness coordinator and other personnel, as well as an itemization of other expenses such as supplies and equipment.

iii. The county prosecutor, in consultation with the county victim-witness coordinator, shall also provide to the State Office of Victim-Witness Advocacy a detailed description of proposals and associated projected costs intended to enhance the basic provision of services to victims and witnesses, which would be provided by an appropriation from the Fund, and which would be necessary to comply with the Attorney General Standards.

iv. The Chief of the State Office of Victim-Witness Advocacy shall review the funding application submitted by each county prosecutor and, subject to the Director's approval, shall allocate monies to each county prosecutor for contribution toward the provision of services for victims and witnesses in that county. The Director may reject any

costs deemed excessive or not integral to the implementation of the Attorney General Standards.

v. Monies from the Fund may be withheld from a county until that county's governing body approves the county prosecutor's budget request for the county Office of Victim-Witness Advocacy, as was furnished in the application form previously submitted to the State Office of Victim-Witness Advocacy. If the county governing body appropriates an amount to the county prosecutor which differs from the original budget request, the prosecutor shall submit to the State Office of Victim-Witness Advocacy a revised funding application. In its discretion, the State office shall modify its allocation accordingly.

vi. The Chief of the State Office of Victim-Witness Advocacy, subject to the Director's approval, may allocate to a county additional funding for special projects or other such purposes over and above the regular award. A county seeking such additional funding shall comply with normal application procedures as provided above.

3. To other public entities. After the allocation of monies as described in (a)2 and 3 above, the State Office of Victim-Witness Advocacy, with the Director's approval, may distribute funds to municipalities or other public entities as deemed appropriate for the implementation of the Attorney General Standards.

SUBCHAPTER 4. ACCOUNTING AND AUDIT

13:78-4.1 Accounting, reporting and audit

(a) A county prosecutor's office which receives monies from the fund shall maintain a separate account in which such monies shall be held, along with detailed records of all receipts, expenditures and unexpended balances. Each county office shall submit to the State Office of Victim-Witness Advocacy a quarterly report documenting these figures, as well as an annual report at the end of each fiscal year. Any unexpended balances at the end of the fiscal year are subject to return to the State.

(b) The Division reserves the right to periodically audit the records of any county prosecutor's office receiving monies from the Fund.

STATE

(a)

DIVISION OF COMMERCIAL RECORDING

**Preclearance of Documents
Name Availability**

Proposed New Rules: N.J.A.C. 15:2-2 and 3

Authorized By: Jane Burgio, Secretary of State.

Authority: P.L. 1988 c.94 and N.J.S.A. 52:16A-11(b).

Proposal Number: PRN 1988-606.

Submit comments by January 4, 1989 to:

Charles C. Hager, Esq.
Office of the Secretary
CN 300—State House
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Public Law of 1988, Chapter 94 was enacted on August 4, 1988 to take effect on December 1, 1988. This act substantially amends and updates New Jersey Corporate Law. These proposed new rules have two main purposes.

First, the new act establishes a new system where the corporation documents may be submitted for prescreening prior to being submitted for filing. These rules set forth the procedure and fees for this prescreening.

Second, the new act changes the standard for adoption of a corporation name. These rules are designed to define the new standard.

Social Impact

The proposed new rules will have a positive impact on the implementation of the State's new corporate law. Prescreening of documents will assist corporations to know in advance that the corporation's documents

PROPOSALS

Interested Persons see **Inside Front Cover**

TRANSPORTATION

are acceptable for filing prior to merger closings, major amendments, restructurings, etc. Defining the new name availability standard "distinguishable" will help the public to submit corporate names that are acceptable, rather than submitting documents only to be rejected.

Economic Impact

The proposed new rules will have a positive economic impact on the citizens of New Jersey. Anything that fosters the effective operations of corporations in this State will ultimately increase the number and size of our corporations. This in turn will increase New Jersey's job pool and improve the State economy.

Regulatory Flexibility Statement

The proposed new rules do not impose any additional recordkeeping or reporting requirements on small businesses as this term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules are designed to assist those small businesses which choose to incorporate.

Full text of the proposal follows.

SUBCHAPTER 2. PRECLEARANCE OF DOCUMENTS

15:2-2.1 Documents which may be submitted for preclearance

Any document which may be filed with the Secretary of State pursuant to N.J.S.A. 14A:1-1 et seq. may be submitted for preclearance. These documents include, but are not limited to: Certificates of Incorporation; Amendments; Abandonments; Mergers; Restated Certificates; Dissolutions; Revocation of Dissolutions; Corrections; Foreign Qualifications; Foreign Withdrawals; Foreign Amendments; Change of Agents and/or Office; Reservations; Registrations; or Alternate Name Registrations. There is no requirement, however, that a document be precleared prior to submission for filing.

15:2-2.2 Preclearance submission procedure

(a) The Department of State will preclear any document which:

1. Is hand delivered by messenger or overnight mail service to the preclearance basket at the Division of Commercial Recording; or
2. Is faxed to the Division of Commercial Recording with a cover sheet clearly indicating that the document is submitted for preclearance.

(b) The cover sheet must include a telephone number of the individual who is to receive the Department's opinion on the document. The Department will telephone its approval or required revisions to the document. To assure the document will be prescreened prior to filing, the document must be received by the Division of Commercial Recording at least 17 business hours prior to the date that the document will be submitted for filing. Business hours are defined as those hours that the Division's Expedited Service Counter is open. Normal business hours are from 8:30 A.M. to 5:00 P.M. Monday through Friday, except State holidays.

15:2-2.3 Preclearance fees

Any person who submits any document for preclearance shall pay to the Department of State a flat fee of \$100.00. In addition, if preclearance review consumes more than one hour of Department personnel time, an additional fee of \$50.00 per each additional hour or part thereof will be charged.

15:2-2.4 Method of payment of fees for preclearance service

(a) All fees for preclearance service performed by the Department of State may be paid via a pre-paid deposit account or charged against a major credit card held by the service user. A check payable to the Department of State is also acceptable payment for hand deliveries.

1. When a credit card is utilized as a method of payment, the user may be charged a separate fee to cover reasonable bank fees that are incurred by the Department in processing the credit charge.
2. Major credit cards shall be defined for the purposes of this section as those credit cards accepted by the Secretary of State.

SUBCHAPTER 3. NAME AVAILABILITY

15:2-3.1 Distinguishable defined

(a) A corporation name can be distinguished from other names recorded with the Secretary of State if it is sufficiently different from those other names. All changes except for the following should be

sufficient to distinguish one corporate name from another upon the records of the Secretary of State:

1. The insertion of a mark of punctuation, such as a comma, period, hyphen, etc.;
2. The changing of a word in a corporate title into its plural or singular form;
3. The addition of a different corporate designer as set forth in N.J.S.A. 14A:2-2(d);
4. The addition of an article ("a", "an", or "the"); and/or
5. The addition of spaces in a corporate name.

TRANSPORTATION

The following proposals are authorized by Hazel Frank Gluck, Commissioner, Department of Transportation.

Submit comments by January 4, 1989 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

LOCAL AID

(a)

State Aid To Counties and Municipalities Standards; Contracts

Proposed Amendments: N.J.A.C. 16:21-1.2 and 3.1

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:8-1 to 9.

Proposal Number: PRN 1988-614.

The agency proposal follows:

Summary

The proposed amendments will establish new procedures and guidelines for counties and municipalities to follow in the receipt of aid from the State as the State's share of the cost for the construction, reconstruction, resurfacing, restoration, and rehabilitation of roads and bridges.

Previously, local governments were required to submit copies of the contract plans and specifications and engineer's estimate of cost to the local district office of the Bureau of Local Aid within 10 days following the receipt of construction bids. The amendments will require these submission 15 calendar days prior to the advertisement of construction bids, thus affording the Department necessary timely review and advice to the local government of the status of the contract. Additionally, this would improve the expeditious handling of contract and methods of operation.

The Department, therefore, proposes to amend N.J.A.C. 16:21-1.2, Standards, and 3.1, Award of contract, under the State Aid to Counties and Municipalities rules.

Social Impact

The proposed amendments will impact on counties and municipalities, since they outline new procedures and guidelines to be followed in the receipt of State aid. The changes are necessary to provide improvement in the processing and handling of contracts, and affords the local government more time for the submission of documentation pertaining to receipt of bids. The Department will be provided additional time to make comments, as required, prior to advertisement.

Economic Impact

The proposed amendments will not have any major economic impact on local governments or the Department, because there is no effect on funds or the funding sources.

Regulatory Flexibility Statement

Since the proposed amendments do not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. The amendments primarily affect changes in procedure and guidelines.

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

TRANSPORTATION

PROPOSALS

16:21-1.2 Standards

(a) The proposed road and bridge improvement projects shall conform to the design criteria of the appropriate American Association of State Highway and Transportation Officials publication listed below:

1. (No change.)
2. A Policy on Geometric Design of [Rural] Highways and Streets;
- [3. A policy on Arterial Highways in Urban Areas;]
- [4. Geometric Design Guide for Local Roads and Streets;]
- [5.] 3. (No change in text.)

NOTE: Any exceptions to the above design criteria must be justified by the local engineer to be in the public interest.

(b) All workmanship and materials shall conform with the current New Jersey State Department of Transportation Standard specifications for Road and Bridge Construction [as amended for county and municipal projects (State Aid)].

16:21-3.1 Award of contract

(a) (No change.)

(b) Fifteen calendar days prior to the time of advertisement for construction bids, the local government shall submit the following to the Local Aid District Office:

1. Two copies of the contract plans and specifications; and
2. Two copies of the engineer's estimate of costs.

[(b)] (c) Within [10] 30 calendar days following the receipt of construction bids, the local government shall submit the following to the district office of the Bureau of Local Aid;

- [1. Two copies of the contract plans and specification;]
- [2. Two copies of the Engineer's Estimate of Cost]

Renumber existing 3. and 4. as 1. and 2. (No change in text.)

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

(a)

New Jersey Bridge Rehabilitation and Improvement Fund: State Aid to Counties and Municipalities Standards; Award of Contracts

Proposed Amendments: N.J.A.C. 16:21A-1.3 and 3.1

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-13, 7-47, 13-1 et seq. and the New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983, L. 1983 c.363.

Proposal Number: PRN 1988-613.

The agency proposal follows:

Summary

The proposed amendments will establish new procedures and guidelines for counties and municipalities to follow in the receipt of aid from the State as the State's share of the cost for the construction, reconstruction, replacement, improvement, repair or rebuilding of bridges carrying county and municipality roads, including railroad overhead bridges.

Previously, local governments were required to submit copies of the contract plans and specifications and engineer's estimate of cost to the local district office of the Bureau of Local Aid within 10 days following the receipt of construction bids. The amendments will require these submissions 15 calendar days prior to the advertisement of construction bids, thus affording the Department necessary timely review and advice to the local government of the status of the contract. Additionally, this would improve the expeditious handling of contract and methods of operation.

The Department, therefore, proposes to amend N.J.A.C. 16:21A-1.3, Standards, and 3.1, Award of contract, concerning the New Jersey Bridge Rehabilitation and Improvement Fund.

Social Impact

The proposed amendments will impact on counties and municipalities, since they outline new procedures and guidelines to be followed in the receipt of State aid. The changes are necessary to provide improvement in the processing and handling of contracts, and afford the local government more time for the submission of documentation pertaining to receipt of bids. The Department will be provided additional time to make comments, as required, prior to advertisement.

Economic Impact

The proposed amendments will not have any major economic impact on local governments or the Department, because there is no effect on funds or the funding sources.

Regulatory Flexibility Statement

Since the proposed amendments do not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. The amendments primarily affect changes in procedure and guidelines.

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

16:21A-1.3 Standards

(a) The proposed bridge improvement projects shall conform to the design criteria of the appropriate American Association of State Highway and Transportation Officials publication listed below. Any exceptions to these design criteria must be justified by the local engineer to be in the public interest.

1. (No change.)

2. A Policy on Geometric Design of [Rural] Highways and Streets;

[3. A policy on Arterial Highways in Urban Areas;]

[4. Geometric Design Guide for Local Roads and Streets;]

[5.] 3. Standard Specifications for Highway Bridges.

(b) (No change.)

16:21A-3.1 Award of contract

(a) (No change.)

(b) Fifteen calendar days prior to the time of advertisement for construction bids, the local government shall submit the following to the Local Aid district office:

1. Two copies of contract plans and specifications; and
2. Two copies of the engineer's estimate of costs:

[(b)] (c) Within [10] 30 calendar days [or such longer period as the Local Aid district office will approve,] following the receipt of construction bids, the local government shall submit the following to the Local Aid district office:

[1. Two copies of the contract plans and specifications;]

[2. Two copies of the engineer's estimate of cost;]

[3.] 1. Two copies of the summary of construction bids;

[4.] 2. A resolution awarding the contract to the lowest responsible bidder, subject to the approval of the Department.

[(c)] (d) When all information relative to the bidding has been approved by the State, the local government shall be advised of the approval of the award of contract.

(b)

Urban Revitalization, Special Demonstration and Emergency Project Regulations Standards; Award of Contracts

Proposed Amendments: N.J.A.C. 16:22-1.3 and 3.1

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:8-1 to 9.

Proposal Number: PRN 1988-612.

The agency proposal follows:

Summary

The proposed amendments will establish new procedures and guidelines for counties and municipalities to follow in the receipt of funding for urban revitalization, special demonstration and emergency projects.

Previously, local governments were required to submit copies of the contract plans and specifications and engineer's estimate of cost to the local district office of the Bureau of Local Aid within 10 days following the receipt of construction bids. The amendments will require these submissions 15 calendar days prior to the advertisement of construction bids, thus affording the Department necessary timely review and advice to the local government of the status of the contract. Additionally, this would improve the expeditious handling of contract and methods of operation.

The Department, therefore, proposes to amend N.J.A.C. 16:22-1.3, Standards, and 3.2, Award of contract, of the Urban Revitalization, Special Demonstration and Emergency Project Regulations.

PROPOSALS

Interested Persons see Inside Front Cover

TRANSPORTATION

Social Impact

The proposed amendments will impact on counties and municipalities, since they outline new procedures and guidelines to be followed in the receipt of State aid. The changes are necessary to provide improvement in the processing and handling of contracts, and afford the local government more time for the submission of documentation pertaining to receipt of bids. The Department will be provided additional time to make comments, as required, prior to advertisement.

Economic Impact

The proposed amendments will not have any major economic impact on local governments or the Department, because there is no effect on funds or the funding sources.

Regulatory Flexibility Statement

Since the proposed amendments do not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. The amendments primarily affect changes in procedure and guidelines.

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

16:22-1.3 Standards

(a) The proposed road and bridge improvement projects shall conform to the design criteria of the appropriate American Association of State Highway and Transportation Officials publications listed below. [(Any exceptions must be justified by the local engineer to be in the public interest)]:

1. (No change.)
2. A Policy on Geometric Design of [Rural] Highways and Streets;
- [3. A policy on Arterial Highways in Urban Areas;]
- [4. Geometric Design Guide for Local Roads and Streets;]
- [5.] 3. Standard specifications for Highway Bridges[.];

(b) All workmanship and materials shall conform with the current New Jersey State Department of Transportation standard specifications for road and bridge construction [as amended for county and municipal projects (State Aid)].

16:22-3.1 Award of contract

- (a) (No change.)
- (b) Fifteen calendar days prior to the time of advertisement of construction bids, the local government shall submit the following to the district office of the Bureau of Local Aid:
 1. Two copies of the contract plans and specifications; and
 2. Two copies of the engineer's estimate of costs.

[(b)] (c) Within [10] 30 calendar days following the receipt of construction bids, the local government shall submit the following to the district office of the Bureau of Local Aid:

 - [1. Two copies of the contract plans and specifications;]
 - [2. Two copies of the engineer's estimate of cost;]

Renumber existing 3. and 4. as 1. and 2. (No change in text.)

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

TRANSPORTATION OPERATIONS

(a)

**Restricted Parking and Stopping
Route N.J. 29 in Hunterdon County
Proposed Amendment: N.J.A.C. 16:28A-1.20**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-139.
Proposal Number: PRN 1988-617.
The agency proposal follows:

Summary

The proposed amendment will establish "no parking" and "time limit parking" zones along Route 29 in the City of Lambertville, Hunterdon County, for the safe and efficient flow of traffic, the enhancement of safety, and the well-being of the populace.

Based upon requests from the local government in the interest of safety, the Department's Bureau of Traffic Engineering and Safety Programs

conducted traffic investigations. The investigations proved that the establishment of "no parking" zones during hours and day depicted for cleaning purposes and "time limit parking" during the hours on days specified were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.20 based upon the request from local government and the traffic investigations.

Social Impact

The proposed amendment will establish "no parking" and "time limit parking" zones along Route 29 in the City of Lambertville, Hunterdon 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 government will incur direct and indirect costs for mileage, personnel and equipment requirements. The local government will bear the costs for "no parking" and "time limit parking" zones signs. Motorists who violate the rule will be assessed the appropriate fine.

Regulatory Flexibility Statement

Since the proposed amendment does not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. The amendment primarily affects the motoring public.

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

16:28A-1.20 Route 29

- (a) (No change.)
- (b) The certain parts of State [H]highway Route 29 (Main Street) described [herein below] in this subsection shall be[, and hereby are,] designated and established as "no parking" zones for cleaning purposes during certain designated days and hours except as provided in N.J.S.A. 39:4-139.
 1. No parking 8:00 A.M.-[10:00] **9:00 A.M.** Wednesday, along [the west] **both sides** [of Route 29 (Main Street)] between Mt. Hope Street and Cherry Lane in the City of Lambertville, Hunterdon County.
- (c) (No change.)
- (d) The certain parts of State highway Route 29 described in this subsection shall be designated and established as "time limit parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established time limit parking zones:
 1. Two hours time limit parking along both sides in the City of Lambertville, Hunterdon County, Monday through Saturday, 10:00 A.M. to 6:00 P.M., and Sunday, 1:00 P.M.-5:00 P.M. from Church Street to York Street.

(b)

**Restricted Parking and Stopping
Routes U.S. 30 and N.J. 168 in Camden County; N.J.
179 in Hunterdon County; and N.J. 93 in Bergen
County**

**Proposed Amendments: N.J.A.C. 16:28A-1.21, 1.51,
1.53, and 1.68**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 4-139 and 4-199.

Proposal Number: PRN 1988-615.

The agency proposal follows:

Summary

The proposed amendments will establish "no parking bus stop" zones along Routes U.S. 30 in Chesilhurst and Clementon Boroughs, Camden County; N.J. 93 in Leonia Borough, Bergen County; N.J. 168 in Haddon Heights Borough, Camden County; and a "no parking" zone along Route 179 (Bridge Street) in Lambertville, Hunterdon County, for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the

TRANSPORTATION

PROPOSALS

populace, and the safe on/off loading of passengers at established bus stops.

Based upon requests from the local governments in the interest of safety, the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "no parking bus stop" zones along Routes U.S. 30 in Camden County; N.J. 93 in Bergen County; N.J. 168 in Camden County; and a "no parking" zone along Route 179 (Bridge Street) in Hunterdon County were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.21, 1.51, 1.53 and 1.68 based upon the requests from local governments and the traffic investigations.

Social Impact

The proposed amendments will establish "no parking bus stop" zones along Routes U.S. 30 in Chesilhurst and Clementon Boroughs, Camden County; N.J. 93 in Leonia Borough, Bergen County; N.J. 168 in Haddon Heights Borough, Camden County; and a "no parking" zone along Route 179 (Bridge Street) in Lambertville, Hunterdon County, for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the populace, and the safe on/off loading of passengers at established bus stops. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "no parking" zone signs and the local governments will bear the costs for "no parking bus stop" zone signs. Motorists who violate the rules will be assessed the appropriate fine.

Regulatory Flexibility Statement

Since the proposed amendments do not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. The amendments primarily affect the motoring public.

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

16:28A-1.21 Route U.S. 30

(a) (No change.)

(b) The certain parts of State highway Route U.S. 30 described in this subsection shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established bus stops:

1.-11. (No change.)

12. Along the (White Horse Pike) [on the southbound (westerly) side] in Chesilhurst Borough, Camden County:

i. [Near bus stop] **On the southbound (westerly) side:**

1. **Near side bus stop:**

[(1)] (A) Cleveland Avenue—Beginning at the southerly curb line of Cleveland Avenue and extending 105 feet therefrom.

ii. **On the eastbound (southerly) side:**

(1) **Far side bus stop:**

(A) **Freeman Avenue**—Beginning at the easterly curb line of Freeman Avenue and extending 146 feet easterly therefrom.

(2) **Near side bus stops:**

(A) **Sherman Avenue**—Beginning at the westerly curb line of Sherman Avenue and extending 105 feet westerly therefrom.

(B) **Center Avenue**—Beginning at the westerly curb line of Center Avenue and extending 105 feet westerly therefrom.

13. Along the (White Horse Pike) [on the northbound (easterly) side] in Chesilhurst Borough, Camden County:

i. [Near side bus stop] **On the northbound (easterly) side:**

(1) **Near side bus stop:**

[(1)] (A) Cleveland Avenue—Beginning at the southerly curb line of Cleveland Avenue and extending 150 feet therefrom.

ii. **On the westbound (northerly) side:**

(1) **Near side bus stop:**

(A) **Sherman Avenue**—Beginning at the easterly curb line of Sherman Avenue and extending 105 feet easterly therefrom.

(2) **Far side bus stop:**

(A) **Freeman Avenue**—Beginning at the westerly curb line of Freeman Avenue and extending 100 feet westerly therefrom.

14.-22. (No change.)

23.-24. (Reserved) (See PRN 1988-544, November 21, 1988 New Jersey Register.)

25. Along the (White Horse Pike) in the Borough of Haddon Heights, Camden County:

i. **On the eastbound (southerly) side:**

(1) **Near side bus stop:**

(A) **Haddon Avenue**—Beginning at the westerly curb line of Haddon Avenue and extending 105 feet westerly therefrom.

(2) **Far side bus stops:**

(A) **Garden Street**—Beginning at the easterly curb line of Garden Street and extending 100 feet easterly therefrom.

(B) **Station Avenue**—Beginning at the easterly curb line of Station Avenue and extending 100 feet easterly therefrom.

(C) **Green Street**—Beginning at the easterly curb line of Green Street and extending 100 feet easterly therefrom.

ii. **On the westbound (northerly) side:**

(1) **Far side bus stops:**

(A) **Kings Highway**—Beginning at the westerly curb line of Kings Highway and extending 100 feet westerly therefrom.

(B) **Station Avenue**—Beginning at the westerly curb line of Station Avenue and extending 100 feet westerly therefrom.

(2) **Near side bus stops:**

(A) **Garden Street**—Beginning at the easterly curb line of Garden Street and extending 105 feet easterly therefrom.

(B) **Grove Street**—Beginning at the easterly curb line of Grove Street and extending 105 feet easterly therefrom.

26. In the Borough of Clementon, Camden County:

i. **Along the westbound (northerly) side:**

(1) **Near side bus stops:**

(A) **New Freedom Road**—Beginning at the easterly curb line of New Freedom Road and extending 105 feet easterly therefrom.

(B) **Franklin Avenue**—Beginning at the easterly curb line of Franklin Avenue and extending 105 feet easterly therefrom.

(C) **Gibbsboro Road**—Beginning at the easterly curb line of Gibbsboro Road and extending 105 feet easterly therefrom.

ii. **Along the eastbound (southerly) side:**

(1) **Near side bus stops:**

(A) **Gibbsboro Road**—Beginning at the westerly curb line of Gibbsboro Road and extending 120 feet westerly therefrom.

(B) **Washington Avenue**—Beginning at the westerly curb line of Washington Avenue and extending 105 feet westerly therefrom.

(C) **New Freedom Road**—Beginning at the westerly curb line of New Freedom Road and extending 105 feet westerly therefrom.

16:28A-1.51 Route 168

(a) (No change.)

(b) The certain parts of State highway Route 168 described in this subsection shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established bus stops:

1.-8. (No change.)

9. Along (Black Horse Pike) on the northbound (easterly) side in Haddon Heights Borough, Camden County:

i. **Far side bus stop:**

(1) **West High Street**—Beginning at the northerly curb line of West High Street and extending 100 feet northerly therefrom.

ii. **Near side bus stops:**

(1) **Prospect Ridge Blvd.**—Beginning 25 feet south of the southerly curb line of Prospect Ridge Blvd. and extending 120 feet southerly therefrom;

(2) **Brynmawr Avenue**—Beginning at the southerly curb line of Brynmawr Avenue and extending 105 feet southerly therefrom;

(3) **Narbeth Avenue**—Beginning at the southerly curb line of Narbeth Avenue and extending 105 feet southerly therefrom.

(4) **New Jersey Avenue**—Beginning at the southerly curb line of New Jersey Avenue and extending 105 feet southerly therefrom.

PROPOSALS

Interested Persons see Inside Front Cover

TRANSPORTATION

16:28A-1.53 Route 179

(a) (No change.)

(b) The certain parts of State [H]ighway Route 179 (Bridge Street) in Lambertville, Hunterdon County, described [herein below] in this subsection shall be [and hereby are,] designated and established as "no parking" zones for cleaning purposes during certain designated days and hours except as provided in N.J.S.A. 39:4-139.

1. No parking, 8:00 A.M.—[10:00 A.M.] 9:00 A.M.—Thursday, along the north side between Route 29 (Main Street) and Lambert Lane.

2. No parking, 8:00 A.M.—[10:00 A.M.] 9:00 A.M.—Friday, along the south side between Route 29 (Main Street) and Lambert Lane.

16:28A-1.68 Route 93

(a) The certain parts of State highway Route 93 described in this subsection shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established bus stops:

[1. Along Route 93 (Grand Avenue), southbound on the westerly side thereof, in the Borough of Leonia, Bergen County at:

i. Lakeview Avenue (far side):

(1) Beginning at the southerly curb line of Lakeview Avenue and extending 100 feet southerly therefrom;

ii. Ray Avenue (far side):

(1) Beginning at the southerly curb line of Ray Avenue and extending 100 feet southerly therefrom;

iii. Christie Heights Street (near side):

(1) Beginning at the prolongation of the northerly curb line of Christie Heights Street and extending 105 feet northerly therefrom;

iv. Hillside Avenue (far side):

(1) Beginning at the prolongation of the southerly curb line of Hillside Avenue and extending 100 feet southerly therefrom;

v. Schor Avenue (far side):

(1) Beginning at the southerly curb line of Schor Avenue and extending 100 feet southerly therefrom;

vi. Fort Lee Road (far side):

(1) Beginning at the southerly curb line of Fort Lee Road and extending 100 feet southerly therefrom;

vii. Prospect Street (far side):

(1) Beginning at the southerly curb line of Prospect Street and extending 100 feet southerly therefrom;

viii. Station Parkway (near side):

(1) Beginning at the northerly curb line of Station Parkway and extending 105 feet northerly therefrom;

ix. Highwood Avenue (far side):

(1) Beginning at the prolongation of the southerly curb line of Highwood Avenue and extending 100 feet southerly therefrom;

x. Ames Avenue (far side):

(1) Beginning at the prolongation of the southerly curb line of Ames Avenue and extending 100 feet southerly therefrom;

xi. Oakdene Avenue (far side):

(1) Beginning at the prolongation of the southerly curb line of Oakdene Avenue and extending 100 feet southerly therefrom.]

1. Along (Grand Avenue), southbound on the westerly side in the Borough of Leonia, Bergen County:

i. Far side bus stops:

(1) Lakeview Avenue—Beginning at the southerly curb line of Lakeview Avenue and extending 100 feet southerly therefrom;

(2) Ray Avenue—Beginning at the southerly curb line of Ray Avenue and extending 100 feet southerly therefrom;

(3) Hillside Avenue—Beginning at the prolongation of the southerly curb line of Hillside Avenue and extending 100 feet southerly therefrom;

(4) Schor Avenue—Beginning at the southerly curb line of Schor Avenue and extending 100 feet southerly therefrom;

(5) Fort Lee Road—Beginning at the southerly curb line of Fort Lee Road and extending 100 feet southerly therefrom;

(6) Prospect Street—Beginning at the southerly curb line of Prospect Street and extending 100 feet southerly therefrom;

(7) Highwood Avenue—Beginning at the prolongation of the southerly curb line of Highwood Avenue and extending 100 feet southerly therefrom;

(8) Ames Avenue—Beginning at the prolongation of the southerly curb line of Ames Avenue and extending 100 feet southerly therefrom;

(9) Oakdene Avenue—Beginning at the prolongation of the southerly curb line of Oakdene Avenue and extending 100 feet southerly therefrom.

ii. Near side bus stops:

(1) Christie Heights Street—Beginning at the prolongation of the northerly curb line of Christie Heights Street and extending 105 feet northerly therefrom;

(2) Station Parkway—Beginning at the northerly curb line of Station Parkway and extending 105 feet northerly therefrom;

[2. Along Route 93 (Grand Avenue), northbound on the easterly side thereof, in the Borough of Leonia, Bergen County at:

i. Ames Avenue (near side):

(1) Beginning at the southerly curb line of Ames Avenue and extending 105 feet northerly therefrom;

ii. Highwood Avenue (far side):

(1) Beginning at the northerly curb line of Highwood Avenue and extending 100 feet northerly therefrom;

iii. Christie Street (near side):

(1) Beginning at the southerly curb line of Christie Street and extending 105 feet southerly therefrom;

iv. Prospect Street (far side):

(1) Beginning at the northerly curb line of Prospect Street and extending 100 feet northerly therefrom;

v. Fort Lee Road (far side):

(1) Beginning at the northerly curb line of Fort Lee Road and extending 100 feet northerly therefrom;

vi. Schor Avenue (near side):

(1) Beginning at the prolongation of the southerly curb line of Schor Avenue and extending 105 feet southerly therefrom;

vii. Christie Heights Street (near side):

(1) Beginning at the southerly curb line of Christie Heights Street and extending 105 feet southerly therefrom;

viii. Vreeland Avenue (far side):

(1) Beginning at the northerly curb line of Vreeland Avenue and extending 100 feet northerly therefrom;

ix. Overlook Avenue (far side):

(1) Beginning at the northerly curb line of Overlook Avenue and extending 100 feet northerly therefrom;

x. Lakeview Avenue (far side):

(1) Beginning at the northerly curb line of Lakeview Avenue and extending 100 feet northerly therefrom.]

2. Along (Grand Avenue), northbound on the easterly side in the Borough of Leonia, Bergen County:

i. Near side bus stops:

(1) Ames Avenue—Beginning at the southerly curb line of Ames Avenue and extending 105 feet northerly therefrom;

(2) Christie Street—Beginning at the southerly curb line of Christie Street and extending 105 feet southerly therefrom;

(3) Schor Avenue—Beginning at the prolongation of the southerly curb line of Schor Avenue and extending 105 feet southerly therefrom;

(4) Christie Heights Street—Beginning at the southerly curb line of Christie Heights Street and extending 105 feet southerly therefrom;

(5) Fort Lee Road—Beginning at the southerly curb line of Fort Lee Road and extending 105 feet southerly therefrom.

ii. Far side bus stops:

(1) Highwood Avenue—Beginning at the northerly curb line of Highwood Avenue and extending 100 feet northerly therefrom;

(2) Prospect Street—Beginning at the northerly curb line of Prospect Street and extending 100 feet northerly therefrom;

(3) Fort Lee Road—Beginning at the northerly curb line of Fort Lee Road and extending 100 feet northerly therefrom;

(4) Vreeland Avenue—Beginning at the northerly curb line of Vreeland Avenue and extending 100 feet northerly therefrom;

(5) Overlook Avenue—Beginning at the northerly curb line of Overlook Avenue and extending 100 feet northerly therefrom;

(6) Lakeview Avenue—Beginning at the northerly curb line of Lakeview Avenue and extending 100 feet northerly therefrom.

TRANSPORTATION

- 3. Along [Route 93] (Grand Avenue) southbound on the westerly side in the Borough of Palisades Park, Bergen County:
 - i.-ii. (No change.)
 - 4.-6. (No change.)
 - (b) (No change.)

(a)

CONSTRUCTION AND MAINTENANCE

Contract Administration

Classification of Prospective Bidders

Proposed Amendment: N.J.A.C. 16:44-1.2

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:2-1, 14A:1-1 and 14:15-2.

Proposal Number: PRN 1988-616.

The agency proposal follows:

Summary

The proposed amendment will increase the current "unlimited range" from over \$50,000,000 to over \$99,999,999; adds additional classification dollar ratings to the present rating system; and deletes the Class "A" through Class "W" ratings and establishes ranges.

A recent review of the Department's advertising schedule and long term information received from the Design Unit indicated that the short and long term schedule of projects to be let included a number of projects estimated at over \$50,000,000. This would place a major and unnecessary burden on the Bureau of Contract Administration in adhering to the procedure outlined in N.J.A.C. 16:44, in the processing of bids under the present rating system. It is realized that construction costs have increased substantially since the present classification range was adopted by the Department in 1985 and, to reflect the rising cost in construction, the classification as to amount of work had to be updated.

The Department therefore proposes to amend N.J.A.C. 16:44-1.2 to meet the demands and constraints in view of increased construction costs.

Social Impact

The proposed amendment will increase the current unlimited range from over \$50,000,000 to \$99,999,999 and reduce the unnecessary burden on the Bureau of Contract Administration in adhering to the procedure outlined in N.J.A.C. 16:44, in the processing of bids to meet the demands and constraints imposed by the increased construction costs now and in the future.

Economic Impact

Raising the specific prequalification requirements to over \$99,999,999 will lessen the number of projects currently in the "unlimited" class and will minimize administrative costs in the processing of specific prequalification questionnaires. Overall, the amendment will eliminate unnecessary administrative work in the Department and contracting industry where increased costs have caused a significant portion of planned contract work to be categorized in the above \$50,000,000 class and realize substantial savings in direct and indirect costs for personnel requirements.

Regulatory Flexibility Statement

Since the proposed amendment does not place any additional book-keeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. The amendment establishes an unlimited classification of prospective bidders.

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

16:44-1.2 Classification of prospective bidders

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

(d) [A]Rating ranges as to the amount of work:

[For less than Class A]Ratings less than ranges listed = actual rating in thousands.

| | | | | | |
|-----------|----|---------|----|----|---------|
| [Class A] | \$ | 50,001 | to | \$ | 100,000 |
| [Class B] | | 100,001 | to | | 150,000 |
| [Class C] | | 150,001 | to | | 200,000 |
| [Class D] | | 200,001 | to | | 300,000 |
| [Class E] | | 300,001 | to | | 400,000 |
| [Class F] | | 400,001 | to | | 500,000 |

PROPOSALS

| | | | | |
|------------------|-------------------|----|--------------------------|-------------------|
| [Class G] | 500,001 | to | 750,000 | |
| [Class H] | 750,001 | to | 1,000,000 | |
| [Class I] | 1,000,001 | to | 2,000,000 | |
| [Class J] | 2,000,001 | to | 3,000,000 | |
| [Class K] | 3,000,001 | to | 4,000,000 | |
| [Class L] | 4,000,001 | to | 6,000,000 | |
| [Class M] | 6,000,001 | to | 8,000,000 | |
| [Class N] | 8,000,001 | to | 10,000,000 | |
| [Class O] | 10,000,001 | to | 15,000,000 | |
| [Class P] | 15,000,001 | to | 20,000,000 | |
| [Class Q] | 20,000,001 | to | 25,000,000 | |
| [Class R] | 25,000,001 | to | 30,000,000 | |
| [Class S] | 30,000,001 | to | 35,000,000 | |
| [Class T] | 35,000,001 | to | 40,000,000 | |
| [Class U] | 40,000,001 | to | 45,000,000 | |
| [Class V] | 45,000,001 | to | 50,000,000 | |
| [Class W] [over] | 50,000,001 | to | [50,000,000] | 55,000,000 |
| | 55,000,001 | to | 60,000,000 | |
| | 60,000,001 | to | 65,000,000 | |
| | 65,000,001 | to | 70,000,000 | |
| | 70,000,001 | to | 75,000,000 | |
| | 75,000,001 | to | 80,000,000 | |
| | 80,000,001 | to | 85,000,000 | |
| | 85,000,001 | to | 90,000,000 | |
| | 90,000,001 | to | 95,000,000 | |
| | 95,000,001 | to | 99,999,999 | |
| | | | over \$99,999,999 | |

1. [Class "W"] [(Unlimited)] rating involves work in excess of [\$50,000,000] \$99,999,999. A prospective bidder, so [classified] rated, will be notified of the intention of the New Jersey Department of Transportation to undertake a project in the "Unlimited" [class] range, and such prospective bidder shall be required to specifically prequalify to bid upon the work in question by applying for such specific classification at least 20 days before the date set for the receiving of bids.

2. A prospective bidder, whose statements do not qualify him or her to bid in an amount that will be sufficient to place him or her in ["Class A"] an established rating range will be graded and [classified] rated according to his or her actual ability to undertake a project as shown by his or her statements.

(e)-(m) (No change.)

(n) In order that the Commissioner of Transportation may have the necessary information to pass upon the ability of a bidder to satisfactorily complete a project, each bidder must submit with his or her bid on each proposal a revised financial statement, a statement that the affirmative action program for equal employment opportunity specified in [subsection] (e)6 [of this section] above is being continued by the bidder and will be in use for the duration of the project being bid upon and other pertinent data under oath in response to a questionnaire provided by the Commissioner. Revised statements submitted with bids received between the 1st and 15th of the month, by contractors holding classification up to and including [Class "I"] [[\$1,000,001 to \$2,000,000]] must be as of the close of business at the end of the second month preceding that during which bids are being received. Revised statements submitted with bids received between the 16th and the end of the month by contractors holding classifications up to and including [Class "I"] [[\$1,000,001 to \$2,000,000]] must be as of the close of business at the end of the month immediately preceding that during which bids are being received. In the instance of contractors holding [Class "J" through "R"] \$2,000,001 through \$99,999,999 classifications, the submission of an affidavit that there has been no material change in financial condition since the date of submission for classification will be permitted if the proper affidavits are completed and accompanied by the Status of Contracts on Hand as of the date of the financial information specified in the Notice to Contractors. [A waiver of this requirement for a specific project may be granted by the Commissioner when it is in the public interest.]

(o)-(q) (No change.)

PROPOSALS

Interested Persons see Inside Front Cover

TRANSPORTATION

(a)

TRANSPORTATION SERVICES

Transportation of Hazardous Materials

Proposed Amendments: N.J.A.C. 16:49-1.3, 1.5, 1.6, 2.1 and 16:49 Appendix

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:5B-25, Hazardous

Transportation Act, P.L. 93-633 and 49 CFR 171 et seq.

Proposal Number: PRN 1988-623.

The agency proposal follows:

Summary

The New Jersey Department of Transportation proposes rule amendments which will make intrastate shipments of combustible liquids subject to the New Jersey codification of the Federal Motor Carrier Safety Regulations (N.J.A.C. 16:49). The proposed amendments will require drivers of articulated vehicles containing combustible liquids to be 21 years of age. Drivers of non-articulated vehicles containing intrastate shipments of combustible liquids will have to be 17 years of age. Under the proposed amendments, drivers of intrastate shipments of combustible liquids who are hired after the effective date of these amendments will be subject to the rules at N.J.A.C. 16:49 relating to applications for employment, investigations and inquiries, road tests, and written examinations. The proposed amendments also state that the grant of a license by the Director of the Division of Motor Vehicles can constitute a waiver of certain physical defects set forth in the rules.

The New Jersey rules concerning intrastate shipments of combustible liquids incorporated the 1986 Federal Hazardous Materials Regulations by reference. Under these rules, combustible liquids were exempted from the New Jersey adoption of the Federal Motor Carrier Safety Regulations. Subsequent changes to the Federal Hazardous Materials Regulations have lifted the exemption of combustible liquids from the Federal Motor Carrier Safety Regulations.

The New Jersey Department of Transportation now seeks to amend N.J.A.C. 16:49, to accommodate these changes in the Federal standards.

Social Impact

The proposed amendments will promote uniform enforcement by making the State codifications of the Federal Hazardous Materials Regulations and the Federal Motor Carrier Safety Regulations more consistent with their current Federal counterparts. These proposed amendments will achieve this goal by imposing similar minimum age requirements on inter- and intrastate drivers of combustible liquids. Uniformity between State and Federal guidelines will also be promoted by imposing upon intrastate drivers of combustible liquids hired after the effective date of these amendments and interstate drivers the same requirements concerning applications for employment, investigations and inquiries, road tests and written examinations.

Economic Impact

The proposed amendment which will require intrastate drivers of articulated vehicles to be 21 years of age may have an economic impact. Shippers may have to switch younger drivers to other types of vehicles or other types of duties. The shippers may also have to hire older drivers to replace them. It is the position of the Department of Transportation that greater uniformity between Federal and State regulations outweighs this economic inconvenience. The economic inconvenience of the 21 years of age requirement will also be mitigated by the fact that insurance carriers are already requiring compliance with the 21 years of age requirement in the Federal Motor Carrier Safety Regulations as a condition for obtaining insurance coverage.

Regulatory Flexibility Statement

The proposed amendments will impose additional recordkeeping requirements on intrastate drivers of combustible liquids hired after the effective date of these amendments. Although small businesses, as the term is defined in N.J.S.A. 52:14B-16 et seq., will be subjected to greater recordkeeping requirements, it is the position of the Department of Transportation that this requirement is necessary to promote the desired uniformity with Federal law. The proposed amendments to the waiver procedure for certain types of physical defects will not impose any additional filing or recordkeeping procedures.

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

16:49-1.3 General [R]requirements

(a)-(h) (No change.)

(i) This chapter may be amended from time to time by the New Jersey Department of Transportation. The Federal "Hazardous Materials Regulations" referenced herein, are adopted as of [November 1, 1985] **October 1, 1987**. The "Federal Motor Carrier Safety Regulations" as referenced in [Section] **49 CFR 177.804** are adopted as of [October 31, 1983] **October 1, 1987**. The New Jersey Department of Transportation intends to amend these [regulations] **rules** as new Federal publications become available.

(j)-(k) (No change.)

[(1) The provisions and requirements of these regulations as well as the Federal regulations adopted by reference and made a part hereof are applicable to interstate as well as intrastate transporters of hazardous materials unless specifically stated otherwise. However, transporters of combustible liquids excluded under 49 C.F.R. 173.118a(a) as modified (see Appendix) and 49 C.F.R. 173.118a(b) as modified (see Appendix) are subject only to the requirements specified therein.

1. A transporter carrying combustible liquids, not categorized under 49 C.F.R. 171.8 or 49 C.F.R. 172.101 (see Appendix) as a hazardous substance or hazardous waste, in packaging having a rated capacity of 110 gallons or less and in compliance with the standard packaging requirements found in 49 C.F.R. 173.24 (see Appendix) is not subject to these provisions including the Federal regulations adopted and incorporated herein; however, a transporter carrying such combustible liquids, not categorized as a hazardous substance or waste, in a cargo tank, tank car, portable tank or packaging having a rated capacity greater than 110 gallons is subject only to the requirement specified within 49 C.F.R. 173.118a(b)(1) through (b)(7) as modified in the appendix where applicable; it is not subject to any other provision of the adopted Federal regulations.

2. A transporter carrying a combustible liquid categorized as a hazardous substance or waste under 49 C.F.R. 171.8 or 49 C.F.R. 172.10 (see Appendix) in packaging having a rated capacity of 110 gallons or less is subject only to the requirements specified within 49 C.F.R. 173.118a(b)(1) through (7) as modified in the appendix; it is not subject to any other provision of the adopted Federal regulations. A transporter carrying combustible liquids categorized as a hazardous substance or waste in packaging having a rated capacity greater than 110 gallons, a portable tank, cargo tank or tank car is subject to all applicable provisions of this regulation including the adopted Federal regulations.]

16:49-1.5 Document availability

(a) Copies of the Federal "Hazardous Materials Regulations," Title 49, Code of Federal Regulations, Parts 171, 172, 173, 174, 177, 178 and 179, revised as of [November 1, 1985] **October 1, 1987**, and referenced herein, may be purchased from the places listed below. The "Federal Motor Carrier Safety Regulations," Title 49, Code of Federal Regulations, Parts 390 through 397 revised as of [October 31, 1983] **October 1, 1987**, and adopted by reference in Section 177.804 of the Appendix to the Regulations Regarding the Transportation of Hazardous Materials may also be purchased at the places listed below.

1.-3. (No change.)

(b) (No change.)

(c) Copies of the Title 49 CFR volumes are also noted above, are further available for review at the New Jersey Department of Transportation, Office of Freight Services, 1035 Parkway Avenue, Trenton, New Jersey 08625. Hours at this office are 8:30 A.M. to 5:00 P.M., Monday through Friday. This office may be contacted at (609) [530-2821 or 530-2822] **292-8367 or 292-4187**.

16:49-1.6 Assistance

(a) For general assistance and procedural questions in matters related to New Jersey's Hazardous Materials Regulations, as adopted herein, contact:

TRANSPORTATION

PROPOSALS

Office of Freight Services
New Jersey Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625
(609) [530-2821 or 530-2822] **292-8367 or 292-4187**

(b) For assistance in matters related to enforcement or interpretation of the Hazardous Materials [Regulations] **Rules**, contact: Hazardous Materials Transportation Unit
New Jersey Division of State Police
P.O. Box 7608
West Trenton, New Jersey 08625
(609) 882-2000, extension 2581 or 2582

16:49-2.1 Parts adopted by reference

(a) The New Jersey Department of Transportation, pursuant to N.J.S.A. 39:5B-25 et seq., hereby incorporates by reference the following portions of Title 49—Transportation, Code of Federal Regulations, revised as of [November 1, 1985] **October 1, 1987**. The parts adopted by reference are found in Chapter 1 referred to as "Research and Special Programs Administration, Department of Transportation." These parts are detailed in the **APPENDIX TO THE REGULATIONS REGARDING THE TRANSPORTATION OF HAZARDOUS MATERIALS**. The portions adopted are summarized below:

1.-2. (No change.)

3. Part 173, Shippers—General Requirements for Shipments and Packagings (section 173.32a is exclusive from adoption herein) [; modifications are made to Section 173.118a and applicability to Section 173.24].

4. (No change.)

5. Part 177, Carriage by Public Highway [(Section 177.825(a), (b), (c), and (e), and Appendix A are excluded from adoption)].

6.-7. (No change.)

APPENDIX TO THE REGULATIONS REGARDING THE TRANSPORTATION OF HAZARDOUS MATERIALS

This Appendix to the Regulations Regarding the Transportation of Hazardous Materials details the adopted portions of Title 49, C.F.R., by section. All sections are listed by number and title to identify content for the reader. Detailed modifications are stated within the appropriate section.

CHAPTER 1

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION (Entire Subchapter B is not being incorporated upon adoption.)

SUBCHAPTER C HAZARDOUS MATERIALS REGULATIONS

Part 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

Section 171.2 through Section 171.16 (No change.)
[Section 171.17 Hazardous substance discharge notification.]
Section 171.18 and Section 171.19 (No change.)

Part 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Subpart A (No change.)

Subpart B—Tables of Hazardous Materials, Their Description, Proper Shipping Name, Class, Label, Packaging, and Other Requirements

Section 172.101 Purpose and use of Hazardous Materials table; including the Hazardous Materials table, the CERCLA List, [Specific Chemical Wastes, Chemicals Listed by EPA under Section 307(a) of the Clean Water Act, Chemicals Listed by EPA under Section 112 of the Clean Air Act.] **and the List of Hazardous Substances and Reportable Quantities.**

Section 172.102 through Section 172.330 (No change.)

Section 172.331 Bulk packagings other than portable tanks, tank cars and multi-unit tank car tanks.

Section 172.332 through Section 172.444 (No change.)
[Section 172.446 **MAGNETIZED MATERIALS** label]
Section 172.448 through Section 172.524 (No change.)
Section 172.525 Standard requirements for the [EMPTY] **RESIDUE** placard.

Section 172.527 through Section 173.5 (No change.)

Section 173.5a Oilfield service vehicles.

Section 173.6 through Section 173.103 (No change.)

Section 173.104 Cord, detonating [flexible] **fuse**, mild detonating [fuse], metal clad or flexible; or flexible linear shaped charges, metal clad.

Section 173.105 through Section 173.118a (No change.)

(a)-(b)(6) (No change.)

(7) Standard packaging requirements for all packages as prescribed in Section 173.24[.] **and 177.804.**

Section 173.119 through Section 173.248 (No change.)

Section 173.249 Alkaline corrosive liquids, n.o.s.: alkaline liquids n.o.s.: alkaline **corrosive** battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution.

Section 173.249a through Section 173.419 (No change.)

Section 173.420 Uranium hexafluoride (fissile and low specific activity).

Section 173.421 (No change.)

Section 173.421-1 Additional requirements for [limited quantities of] **excepted** radioactive materials [and radioactive instruments and articles].

Section 173.421-2 through Section 173.960 (No change.)

Section 173.965 Cotton and other fibers.

Section 173.985 through Section 173.1015 (No change.)

[Section 173.1020 Magnetized material.]

Section 173.1025 through Section 174.92 (No change.)

Section 174.93 Position in train of [empty placarded] **a tank car[s] displaying residue placards.**

Section 174.100 through Section 177.804 (No change.)

Motor carriers and other persons subject to this part shall comply with 49 CFR Parts 390 through 397 (excluding Section 391.69, 391.71, 393.81, 397.3, and 397.9) revised as of [October 31, 1983] **October 1, 1987**, to the extent those rules apply. Carriers transporting hazardous materials, substances, or wastes as defined herein must comply with these parts as listed below[,] except transporters carrying combustible liquids which have been excluded pursuant to Section 173.118a].

(See N.J.A.C. 16:49-1.3(1) herein).

MOTOR CARRIER SAFETY REGULATIONS

Part 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Section 390.1 through Section 390.15 (No change.)

[Section 390.16 Exempt intracity operation.]

Section 390.17 through Section 391.67 (No change.)

Section 391.71 Intrastate drivers of vehicles transporting combustible liquids.

Part 392 through Section 392.16 (No change.)

Section 392.18 Slow moving vehicles; hazard warning signal flashers.

Section 392.20 through Section 397.7 (No change.)

Section 397.9 Routes.

Section 397.11 through Section 177.824 (No change.)

Section 177.825—Routing and training requirements for radioactive materials. [Parts (a), (b), (c) and (e) of Section 177.825 are excluded from adoption herein. Part (d) of Section 177.825 regarding driver training is included for adoption herein.]

Section 177.826 through Section 178.53 (No change.)

[Section 178.54 Specification 4B240-FLW; welded or welded and brazed cylinders with fusion-welded longitudinal seam.]

Section 177.55 through Section 179.221 (No change.)

Section 179.222 Special commodity requirements for DOT 11SA tank car tanks.

Subpart E—Specifications for multi-unit tank car tanks (Classes DOT—106A and 110AW).

Section 179.300 through 179.500 (No change.)

(a)

THE COMMISSIONER**Aviation****Regulation of Land Use Adjacent to Public Use****Airports****Proposed Amendments: N.J.A.C. 16:62-1.1, 1.2, 3.2, 5.1, 9.1 and 10.1****Proposed New Rule: N.J.A.C. 16:62-3.5**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29, 6:1-32 and P.L.

1983 c.260, as amended by P.L. 1985 c.122.

Proposal Number: PRN 1988-618.

A public hearing concerning these proposed amendments and new rule will be held on:

Thursday, December 22, 1988 at 10:00 A.M.
 Multipurpose Room
 Engineering and Operations Building
 1035 Parkway Avenue
 Trenton, New Jersey 08625

The agency proposal follows:

Summary

Under the provisions of N.J.S.A. 6:1-83 and 6:1-84, the Department of Transportation (Department) published its intent to propose amendments to N.J.A.C. 16:62-5.1, which establishes permitted and prohibited land uses within an airport hazard area delineated in N.J.A.C. 16:62-3.1. The Department's Notice of Pre-Proposal was published in the July 5, 1988 issue of New Jersey Register at 20 N.J.R. 1534(a).

The objectives of the pre-proposal were to seek public comment on the proposed regulatory changes:

1. Limit all structure development in the clear zone.
2. Allow low density residential zoning.
3. Permit municipalities to zone pre-existing residential structures as a conforming land use.
4. Require public disclosure of properties in hazard area.
5. Continue to provide municipalities with relief from land use standards; and
6. Clarification of application.

Additionally, the Department solicited other comments and recommendations concerning the rules with the intent of selecting, refining and incorporating the comments and options which will more equitably serve the flying and general public.

The Department received 42 comments in response to the Notice of Pre-Proposal. After a thorough review and analysis of the responses, the Department proposes the following regulatory changes:

1. Limit all structure development in the CLEAR ZONE. It is proposed that the CLEAR ZONE would consist of trapezoids located within the RUNWAY END SUBZONES along the flight approach and departure path; that the base of the CLEAR ZONE would be co-located with the end of the RUNWAY SUBZONE and would have a width of 250 feet; that the length of the CLEAR ZONE would be 1000 feet; and that the width of the CLEAR ZONE would increase as the distance from the end of the RUNWAY SUBZONE increases. Its outer width would be 450 feet. All structural development would be prohibited and strictly enforced. The waiver provisions currently contained in the rules would apply. All pre-existing structures would be classified by the municipality as either "non-conforming" or "conditional".

2. The Department proposes to permit single family residential dwellings on large lot parcels in all areas of the hazard zone, except in the proposed CLEAR ZONE. In the absence of any significant comments to this element of the pre-proposal, the Department proposes to proceed with the three acre minimum lot size.

3. The rules currently state that pre-existing land uses not in conformance with the rules may, at the discretion of a municipality, be zoned by the municipality as either "non-conforming" or "conditional". The Department suggested a change which would allow those pre-existing residential dwellings to be zoned as "conforming". The Department proposes that this change be implemented as proposed for all structures located outside the suggested CLEAR ZONE area. This change will return the control of development back to the municipal level and allow municipal agencies to review and approve all building additions and modifications as long as the State requirements are enforced.

Social Impact

The proposed amendments and new rule will allow large lot, single family residential dwellings and permit pre-existing residential structures to be zoned "conforming" use in local land use ordinances, thus alleviating the perception of municipal officials and property owners that the rules are punitive. The amendments and rule continue the prohibition of allowing residential dwellings in the area along the extended runway centerline at the ends of a runway and provide greater protection of the safety and welfare of the public by additionally prohibiting commercial and industrial development in this area.

Economic Impact

The proposed amendments and new rule will have an economic impact on the local municipalities by the adoption of ordinances redirecting the focus of land use around airports. By reducing land use conflicts, the amendments and rule will enhance the economic vitality of lands adjacent to airports. The wide variety of options available to implementing municipalities should encourage the full economic development of affected lands. Additionally, waiver application costs at the municipal and State levels and associated time delays will be eliminated in many cases.

Regulatory Flexibility Statement

The proposed amendments do not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. The amendments primarily effect administrative changes.

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

16:62-1.1 Definitions

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

"Airpark" means any area of land, adjacent to a public use airport, to be utilized as a combined single family residence and aircraft storage facility.

...

16:62-1.2 General requirements and provisions

(a)-(e) (No change.)

(f) Airport hazard areas adjacent to airports not licensed by the State of New Jersey or airports which are located within the Port of New York District as defined in N.J.S.A. 32:1-3 are not subject to the specific provisions of this chapter. [Airports not licensed by the State of New Jersey include Newark International Airport, Teterboro Airport, Atlantic City Airport near Pomona, New Jersey, and military airports.] Although the specific provisions of this chapter may not apply to areas surrounding non-State licensed airports open to the public, this in no way limits the power of municipalities to enact substantially similar ordinances governing the areas in accordance with the purposes of the Municipal Land Use Law.

(g)-(m) (No change.)

(n) This chapter shall not apply to:

1. Any person who has submitted a complete application, as defined and required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., for approval of the proposed development [at the time of the adoption of this chapter] **as of April 15, 1985 or as of the adoption date of the latest amendments to this chapter for commercial and industrial development proposed to be located in the clear zone.**

2. Any person immune to local ordinance, whose proposed development has progressed beyond the preliminary engineering stage, **as of April 15, 1985 or at the time of the adoption of the latest amendments to this chapter for commercial and industrial development proposed to be located in the clear zone.**

SUBCHAPTER 3. DELINEATION OF AIRPORT HAZARD AREAS

16:62-3.2 Methodology used to delineate Airport Hazard Areas

(a) (No change.)

TRANSPORTATION

PROPOSALS

(b) Each Airport Hazard Area shall consist of a RUNWAY SUBZONE, [and] two RUNWAY END SUBZONES and two CLEAR ZONES.

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

16:62-3.5 Delineation of the CLEAR ZONES

(a) The CLEAR ZONES of an Airport Hazard Area shall consist of trapezoids located within the RUNWAY END SUBZONE along the flight approach and departure path.

(b) Each CLEAR ZONE shall extend 1000 feet from the end of the RUNWAY SUBZONE, as measured along the extended centerline of the RUNWAY.

(c) The base of the Clear Zone shall be co-located with the end of the RUNWAY SUBZONE, and shall have a width of 250 feet. The width of the CLEAR ZONE shall increase as the distance from the end of the Runway Safety Zone increases. Its final width shall be 450 feet.

(d) The methodology used to delineate the CLEAR ZONE of an Airport Hazard Area is illustrated in Figure 7.

16:62-5.1 Minimum land use standards

(a) Within the hazard areas delineated in N.J.A.C. 16:62-3.1, each municipality shall implement under N.J.A.C. 16:62-2.1, ordinances which implement the following standards for land use around airports. Prohibited land uses are specifically prohibited without the written approval of the Commissioner. Prohibited land uses may be allowed by the Commissioner on airport property when they are determined necessary by the Director for air commerce purposes or for the operation of the airport and its vendors directly serving air commerce needs. An example of this is a flight school.

1. Permitted land uses:

i. [Industrial] Residential-single family dwelling units which are situated on a lot at least three acres in size and not located in a CLEAR ZONE. Residential zoning is permitted in the CLEAR ZONE as long as all dwellings are physically located outside of the CLEAR ZONE;

ii. [Commercial:] Airpark (minimum lot size of at least three acres which are not located in a CLEARZONE);

iii.-v.) (No change.)

vi. Airport[.];

vii. Commercial (not located in a CLEAR ZONE);

viii. Industrial (not located in a CLEAR ZONE);

2. Specifically prohibited land uses:

i. Residential (dwelling units) not situated on a lot at least three acres in size;

ii.-viii. (No change.)

(b) (No change.)

(c) Municipalities shall, when developing land use ordinances to conform with the provisions of this chapter, adopt general land use provisions within the ordinance to minimize unwarranted concentrations of persons within Airport Hazard Areas, especially along the extended runway centerlines within RUNWAY [AND] END SUBZONES.

16:62-9.1 General provisions

(a) (No change.)

(b) Within the context of an ordinance adopted to conform with the standards of this chapter, a preexisting land use which is located within a CLEAR ZONE as delineated in N.J.A.C. 16:62-3.5 and not in conformance with the rules may, at the discretion of the municipality, be classified within such an ordinance as either "nonconforming" or "conditional". [For such preexisting land uses, a property owner may seek and a municipality may grant on a one time basis, up to 10 percent expansion of such nonconforming or conditional use without having to obtain a permit from the Commissioner under the provisions of this chapter.]

[(c) The provision in (b) above allowing up to 10 percent one time expansion of preexisting land use not in conformance with the rule of this chapter may be done only after the granting of a permit from the Commissioner, under the provisions of this chapter.]

SUBCHAPTER 10. I[N]MPLEMENTATION DEADLINES

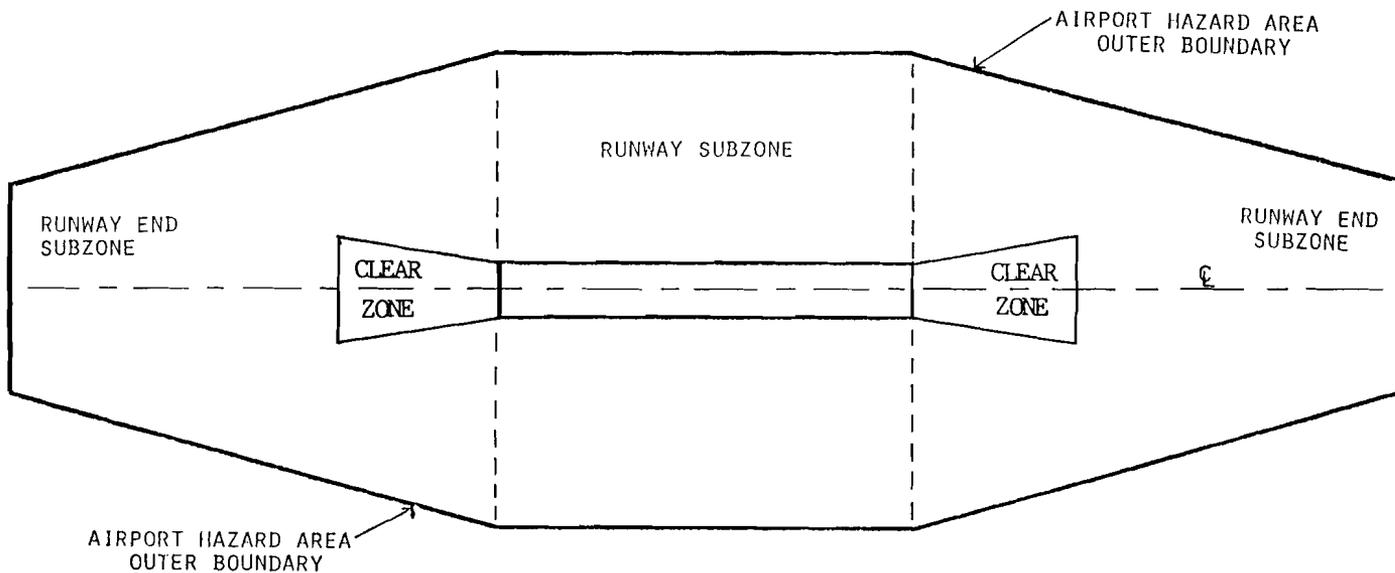
16:62-10.1 General provisions

(a) [Municipalities affected by the provisions of this chapter shall adopt ordinances implementing the standards of this chapter within 12 months of the adoption of this chapter.] Municipalities affected by the provisions of this chapter shall implement the standards of this chapter as of April 15, 1985, or at a later date as provided for in this chapter. Affected municipalities shall adopt the required ordinances within 12 months of the amendment to this subchapter.

(b) [Upon the adoption of this chapter, no] No municipal body may grant variances or subdivisions in an Airport Hazard Area under their existing ordinances whose purpose would be contrary to the standards of this chapter.

FIGURE 7.

FOR PURPOSES OF GRAPHIC CLARITY, NOT ALL PORTIONS OF THIS DRAWING ARE NECESSARILY TO THE SAME SCALE



GRAPHIC DEPICTION OF THE CLEAR ZONE
 DIMENSION: INNER WIDTH 250 FEET
 OUTER WIDTH 450 FEET
 LENGTH 1000 FEET

OTHER AGENCIES

(a)

**ELECTION LAW ENFORCEMENT COMMISSION
 Campaign Reporting**

Proposed New Rules: N.J.A.C. 19:25-4.7, 8.3 and 11.9.

Proposed Amendments: N.J.A.C. 19:25-1.7, 9.6, 10.4, and 12.2.

Authorized By: Election Law Enforcement Commission,
 Frederick M. Herrmann, Ph.D., Executive Director.

Authority: N.J.S.A. 19:44A-6.

Proposal Number: PRN 1988-610.

Submit comments by January 4, 1989 to:
 Gregory E. Nagy, Esq., Legal Director
 Election Law Enforcement Commission
 28 West State Street, CN-185
 Trenton, New Jersey 08625-0185

The agency proposal follows:

Summary

N.J.A.C. 19:25-1.7, Definitions, specifically "political club" and "political party committee", has been amended to delete "political club" from the definition of "political party committee" because the Commission believes that a political club should not be compelled to file quarterly reports unless its expenditures exceed \$2,500 annually. Under the existing rules, a political club which has a permanent or continuing existence unrelated to the candidacy of particular candidates, or which receives

contributions or makes expenditures from time to time unrelated to the promotion or opposition of the candidacy of a particular candidate or candidates, and which carries on some or all of the continuing functions of a political party committee, is treated for reporting purposes like a political party committee. Therefore, under the existing rules, such a club is required to file quarterly reports regardless of how small its annual expenditures are, or even in the event it makes no expenditures whatsoever. Under the proposed deletion of political club from the definition of "political party committee", a political club will be required to file quarterly reports on the same basis as any other continuing political committee, that is, if it makes expenditures exceeding \$2,500 annually (see the definition in N.J.A.C. 19:25-1.7 of "continuing political committee").

N.J.A.C. 19:25-4.7, Write-in candidates, is proposed to define the term "write-in candidate" and to relieve such a "write-in candidate" who spends \$2,000 or less in an election from the obligation of filing a Sworn Statement (Form A-1). A "write-in candidate" is defined as one whose name does not appear as a candidate on the ballot pertinent to the election in which that person is seeking office. A "write-in candidate" does not file a nominating petition and therefore does not receive the notice of campaign disclosure filing requirements that appears on nominating petitions (see N.J.S.A. 19:13-4, 19:13-9, 19:23-7 and 19:23-14). Also, because such candidates do not file petitions, the municipal and county clerks are unable to provide the Election Law Enforcement Commission (ELEC) with the names and addresses of "write-in candidates" and ELEC, in turn, is therefore unable to mail to them correspondence concerning their filing obligations that is sent to other candidates. For these reasons, the Commission believes it is appropriate to relax filing requirements of a "write-in candidate" whose campaign expenditures in an election do not exceed \$2,000 but who is currently required to file the Sworn Statement (Form A-1) (see N.J.S.A. 19:44A-16(d)). The Commission believes that the filing requirements of such "write-in candidates" should be the same as those

required of a candidate seeking election to a public office of a school district pursuant to N.J.S.A. 19:44A-16(e). School board candidates also generally do not receive notice of the filing requirements, and therefore the Commission believes there are sufficient parallels to justify treating "write-in candidates" in the same manner as school board candidates for campaign reporting purposes.

N.J.A.C. 19:25-8.3, Affidavit for missing records, is proposed to establish a procedure for an organizational or campaign treasurer who is unable to produce a record that is required to be kept or maintained to submit to the Commission an affidavit concerning the missing record. The affidavit must be submitted to the Commission within 10 days after the Commission so requests, and must specify whether a written record was made at the time of the transaction and, if so, the name of the person who made it, the position of that person in the campaign or organization, and the reasons the record is no longer available. If no contemporaneous record was made, the affidavit must state the name of the person assigned responsibility for making such a record and the reason the record was not made. Submission of such an affidavit will not preclude the Commission from undertaking penalty proceedings for failure to maintain or make records pursuant N.J.S.A. 19:44A-22.

N.J.A.C. 19:25-9.6, Expenditures on behalf of a candidate, which concerns political committees, and N.J.A.C. 19:25-10.4, Expenditures on behalf of candidates, which concerns continuing political committees, have been amended to require written notice within 48 hours to candidates of expenditures made on behalf of their campaigns, referred to as "in-kind" contributions. The proposed amendments require that the recipient candidate of such an "in-kind" contribution valued at more than \$100.00 either include that contribution in the candidate's report or alternatively forward the written notice within 48 hours to ELEC with a statement rejecting the "in-kind" contribution. Under existing N.J.A.C. 19:25-9.6, a political committee making expenditures on behalf of a candidate was required to provide written notice to that candidate no later than three days prior to the close of any reporting period. The possibility of a candidate rejecting or disavowing the "in-kind" contribution in the candidate's report was not specifically addressed. Under the proposed amendment, the political committee must give written notice of the "in-kind" contribution within 48 hours after making it. The candidate receiving such written notice must include the information pertinent to the "in-kind" contribution in the candidate's next report, or must within 48 hours of receipt of the written notice file a statement with the Commission stating that the candidate rejects the "in-kind" contribution as part of the candidate's campaign. The proposed amendment to N.J.A.C. 19:25-10.4, Expenditures on behalf of candidates, makes parallel changes in regard to "in-kind" contributions made by continuing political committees.

A new rule, N.J.A.C. 19:25-11.9, Contributions by check, is proposed to clarify that the owner of a checking account is the person or entity that must be identified on campaign reports as the contributor, and also to clarify that a contribution of \$100.00 or more from a joint checking account must be reported regardless of the number of owners of such a joint account. In regard to identification of contributors when contributions are made by check, the Commission wishes to specify to all reporting entities that the name of the person or entity owning the checking account is regarded as the contributor, not the name of the person who merely makes such checks. For example, many continuing political committees or PACs appoint an individual to act as a treasurer to sign their checks, but that individual should not be identified as the contributor. It is the continuing political committee, or the PAC, owning the checking account that is the actual contributor. In regard to checks from joint checking accounts, the Commission wishes to clarify that regardless of the numbers of owners of such an account, any contribution from such an account in excess of \$100.00 must be regarded as being in excess of \$100.00 for reporting purposes. Therefore, such contributions cannot be omitted from Schedule A of campaign reports under the theory that dividing the number of owners into the amount of a contribution will result in a net contribution of \$100.00 or less and therefore not be subject to reporting.

N.J.A.C. 19:25-12.2, Expenditures for election-related activity, has been amended by adding a new subsection (d) to specify reporting requirements when a campaign purchases goods or services by use of a credit card. When a credit card is used to make purchases on behalf of a campaign, the reporting of the purchase must include the exact name or title of the owner of the card and the name of the lending institution that issued the card. Also, the date of the purchase, the name and address of the vendor from whom the purchase was made, the date of the purchase, the purpose of the purchase, and the cost of the goods or services purchased must be disclosed.

Social Impact

The proposed new rules and amendments affect reporting requirements of candidates, political committees, continuing political committees, and their respective treasurers. The amendment to delete political clubs from the definition of "political party committee" will relieve such entities spending \$2,500 or less annually from the quarterly report filing requirements. Most such entities exist on the municipal level, and the Commission anticipates that the activities of such small entities are often reflected in the reports that are required by municipal political party committees, or alternatively are of such small size and infrequency as not to justify burdening these entities with ongoing quarterly reporting obligations. The proposed new rule concerning "write-in candidates" will relieve such candidates of the obligation to file sworn statements. The Commission believes that because of the difficulties involved in providing notice of filing requirements to "write-in candidates", they should be treated for campaign disclosure purposes as are candidates in school board elections. The Commission does not anticipate that relieving "write-in candidates" spending such limited amounts in an election campaign will significantly hamper campaign disclosure. The proposed new rule concerning affidavits for missing campaign records formalizes a procedure that the staff has been utilizing when campaign records cannot be produced. Therefore, it does not create any new burdens, and the Commission anticipates it will be a useful vehicle permitting treasurers of candidates or other entities to document circumstances surrounding lost records.

The proposed amendments concerning the reporting and treatment of "in-kind" contributions reflect the Commission's recognition that some candidates do not wish to incorporate such contributions in their campaign reports. The amendments require a candidate to report receipt of such "in-kind" contributions, but at the same time permit the candidate to disavow them as not part of the candidate's campaign. The new rule concerning contributions by check merely clarifies what has been existing Commission policy, and does not create any new burdens. Finally, the amendment concerning purchases by use of credit cards merely responds to a relatively new development in the area of campaign finance, that is, the use of credit cards for purchasing campaign items.

Economic Impact

The Commission does not anticipate any significant economic impact resulting from the proposed amendments and new rules. However, small political clubs may be relieved from minor expenses associated with filing quarterly reports. Similarly, "write-in candidates" may have some minor economic benefit by not being required to file sworn statements.

Regulatory Flexibility Statement

The proposed new rules and amendments do not impose campaign reporting or recordkeeping requirements on small businesses, as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The reporting requirements established concerning credit card transactions are placed on the candidate or reporting entity that is using the credit card, not on any vendor.

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

19:25-1.7 Definitions

The following words and terms, when used in this chapter and in the interpretation of the act, shall have the following meanings unless a different meaning clearly appears from the context.

...
 ["Political club" (see "Political committee" and "Political party committee").]
 ...

"Political party committee" includes every State, county or municipal committee of a political party. [A political club having a permanent or continuing existence unrelated to the candidacy of particular candidates, or which receives contributions or makes expenditures from time to time unrelated to the promotion or opposition of the candidacy of a particular candidate or candidates, and which carries on in fact some or all of the continuing functions of a political party committee, is determined to be a political party committee.] Political party committees are continuing political committees for the purpose of the quarterly reporting requirements of the act.

...

19:25-4.7 Write-in candidates

(a) For purposes of this section, the term "write-in candidate" shall mean an individual seeking or having sought election to a public office of this State or of a county, municipality or school district whose name does not appear as a candidate for that office on the ballot used for that election.

(b) There shall be no obligation on a write-in candidate as that term is defined in (a) above to file the reports described in N.J.S.A. 19:44A-16 provided that the total amount expended or to be expended on behalf of the write-in candidate by the candidate, any political committee, any continuing political committee or by any person does not in the aggregate exceed \$2,000.

(c) If a write-in candidate who spends or has \$2,000 or less spent on his or her behalf receives any contribution from any one source aggregating more than \$100.00, the write-in candidate must, within 48-hours of receipt, file a report (Form C-1) with the Commission including the name and address of the source and the dates of and aggregate total of contributions.

19:25-8.3 Affidavit for missing records

(a) An organizational or campaign treasurer unable to produce any record required to be made pursuant to N.J.A.C. 19:25-8.1, Recordkeeping requirements, shall submit to the Commission within 10 days after the Commission so requests an affidavit specifying which record cannot be produced and the reasons the record is unavailable. The affidavit shall specify:

1. Whether a written record was made at the time of the transaction and, if so, the name of the person who made it, the position of that person in the campaign or organization, and the reasons the record is no longer available; or

2. If no contemporaneous record was made, the name of the person, if any, assigned responsibility for making such a record and the reasons the record was not made.

(b) Any affidavit prepared pursuant to (a) above shall include a re-creation of the missing records based on bank statements, copies of negotiated checks or instruments, or any other source. A description of the efforts undertaken to re-create the missing record shall be included in the affidavit.

(c) The submission of an affidavit pursuant to (a) above shall not preclude or otherwise estop the Commission from undertaking penalty proceedings for failure to make or maintain records.

19:25-9.6 Expenditures on behalf of a candidate

(a) When a political committee, or an individual seeking party office, makes or authorizes an expenditure on behalf of a candidate, the committee or individual shall provide within 48 hours of the expenditure written notice to the candidate containing the name and address of the committee or individual, the amount of the expenditure, the date the expenditure was made or authorized and the nature and purpose of the expenditure.

[(b) Written notice described in (a) above shall be delivered to the candidate on whose behalf the expenditure was made or authorized no later than three days prior to the close of any reporting period described in N.J.A.C. 19:25-9.4. In the event that the expenditure is made three days prior to the close of a reporting period or any time thereafter until the close of a reporting period, written notice of the expenditure shall be provided to the receiving candidate and a copy forwarded directly to the commission.]

(c) Absent notice to the contrary from the receiving candidate, the commission shall include the notice described in subsection (a) above as part of the public file of the receiving candidate.]

(b) In the event a candidate receives a written notice pursuant to (a) above of an expenditure exceeding \$100.00, the candidate must:

1. Report pursuant to (c) below the receipt of an in-kind contribution from the contributor identified in the written notice; or

2. File the written notice with the Commission within 48 hours of receipt with a statement indicating that the candidate rejects the expenditure as part of the candidate's campaign.

(c) A candidate receiving written notice of an expenditure on behalf of his or her candidacy and accepting the expenditure as promoting his or her candidacy must report such an expenditure as an in-kind contribution made by the contributor identified in the written notice.

1. If the candidate is spending more than \$2,000 and therefore filing reports (Form R-1) pursuant to N.J.A.C. 19:25-9.4, Reporting dates and periods covered, the in-kind contribution should be reported in the pertinent report period, that is, 29-day preelection, 11-day preelection, 20-day postelection; or

2. If the candidate is spending \$2,000 or less and therefore filing a sworn statement (Form A-1), the contribution must be reported on Form C-1 pursuant to N.J.A.C. 19:25-9.9(c).

19:25-10.4 Expenditures on behalf of candidates

[(a)] When a continuing political committee makes or authorizes an expenditure on behalf of a candidate or political committee, the continuing political committee shall provide within 48 hours of the expenditure written notice to the candidate containing the name and address of the committee, the amount of the expenditure, the date the expenditure was made or authorized and the nature and purpose of the expenditure.

[(b) Written notice described in (a) above shall be delivered to the candidate on whose behalf the expenditure was made or authorized no later than three days prior to the close of any reporting period described in N.J.A.C. 19:25-9.4. In the event that the expenditure is made three days prior to the close of a reporting period or any time thereafter until the close of a reporting period, written notice of the expenditure shall be provided to the receiving candidate and a copy forwarded directly to the commission.]

(c) Absent notice to the contrary from the receiving candidate, the commission shall include the notice described in (a) above as part of the public file of the receiving candidate.]

19:25-11.9 Contribution by check

(a) The person or entity reported as the contributor of a contribution made by check shall be the person or entity owning the account on which the check is drawn.

(b) A contribution by check in excess of \$100.00 drawn on a joint checking account shall be reported as a contribution in excess of \$100.00 without regard to the number of owners of the joint account.

19:25-12.2 Expenditures for election-related activity

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

(d) Where the purchase of goods or services is made by use of credit card, the reporting of such purchase must include:

1. The exact name or title of the owner of the card, and the name of the lending institution that issued the card;

2. The date of the purchase;

3. The name and address of the vendor from whom the purchase was made;

4. The date of the purchase;

5. The purpose of the purchase; and

6. The cost of the goods or services purchased.

(e) Payment by use of credit card reported pursuant to (d) above shall not be deemed to be in violation of N.J.S.A. 19:44A-11, requiring campaign expenditures to be made through the campaign or organizational treasurer.

CASINO CONTROL COMMISSION

The following proposals are authorized by Casino Control Commission, Joseph A. Papp, Executive Secretary.

Submit comments by January 4, 1989 to:

Deno R. Marino
Deputy Director—Operations
Casino Control Commission
3131 Princeton Pike
Building No. 5, CN-208
Trenton, NJ 08625

(a)

Accounting and Internal Controls Wire Transfers of Funds

Proposed New Rules: N.J.A.C. 19:45-1.24A and 1.24B.

Proposed Amendments: N.J.A.C. 19:45-1.1, 1.15 and 1.24.

Authority: N.J.S.A. 5:12-63c; 69a; 70g, l and m; and 99.

Proposal Number: PRN 1988-611.

A public meeting will be held on January 18, 1989 at the Commission offices, 3131 Princeton Pike, Building No. 5, Lawrenceville, New Jersey and these proposed new rules and amendments will be on the meeting agenda for that date. The meeting will start at 10:30 A.M.

Interested persons are invited to participate through oral argument and are requested to notify the Commission by January 6, 1989 of their intent to do so by contacting Deno R. Marino at the above address or by telephone at 609-530-4986.

The agency proposal follows:

Summary

The Casino Control Commission is proposing the adoption of two new rules and several rule amendments which would authorize casino licensees to receive and transmit funds for specified purposes using the facilities of the Federal Reserve Bank wire system ("wire transfers"). This notice of proposal is being published, in part, as a result of a petition for rulemaking filed with the Commission by Trump Plaza Associates and Boardwalk Regency Corporation ("Petitioners") (see 19 N.J.R. 2309(b)). Petitioners have subsequently amended their petition for rulemaking to conform to the instant proposal, which was prepared by the Commission's staff after reviewing the petitioners' original proposal and the response submitted by the Division of Gaming Enforcement.

Proposed new rule N.J.A.C. 19:45-1.24A would establish procedural and recordkeeping requirements governing the acceptance and verification of wire transfers by casino licensees. Among the rule's more significant features are an enumeration of the purposes for which funds may be wire transferred (N.J.A.C. 19:45-1.24A(a)); the specification of the method and content of any notice of a wire transfer sent to a casino licensee by its bank (N.J.A.C. 19:45-1.24A(b) and (c)); the requirement that a cashiers' cage supervisor independently verify the receipt of every wire transfer with the casino licensee's bank (N.J.A.C. 19:45-1.24A(d)); the procedures and documentation to be used by the casino licensee to account for and control the wire transfer (N.J.A.C. 19:45-1.24A(b) through (h)); and the requirement that a patron produce identification credentials before being allowed to use funds transmitted by wire transfer (N.J.A.C. 19:45-1.24A(g)2ii).

Proposed new rule N.J.A.C. 19:45-1.24B would establish procedural and recordkeeping requirements governing the wire transfer of a patron's funds by a casino licensee to a financial institution. This new rule would establish the procedures and documentation to be used by the casino licensee to account for and control the wire transfer request (N.J.A.C. 19:45-1.24B(b) through (g)) and require the patron to produce identification credentials as part of the wire transfer request (N.J.A.C. 19:45-1.24B(c)).

The proposed amendments are needed to conform existing needs to the allowance of wire transfers.

Social Impact

The proposed amendments are designed to fulfill the Commission's obligation to promulgate rules "[r]egulating the practice and procedures for negotiable transactions involving patrons", N.J.S.A. 5:12-70g, and "[p]rescribing minimum procedures for the exercise of effective control over the internal fiscal affairs" of casino licensees, N.J.S.A. 5:12-70l. The promulgation of rules authorizing and governing wire transfers of funds will, according to the petitioners, benefit the casino industry and gaming patrons by permitting a safe, secure and assured means of transferring funds to or from a casino. The use of wire transfers will thus assist in the prevention of criminal activity directed at patrons who might otherwise be required to carry either cash or negotiable instruments.

Economic Impact

Since most casino licensees are already utilizing wire transfers for the purposes identified in the proposed rules and amendments, the adoption of the new rules and amendments should not have any significant econ-

omic impact on the business operations of casino licensees. Some additional costs might be incurred by the industry and the regulatory agencies as a result of the institution and enforcement of the regulatory requirements established by the rules and amendments. The Commission anticipates, however, that these costs will be insignificant.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required since the proposed new rules and amendments do not impose any reporting, recordkeeping or compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

19:45-1.1 Definitions

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

"Cage supervisor" means any person holding a license and position endorsement as required by the casino licensee's approved job compendium which allows that person to supervise personnel and functions within the cashiers' cage.

"Wire transfer" means a transfer of funds by means of the Federal Reserve Bank wire system in accordance with the requirements of 12 CFR 210.25 et seq. and the Commission's rules.

19:45-1.15 Accounting controls within the cashiers' cage

(a) (No change.)

(b) The cashiers' cage shall be physically segregated by personnel and function as follows:

1. General cashiers shall operate with individual imprest inventories of cash and such cashiers' functions shall be, but not limited to, the following:

i.-viii. (No change.)

ix. Receive checks from check cashiers to be returned to patrons for check redemptions, partial redemptions, consolidations or substitutions; [and]

x. Receive Wire Transfer Acknowledgment Forms in accordance with N.J.A.C. 19:45-1.24A for the purpose of completing Customer Deposit Forms; and

[x.]xi. Receive from check, chip bank and reserve cash cashiers documentation with signatures thereon, required to be prepared for the effective segregation of functions in the cashiers' cage.

2. Check cashiers shall not have access to cash, gaming chips and plaques and such cashiers' functions shall be, but not limited to, the following:

i.-iv. (No change.)

v. Prepare bank deposit slips or supporting documentation for checks to be deposited; [and]

vi. Receive Wire Transfer Acknowledgment Forms in accordance with N.J.A.C. 19:45-1.24A for the purpose of redeeming Counter Checks or accepting payment on returned Counter Checks; and

[vi.]vii. Receive from general, chip bank, and reserve cash cashiers documentation with signatures thereon, required for the effective segregation of functions in the cashiers' cage.

3.-4. (No change.)

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

19:45-1.24 Procedure for acceptance, accounting for and redemption of patrons cash deposits

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

(h) On the original and duplicate of the Customer Deposit Form, or in stored data, the general cashier shall record, at a minimum, the following information:

1.-4. (No change.)

5. Nature of the amount received (cash, cash equivalents, chips, [or] plaques, or wire transfer).

(i)-(l) (No change.)

(m) A patron may obtain a refund of his or her deposit or any unused portion of a deposit by requesting the refund from a general cashier and returning his or her copy of the Customer Deposit Form.

The general cashier shall verify the customer's identification and shall:

- 1.-2. (No change.)
3. Prepare necessary documentation evidencing such refund containing the following information:
 - i.-ii. (No change.)
 - iii. Type of refund made (cash, check or wire transfer);
 - iv.-v. (No change.)
 - (n)-(q) (No change.)

19:45-1.24A Procedures for accepting, verifying and accounting for wire transfers

(a) A casino licensee may, in accordance with the rules of the Commission, accept a wire transfer of funds to enable the following:

1. Establishment of a cash deposit pursuant to N.J.S.A. 5:12-101b and N.J.A.C. 19:45-1.24;
2. Redemption of an outstanding Counter Check pursuant to N.J.S.A. 5:12-101c and N.J.A.C. 19:45-1.26 and 1.27; or
3. Payment of a returned Counter Check pursuant to N.J.S.A. 5:12-101e and N.J.A.C. 19:45-1.29.

(b) Any wire transfer of funds authorized by this section shall be transferred to and deposited in the casino licensee's approved operating account in a New Jersey bank. The casino licensee shall require its bank to notify the casino licensee of the receipt and deposit of the wire transfer by transmitting the information required in (c)2 through 6 below by one or more of the following methods:

1. Direct telephone notification between the casino licensee's bank and a cage employee, which notification shall be recorded in the Wire Transfer Log in accordance with (c)6 below;

2. Direct hard copy (printed) communication sent by the casino licensee's bank to the casino licensee, which document shall be dated, time-stamped and signed by the cage employee receiving the notification, and forwarded to the accounting department as supporting documentation in accordance with (g) below; or

3. Direct computer access by the casino licensee to the wire transfer transaction as it is credited to its operating account at its bank, which transaction shall be printed from the computer screen and dated, time-stamped and signed by the cage employee receiving the notification, and forwarded to the accounting department as supporting documentation in accordance with (g) below.

(c) Upon notification in accordance with (b) above that a wire transfer of funds has been credited to the casino licensee's operating account, the cage employee who received the notice shall record, at a minimum, the following information in the notification section of a Wire Transfer Log maintained in the main bank of the cashiers' cage:

1. A sequential wire transfer number which shall be generated by the casino licensee;
2. The date and time of the notification;
3. The name of the casino licensee's bank to which the funds were transferred;
4. The amount of funds transferred, stated in numbers and words;
5. The name of the patron for whose benefit the funds were transferred;
6. The method authorized under (b) above by which the casino licensee was notified of the receipt of the wire transfer and, if by telephone, the name and title of the person at the casino licensee's bank who made the telephone call; and
7. The signature of the cage employee receiving and recording the information required by this subsection.

(d) Upon completion of the notification section of the Wire Transfer Log required by (c) above, a cage supervisor other than the cage employee who received and recorded notification of the wire transfer shall verify receipt of the wire transfer by telephone contact with a previously identified authorized employee of the casino licensee's bank. The cage supervisor verifying the wire transfer shall confirm the information recorded in the Wire Transfer Log pursuant to (c)2 through 6 above, and shall record the following in the verification section of the Wire Transfer Log:

1. The name and title of the authorized employee at the casino licensee's bank who confirmed the information;
2. The date and time of verification; and

3. The signature of the cage supervisor verifying receipt of the wire transfer and the information recorded pursuant to (c) above.

(e) Upon verification of the wire transfer and completion of the Wire Transfer Log, the general cashier of the casino licensee shall be deemed, for purposes of compliance with the Commission's rules, to have received cash at the general cashiers' cage in the amount of the wire transfer.

(f) Upon determining the purpose for the wire transfer, a cage supervisor shall prepare a Wire Transfer Acknowledgment Form, a two-part form containing, at a minimum, the following information:

1. The wire transfer number;
2. The date of the wire transfer;
3. The amount of the wire transfer, stated in numbers and words;
4. The name of the patron;
5. The purpose for the wire transfer (cash deposit; redemption; payment of returned Counter Check);
6. The signature of the preparer; and
7. The signature of either:
 - i. The check bank cashier, if the funds are to be used for Counter Check redemption or the payment of a returned Counter Check; or
 - ii. The general cashier, if the funds are to be used for a cash deposit.

(g) Upon completion of the information required by (f)1 through 6 above, the cage supervisor who prepared the form shall obtain the signature required by (f)7 above on both copies of the Wire Transfer Acknowledgment Form, transmit the duplicate copy and any supporting documentation to the accounting department, and forward the original Wire Transfer Acknowledgment Form to:

1. The check bank cashier, if the funds are to be used for Counter Check redemption or the payment of a returned Counter Check, who shall:

- i. Post the amount of the funds to the patron's credit account;
- ii. If appropriate, return the redeemed Counter Check to the patron;
- iii. Forward to the accounting department the original Wire Transfer Acknowledgment Form for comparison to the duplicate; and
- iv. Forward to the accounting department the redemption copy of any Counter Check redeemed, in accordance with the requirements of N.J.A.C. 19:45-1.25; or

2. The general cashier, if the funds are to be used to establish a cash deposit, who shall:

- i. Prepare a customer deposit file in accordance with the provisions of N.J.A.C. 19:45-1.24;
- ii. Prepare a Customer Deposit Form in accordance with the provisions of N.J.A.C. 19:45-1.24, except that prior to the release to the patron of any funds credited to a cash deposit file by means of a wire transfer, the patron shall be required to present identification credentials to the general cashier who shall examine the patron's identification credentials to insure that the patron is the patron recorded on the Wire Transfer Acknowledgment Form, and shall maintain documentation supporting that examination; and
- iii. Forward to the accounting department the original Wire Transfer Acknowledgment Form for comparison to the duplicate.

(h) At the end of the month, a copy of the Wire Transfer Log shall be forwarded to the accounting department and reconciled with all Wire Transfer Acknowledgment Forms prepared during that month.

19:45-1.24B Procedure for sending funds by wire transfer

(a) Whenever a patron requests a casino licensee to send funds by wire transfer to a financial institution on behalf of the patron, the patron shall present to the general cashier the cash, cash equivalents, casino check, chips, plaques, or tokens representing the amount sought to be transferred, or, in the case of a cash deposit, request that the unused balance of the cash deposit be transferred. In the case of a cash deposit, the procedures set forth in N.J.A.C. 19:45-1.24 for redemption of a cash deposit shall be observed.

(b) The general cashier shall obtain from the reserve cash cashier a Wire Transfer Request Form, a four-part serially prenumbered form, and shall record thereon, at a minimum, the following information:

1. The name of the patron;
2. The date of the transaction;
3. The amount of funds to be wire transferred, stated in numbers and in words;

4. The source of funds to be transferred (cash, cash equivalent, casino check, chips, plaques, tokens or cash deposit);
5. The name and address of the financial institution to which the funds will be transferred and the account number to which the funds will be credited;
6. The signature of the patron;
7. The signature of the general cashier; and
8. The signature of the reserve cash cashier.

(c) Prior to obtaining the patron's signature on the Wire Transfer Request Form, the general cashier shall examine the patron's identification credentials and shall maintain documentation supporting that examination.

(d) After securing the patron's signature, the general cashier shall present the Wire Transfer Request Form to the reserve cash cashier, who shall sign the form and retain the original and duplicate copy. The general cashier shall retain the triplicate copy of the form and shall give the patron the quadruplicate copy of the form as evidence of the wire transfer request.

(e) The reserve cash cashier shall immediately forward the original Wire Transfer Request Form to the accounting department as authorization to effect the transfer, and shall retain the duplicate copy for agreement with the triplicate copy held by the general cashier. At the end of the gaming day, and upon agreement of the duplicate and triplicate copies of the Wire Transfer Request Form, the reserve cash cashier shall forward both copies of the form to the accounting department.

(f) Upon receipt of the original Wire Transfer Request Form, the accounting department shall contact the casino licensee's bank in New Jersey to authorize the wire transfer of the funds and shall either:

1. Record on the original Wire Transfer Request Form:
 - i. The name and title of the person contacted at the casino licensee's bank;
 - ii. The date and time that the wire transfer was authorized; and
 - iii. The signature of the accounting department employee authorizing the wire transfer; or
 2. If the wire transfer is authorized by means of a direct computer link between the casino licensee and its bank, print a copy of the wire transfer authorization from the computer screen which shall:
 - i. Comply with the requirements of (f)1ii and iii above; and
 - ii. Be attached to the original Wire Transfer Request Form.
- (g) At the end of the gaming day, the accounting department shall compare the duplicate and triplicate copies of the Wire Transfer Request Form to the original.

(a)

**Rules of the Games
Blackjack Irregularities**

Proposed Amendment: N.J.A.C. 19:47-2.15

Authority: N.J.S.A. 5:12-63(c), 5:12-99(a), and 5:12-100(e).
Proposal Number: PRN 1988-597.

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 19:47-2.15 would alleviate patron disputes involving receiving additional cards at the game of Blackjack when the dealer fails to deal additional cards to a player's hand. The amendment establishes a procedure requiring the dealer to give the patron the option of receiving additional cards after all other players have received their additional cards but prior to the dealer revealing his or her hole card, or calling the hand dead and returning the player's original wager.

Social Impact

The proposed amendment would assure consistency throughout the industry in addressing this irregularity. A review of the Commission's inspection staff's records reveals numerous incident reports and patron complaints involving patron disputes of this nature. The fact that these incidents/complaints have arisen because of the casinos' inconsistent handling of this problem has been a source of aggravation for both the patron and casino personnel.

Economic Impact

The economic impact should be positive to the patron by allowing him or her the option of having his or her original wager returned when an error is made by the dealer, rather than allowing the casino to decide what options, if any, should be given to the patron.

Regulatory Flexibility Statement

This proposed amendment will only affect the operations of New Jersey casino licensees and, therefore, will not impact on any business protected under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

19:47-2.15 Irregularities

(a)-(h) (No change.)

(i) **If the dealer fails to deal an additional card(s) to a player who has requested such a card, then, at the player's option, the dealer shall either deal the additional card(s) after all other players have received their additional cards but prior to the dealer revealing his or her hole card, or call the player's hand dead and return the player's original wager.**

RULE ADOPTIONS

COMMUNITY AFFAIRS

(a)

DIVISION OF LOCAL GOVERNMENT SERVICES

Intergovernmental Review of Federal Programs and Direct Development Activities State Review Process

Readoption with Amendment: N.J.A.C. 5:38

Proposed: September 19, 1988 at 20 N.J.R. 2354(a).
Adopted: October 26, 1988 by Anthony M. Villane, Jr., D.D.S.,
Commissioner, Department of Community Affairs.
Filed: October 27, 1988 as R.1988 d.553, **without change**.
Authority: N.J.S.A. 52:27D-3.

Effective Date of Readoption: October 27, 1988.
Effective Date of Amendments: December 5, 1988.
Expiration Date: October 27, 1993.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:38.

Full text of the adopted amendment follows.

5:38-1.5 Transmittal of review comments

(a) The Director shall review, coordinate and transmit to the Federal funding agency all comments received from reviewing agencies during the time for review. At his or her discretion, the Director reserves the right to transmit a State Process Recommendation to the Federal funding agency in addition to transmittal of all reviewing agency(s) comments.

(b) A State Process Recommendation shall be entertained only if one or more of the following conditions is found to be present and documented by the Reviewing Agency:

1. The proposed activity is found not to be consistent with an adopted State, areawide, county or municipal plan;
2. The proposed activity duplicates or negates the efforts of a similar or on-going specifically identified program or activity;
3. The proposed activity has a specific and documented adverse environmental impact;
4. The proposed activity has a negative impact on the achievement of a specified State and/or local objectives and/or priorities relating to natural and human resources and economic development; and/or
5. The proposed activity is determined to propose an activity which is in violation of existing statutes.

(c) A State Process Recommendation may be issued for non-construction, as well as construction projects. A State Process Recommendation shall not be issued to support a proposed activity when either no comments have been received from Reviewing Agencies or when all comments received from Reviewing Agencies are supportive of the proposed activity.

(d) A State Process Recommendation shall be prepared and transmitted to the Federal funding agency prior to the close of the Review Period defined by the Federal funding agency.

(e) The Single Point of Contact shall prepare and revise, as necessary, guidelines describing the procedures to be followed in the preparation of a State Process Recommendation.

EDUCATION

STATE BOARD OF EDUCATION

(a)

Substance Abuse Coordinator

Adopted New Rule: N.J.A.C. 6:11-12.5

Proposed: August 15, 1988 at 20 N.J.R. 1980(c).
Adopted: November 1, 1988 by Saul Cooperman, Commissioner,
Department of Education; Secretary, State Board of
Education.

Filed: November 3, 1988 as R.1988 d.562, **without change**.

Authority: N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-7, 18A:6-34,
18A:6-38, 18A:26-10, and 18A:40A-18.

Effective Date: December 5, 1988.

Expiration Date: December 12, 1990.

Summary of Public Comments and Agency Responses:

One letter with comments was received as a result of the proposed rule's publication in the August 15, 1988 issue of the New Jersey Register. The commenter made the following suggestions:

1. The Department should add the role and responsibilities of substance awareness coordinators to the rule.
2. The rule should be changed to conform to N.J.S.A. 18A:40A-18c in order to limit endorsement functions to substance abuser.
3. The rule should separate the substance awareness coordinator endorsement from all other endorsements.

The Department of Education had the following response to the suggestions:

1. The responsibilities of the substance awareness coordinator are included through the statutory reference.
2. As written, the rule does conform to statute.
3. The proposed endorsement has distinct functions as indicated in N.J.S.A. 18A:40A-18c.

Full text of the adoption follows.

6:11-12.5 Substance awareness coordinator

(a) This endorsement is required for anyone, regardless of his or her current endorsements, who is responsible for performing the duties stated in N.J.S.A. 18A:40A-18C.

(b) The requirements for the substance awareness coordinator endorsement are as follows:

1. A bachelor's degree from an accredited institution in health, human services, psychology, social work or in a field leading to teacher certification.
2. A program of studies beyond the bachelor's degree which meets the approval of the New Jersey State Department of Education and which includes the seven topics of study listed below:
 - i. Fundamentals of drug and alcohol abuse and dependency;
 - ii. Child and adolescent development;
 - iii. Curriculum planning, implementation, and staff development in chemical health education;
 - iv. Coordination and delivery of intervention and referral services in a school setting;
 - v. Evaluation and counseling of drug and alcohol affected students and their families;
 - vi. Coordination of prevention program services in school and family settings; and
 - vii. School culture and the dynamics of policy and program development.

3. Satisfactory completion of a State-approved school district residency requirement lasting at least six months, but no more than one year. Candidates who meet the bachelor's degree requirement may be employed provisionally pursuant to N.J.A.C. 6:11-4.2 while they complete the residency requirement.

- i. The substance awareness coordinator residency is a training program conducted under the direction of a State-approved adminis-

EDUCATION

ADOPTIONS

trator or supervisor of the public school district or non-public school that employs the certification candidate.

ii. The requirements for the State-approved residency program are as follows:

(1) The State Department of Education shall issue a standard agreement detailing the experiences and requirements of the residency. This agreement shall be entered into by the State Department of Education, the sponsoring district or non-public school, the residency administrator or supervisor and the candidate before the residency may be initiated.

(2) The residency agreement shall consist of but not be limited to a minimum of 300 clock hours of supervised practicum and professional experiences in chemical health curriculum planning, implementation and staff development, development and coordination of substance abuse intervention and referral services, development and coordination of prevention program services, and the development of school drug and alcohol policies and procedures.

(3) The State-approved administrator or supervisor may propose modifications to the standard residency agreement in order to accommodate the backgrounds and special training needs of individual candidates. The agreement shall specify a period of residency between six months and one year.

(4) No residency program may be undertaken without a valid agreement.

iii. The State-approved administrator or supervisor shall evaluate and verify the completion of all required experiences according to the terms and conditions of the residency agreement.

(1) The primary responsibility of the administrator or supervisor is to assure that the resident receives appropriate training, support, practicum experiences and professional opportunities in the critical job responsibilities specified in the agreement.

(2) Before the end of the residency period, the administrator or supervisor shall complete a comprehensive evaluation report on the resident's performance using State-approved forms and criteria. The administrator or supervisor shall discuss the evaluation report with the resident, and the administrator or supervisor shall sign the report as evidence of such discussion. Upon completion of the evaluation, the report shall be submitted to the Secretary of the State Board of Examiners. This report on each resident shall include one of the following recommendations:

(A) "Approved" which recommends issuance of a standard certificate pursuant to the completion of all other requirements of this section;

(B) "Insufficient" which recommends that a standard certificate not be issued but that the candidate be allowed to continue the residency or seek admission to another residency for a maximum of one additional year; or

(C) "Disapproved" which recommends that a standard certificate not be issued and that the candidate be prohibited from continuing or re-entering a residency.

(3) If the candidate disagrees with the residency administrator or supervisor's recommendation, the candidate may within 15 days of receipt of the evaluation report and certification recommendation submit to the Bureau of Teacher Preparation and Certification written materials documenting the reasons why the candidate believes standard certification should be awarded.

4. Demonstration of knowledge of the preparation areas contained in (b)2 above through the achievement of a passing score on an examination as approved by the State Department of Education.

(c) In accordance with N.J.A.C. 6:11-4.3, emergency certification may be issued to individuals who meet the following requirements:

1. A baccalaureate from an accredited college or university; and
2. Documented training in the substance abuse field.

(d) For the renewal of the emergency certificate, individuals must demonstrate documented progress toward meeting the requirements for endorsement.

(e) The emergency certificate authorized under this section will cease on October 1, 1990, the effective date of the substance awareness coordinator endorsement.

(a)

Testing for Tuberculosis Infection

Adopted Amendment: N.J.A.C. 6:29-4.2

Proposed: August 15, 1988 at 20 N.J.R. 1981(a).

Adopted: November 1, 1988 by Saul Cooperman, Commissioner, Department of Education; Secretary, State Board of Education.

Filed: November 3, 1988 as R.1988 d.563, **without change.**

Authority: N.J.S.A. 18A:16-2 and 18A:40-16.

Effective Date: December 5, 1988.

Expiration Date: March 25, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

6:29-4.2 Testing for tuberculosis infection

(a) The following are rules of the State Department of Education concerning testing for tuberculosis infection by district boards of education for implementation of N.J.S.A. 18A:16-2 and 40-16.

1.-2. (No change.)

3. In every school district, a Mantoux intradermal tuberculin test shall be given upon employment to all newly hired employees (full-time and part-time), all student teachers, school bus drivers on contract with the district and other persons who have contact with pupils. An employee with a documented Mantoux test administered within the previous six months does not have to be re-tested. An employee transferring between school districts within New Jersey would not have to be tuberculin tested if there is a documented record of a Mantoux tuberculin skin test being administered upon his or her initial employment in a New Jersey public school. Individuals who are currently employed (on the effective date of this amendment) shall also be tuberculin tested if there is no valid record that a Mantoux tuberculin test was administered during the previous four years.

4. (No change.)

5. All tuberculin reactors as defined in (a)4 above shall be referred to the family physician and appropriate official health agency for necessary follow-up. The following shall constitute standards for referral:

i. If there is documentation showing that vesiculation resulted from a previous multiple puncture test, the individual shall be recorded as a significant tuberculin reactor, and no further tuberculin testing is required;

ii. If the reaction to the Mantoux intradermal tuberculin test is between five to nine mm of induration, it shall be repeated on the other arm. If the result of the second Mantoux intradermal tuberculin test is also five to nine mm of induration, the individual shall be recorded as tuberculin not significant. If the result of the second Mantoux test shows 10 or more mm of induration, the individual shall be recorded as a significant tuberculin reactor, and no further tuberculin skin testing is required.

6.-7. (No change.)

8. If the chest X-ray of a significant tuberculin reactor is negative for evidence of tuberculosis, chemoprophylaxis or preventive therapy, with at least six months of isoniazid (INH) is strongly recommended.

9. Employees and pupils who have a significant reaction to the Mantoux intradermal tuberculin test and an initial chest X-ray that was negative, or who present a medical certificate from a licensed physician showing a significant tuberculin reaction and a subsequent negative chest X-ray, shall require no further tuberculin skin testing for tuberculosis infection.

10. The reporting of the testing for evidence of tuberculosis infection by each district board of education shall be as follows:

i. The name and address, grade (of pupils), age and school of all newly discovered significant tuberculin reactors, chest X-ray results and prescription of preventive therapy are to be reported immediately upon discovery to the New Jersey State Department of Health, and to the local health department or local tuberculosis control center,

ADOPTIONS

HUMAN SERVICES

on a special form provided for this purpose so that the appropriate tuberculosis control measures can be instituted;

ii. At the end of the annual tuberculosis testing program for staff and in grades and schools as specified by the New Jersey State Department of Health, the following information shall be reported to the New Jersey State Department of Health, and the local health department or tuberculosis control center, with one copy to be retained by the district board of education:

(1) The number of Mantoux tuberculin tests performed by grade and school, on pupils, employees and other persons who have contact with pupils;

(2) Mantoux tuberculin test results;

(3) X-ray findings;

(4) Number of pupils and employees for whom isoniazid prophylaxis was prescribed; and

(5) The name, address, date of birth, school and grade of each significant tuberculin reactor found as a result of the Mantoux intradermal tuberculin testing program.

HEALTH

(a)

PUBLIC HEALTH AND ENVIRONMENTAL LABORATORIES

Operation of Clinical Laboratories

Readoption: N.J.A.C. 8:44

Proposed: September 6, 1988 at 20 N.J.R. 2222(a).

Adopted: October 30, 1988 by Public Health Council, Milton Prystowsky, M.D., Chairperson.

Filed: November 2, 1988 as R.1988 d.561, **without change**.

Authority: N.J.S.A. 26:1A-7.

Effective Date: November 2, 1988.

Expiration Date: November 2, 1993.

Summary of Public Comments and Agency Responses:

COMMENT: It was requested that rules be amended to exempt public health agencies conducting screening procedures as these tests are not diagnostic and it was suggested there is some question as to whether such agencies fall under the intent and definition of the act.

RESPONSE: The act is not by definition restricted only to those tests performed for diagnostic purposes but also applies to any, "... examinations ... for the purpose of yielding information for the diagnosis, prevention or treatment of disease or the assessment of medical condition." (emphasis supplied) Virtually all screening tests are conducted for one of these purposes. There is no basis in the statute for assuming an intent that public health agencies should not be included. Consideration is being given in the future complete revision of this chapter to reducing somewhat the stringency of the rules as applied to public health agencies performing only limited numbers of simple assays.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:44.

HUMAN SERVICES

(b)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Services Manual Patients' Personal Needs Allowance

Adopted Amendment: N.J.A.C. 10:63-1.11

Adopted Repeal and New Rule: N.J.A.C. 10:63-1.19

Proposed: June 6, 1988 at 20 N.J.R. 1144(a).

Adopted: October 28, 1988 by Drew Altman, Commissioner, Department of Human Services.

Filed: October 31, 1988 as R.1988 d.556, **with a substantive change** requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 30:4D-3i, 6a(4)(a)b(14); 30:4D-6a, 6.8; 30:4D-7a, b, c; 30:4D-12; 30:13-1, 3a, 5a; 42 CFR 435, 725, 832.

Effective Date: December 5, 1988.

Expiration Date: November 29, 1989.

Summary of Public Comments and Agency Responses:

There was one comment submitted by an institutional health care provider. The commenter requested that private psychiatric hospitals providing geriatric psychiatric long term care to Medicaid patients benefit from the 10 day bed reserve (bed hold) provision that is currently utilized by skilled and intermediate care nursing facilities when a patient is hospitalized. The agency's response is that the statutory 10 day bed reserve provision is limited to skilled and intermediate care nursing facilities (see N.J.S.A. 30:4D-6.8).

Summary of Changes Between Proposal and Adoption:

The Division, on its own initiative, is deleting the word "recreation" from the list of examples of items not included in the per diem reimbursement rate (see N.J.A.C. 10:63-1.19(d)3ii(5)).

Recreation provided by a long term care facility (LTCF) is already allowable in the LTCF's cost report as a patient activity and includable in the per diem reimbursement rate. Therefore, this is not a substantive change that would require publication in the New Jersey Register. There is no additional burden placed upon LTCFs, who currently include expenditures for patient activities on their cost report.

The word "hobby" is being retained to connote an activity that pertains to an individualized patient activity for which patients would use their personal needs allowance.

The Division wants to be certain that facility expenditures are separate and distinct from the patient's personal funds.

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

10:63-1.11 Medicare/Medicaid

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

(d) When Medicare benefits are terminated or exhausted because of coverage limitations, Medicaid may be billed on behalf of eligible recipients provided that:

1. (No change.)

2. No payment is received from any other source, including third-party insurance or from the relatives of the recipient or the recipient except as stated below.

i. Any income received by the recipient (e.g., pension, Social Security, etc.) as determined by the County Welfare Agency (CWA)/Board of Social Services (BSS) and reported on form PA-3L, Statement of Income Available for Medicaid Payment (Exhibit No. 27), shall be used to offset Medicaid per diem payments except for the Personal Needs Allowance (PNA) and any other deductions allowed for maintenance of a home, spouse, or dependents.

ii. (No change.)

iii. Acceptance by a provider of payment to supplement Medicaid reimbursement constitutes a violation of New Jersey Medicaid Program regulations. Additionally, separate charges for care and services listed in N.J.A.C. 10:63-1.3 are also prohibited.

3. (No change.)

(e)-(h) (No change.)

10:63-1.19 Utilization of patient's income for Personal Needs Allowance (PNA) and cost of care in the long-term care facility

(a) Use of available income: After provision for the patient's Personal Needs Allowance (PNA) is met and then after provision for other allocations such as maintenance of spouse and/or dependent's/home are satisfied, the remainder of the Medicaid eligible patient's income must be applied to the cost of care in LTCFs which include per diem, bed reserve, etc.

1. The amount of income which must be collected by the LTCF from the patient, patient's family or Representative Payee (if any)

HUMAN SERVICES

ADOPTIONS

will be established in the process of determining eligibility and identified by form PA-3L, Statement of Income Available for Medicaid Payment, issued by the CWA/BSS. The LTCF is responsible for collecting all of the patient's income to offset Medicaid's payment.

2. LTCFs must notify the CWA/BSS immediately whenever there is a change/difference in any source of income as well as when any assets or resources come to the attention of the LTCF.

3. Voluntary contributions: The New Jersey Medicaid Program encourages families or any other concerned individual(s) to make voluntary monetary contributions to the State of New Jersey on behalf of Medicaid patients. Inquiries should be directed to the Division of Medical Assistance and Health Services, Bureau of Administrative Control.

(b) Personal Needs Allowance: For all institutionalized aged, blind, and disabled individuals who are eligible for Medicaid (including blind or disabled children), a designated amount of income as determined by federal or State law (N.J.S.A. 30:4D-6a) must be protected for personal needs allowance.

1. Certain individuals in a LTCF have no income or insufficient income to provide a PNA. These individuals should be encouraged to apply for an SSI benefit which would provide PNA. The CWA/BSS does not issue PA-3L's for those recipients who only receive an SSI check.

2. Once the LTCF initiates billing for a Medicaid patient, that Medicaid patient must be considered a Medicaid patient for the full term of stay in a Long-Term Care Facility (that is, until death or physician discharge) unless the patient loses eligibility during the stay or the patient or authorized representative submits to the MDO, prior to death or discharge, a notarized statement to terminate benefits.

i. After a patient dies or is discharged, under no circumstances must that patient's Medicaid billing status be terminated prior to the date of death or discharge for the purpose of avoiding utilization of available income against the cost of care.

(c) Accumulation of Personal Needs Allowance shall be as follows:

1. Each Medicaid eligible patient residing in a LTCF is permitted to accumulate a sum of money from the PNA which, when combined with other resources retained by or for the person, does not exceed the maximum resource standard in N.J.A.C. 10:71-4.5.

i. To protect the patient's eligibility, the facility should closely monitor the PNA account when the accumulated funds reach \$1500. If the PNA is in excess of the resource standard, the patient should be advised of his or her right to reduce the excess monies for personal needs. It is also requested that the LTCF advise the patient and/or authorized representative that the patient may be terminated from Medicaid coverage unless the amount in excess of the resource standard is expended.

ii. The patient may choose to reduce excess PNA by applying some of the accumulated PNA toward past expenditures paid for his or her care by the Medicaid Program. Checks payable to the "Treasurer, State of New Jersey", may be directed to the Chief, Bureau of Administrative Control, Division of Medical Assistance and Health Services, CN-712, Trenton, N.J. 08625.

(d) Standards for proper use of PNA are as follows:

1. The PNA is intended to meet the personal needs of a patient residing in a LTCF. The funds must be used as the patient wishes, with the hope that the patient will be encouraged to maintain an interest in life and a sense of personal dignity. PNA is not intended to be applied against outstanding balances for cost of care.

2. The LTCF must permit the patient and/or authorized representative reasonable access to the PNA. Purchases must be considered as personal property, properly labeled and recorded for the patient to take along when discharged or transferred to another living arrangement. In most instances, good judgment will dictate the appropriate use of PNA; however, should there be a need for clarification in an individual case, the matter may be referred to the Director of the Medicaid District Office serving the LTCF.

3. A patient has the unquestionable right to manage his or her own PNA but may prefer to have the LTCF handle the monies on his or her behalf. A facility assuming this responsibility must adhere to the policies dictating proper utilization of the patients' personal monies as outlined below. It must be clearly understood that PNA

must not be used to obtain services or items which are considered part of the institution's allowable cost and which are eligible for the per diem reimbursement.

i. The basic items that facilities must make available for patient use and which are covered within the per diem include, but are not limited to, the following:

(1) Soap, facial tissues, towels, washcloths, shaving materials (lotion, razor, razor blades), combs, shampoo, toothbrush, tooth paste, laundry services and denture cleaner.

(2) Medical equipment such as wheelchairs, geri-chairs, crutches, canes, walkers, commodes;

(3) Electricity, T.V. antenna hook-up, mandated T.V. rental;

(4) Basic furnishings for the facility such as chairs, tables, fan, bedspread, curtains.

ii. Examples of items not included in the per diem reimbursement are:

(1) Small purchases: deodorant; cosmetics; electric shavers; hair spray; special lotions, powders, soaps, shampoo; hair or clothes brushes; tobacco; and candies, etc. Particular brand-name items requested by the patient, even though similar items are supplied by the facility, may be purchased with PNA.

(2) Personal items: Articles of clothing, jewelry, watches, accessories, haircuts, beauty parlor services, newspapers, and magazines, etc.

(3) Personalization of living area: The patient may use PNA money to make his or her living area more "home-like" with a colorful bedspread, rug, pictures, personally-owned chair, chest, etc., of a type not furnished by the facility.

(4) Contacts with the community: Home visiting, luggage for a home visit, trips to special events or places of interest, long distance telephone calls, personal stationery, postage stamps, gifts for the family, etc.

(5) *[Recreation and hobbies]****Hobbies***: Games, photographic materials, aquariums, plants, radios, recorders, television sets, etc.

(e) Bed reserve using PNA: The PNA may be used to continue a bed reserve if a patient transferred to a hospital is unable to return within the 10-day bed reserve period reimbursed by the New Jersey Medicaid Program; however, this is permissible only when a request, in writing, is made by the patient or authorized representative to the LTCF.

(f) Uniform Accounting System: Although a LTCF is not obligated to accept fiduciary responsibilities for a Medicaid patient's PNA, it provides the most accessible means for a patient to have use of his or her personal money. In order to ensure fiscal accountability for these funds, a uniform accounting system is required of a LTCF assuming this fiduciary responsibility. A regular checking or savings account must be opened by the facility to segregate the PNA from the operating funds of the facility. The Division recommends that a direct deposit system be utilized. The following aspects of the PNA accounting system are monitored by the Division through both the Periodic Medical Review and the auditing processes.

1. The facility must have a written statement signed by the patient and/or authorized representative indicating that the patient's choice is for the facility to handle his or her PNA. This responsibility must be met even if the facility is the representative payee. The authorization must be in writing and must be attested by a witness who is not connected with the nursing home, its operations, its staff personnel and the administration thereof, in any manner whatsoever.

2. The facility must develop written policies and procedures for the handling and disposition of the PNA and must give a copy to the patient and/or authorized representative. This responsibility must be met even if the facility is the representative payee.

3. A general ledger control account must be established to record the total amount of PNA held in escrow by the facility.

4. A subsidiary ledger must be established whereby each patient's deposits and disbursements are recorded and the total of the patient's balances reconciled to the general ledger control account each month.

5. When recording the patient's income in a cash receipts journal, the PNA must be segregated from the available income applied to the cost of the patient's care. Within five days of receipt, the PNA must be deposited directly into the regular checking or savings ac-

ADOPTIONS

count restricted for PNA. The general ledger control account must reflect a credit posting to indicate the total PNA received during the month. Each patient's subsidiary ledger account must also be posted to record the deposits to the appropriate account.

6. To facilitate the patient's access to the PNA, a portion of the total cash may be transferred periodically from the segregated checking/savings account to a petty cash fund.

7. In compliance with federal and State regulations, the facility must submit, at least quarterly, for review by the patient and/or authorized representative a detailed written account of any financial transactions made on behalf of the patient.

8. A family member must have authorization in writing from the patient for a specific amount before funds are disbursed from the PNA. A family member who requests the patient's PNA must either accept a check or sign a petty cash voucher for cash.

9. When drawing checks or cash to make disbursements from the patient's PNA account, either an original invoice or a signed receipt from the patient or an authorized representative must be retained by the facility and referenced to the patient's account. The receipt must stipulate the use of the funds or specify the items purchased.

10. When the facility draws checks on behalf of a patient or reimburses the petty cash fund, disbursements of PNA must be segregated from the operating expenses of the facility. At the end of each month, the general ledger control account must be charged for the total PNA disbursed and each patient's subsidiary ledger account must reflect the monthly disbursements on that patient's behalf.

11. Accumulated interest from an interest bearing account is the property of the patient.

12. Upon discharge or transfer to another LTCF or other place of residence, the facility must provide the patient with a final accounting statement and a check in the amount of the patient's close-out balance within seven working days of the transfer; however, a patient transferred to another LTCF must have the option of authorizing the facility in writing to transfer any balance to the patient's account at the new facility. The transfer of a PNA account from one facility to another must be documented in writing with a copy given to the patient and/or authorized representative. A patient discharged or transferred has a right to the return of his or her personal property, that is, television, radio, etc.

i. If a patient is discharged to a hospital and the hospital stay extends beyond the 10 day bed reserve period, the procedure outlined above must be followed.

13. Unclaimed PNA funds left behind by a discharged patient who cannot be located or where the authorized representative cannot be located, must be forwarded within 90 days to the Bureau of Administrative Control, CN 712, Trenton, New Jersey 08625.

14. Within 10 days after the death of a Medicaid patient, whether death occurred in the LTCF, in a hospital, or otherwise, that is, during a period of therapeutic leave, the LTCF must send a written notice regarding the existence of PNA funds both to the County Welfare Agency/Board of Social Services and the individual identified by the patient as the person to contact. A LTCF must exercise all reasonable efforts to locate and notify family, representative payee or interested person acting on behalf of the deceased Medicaid patient.

i. The facility must advise the contact person/responsible person that no claims made for PNA funds must be directed to the LTCF. When no CWA/BSS claim exists, the executor(trix) or administrator(trix), upon presentation of a letter of administration from the County Surrogate's Office, must be issued a check made payable to the estate of the deceased Medicaid recipient for the PNA funds. A check for the funds must not be issued, unless a Surrogate's letter is presented. The only exception to the requirement for the Surrogate's letter is when a recipient dies intestate, leaving no surviving spouse, and the total value of the estate is less than \$5,000; then an affidavit of administration in accordance with N.J.S.A. 3B:10-4 is acceptable.

ii. If there is an outstanding funeral bill which is deemed reasonable and there is neither a claim by the CWA/BSS nor an executor/administrator, the LTCF may directly reimburse the funeral director from the PNA funds.

iii. If no claim is made to the LTCF within 90 days of death, a check made payable to the "Treasurer, State of New Jersey" must be forwarded to the Bureau of Administrative Control, CN-712, Trenton, New Jersey 08625. The following information must be included:

(1) An identification of the funds as unclaimed PNA funds of the deceased Medicaid recipient;

(2) Recipient's name;

(3) HSP (Medicaid) Case Number;

(4) Date of death; and

(5) Amount enclosed for that recipient.

iv. If a claim is received by the LTCF after the PNA funds have been forwarded to the Bureau of Administrative Control and within five years of the Medicaid recipient's death, the claim must be referred to the Bureau for processing. After five years, all claims received by the LTCF must be referred to the State Treasurer.

v. Any transactions involving distribution of a deceased Medicaid recipient's PNA funds must appear on the LTCF's records for audit purposes.

(g) Questions regarding Personal Needs Allowance administration (that is, procedures, policy, use, etc.) should be directed to the Director of the Medicaid District Office serving the LTCF.

INSURANCE

(a)

DIVISION OF THE REAL ESTATE COMMISSION

Real Estate Commission Rules

Readopted Rules: N.J.A.C. 11:5

Proposed: September 6, 1988 at 20 N.J.R. 2184(a).

Adopted: October 25, 1988 by the New Jersey Real Estate Commission, Daryl G. Bell, Executive Director.

Filed: October 28, 1988 as R.1988 d.555 **without change to the re adoption, but with the proposed repeal not adopted.**

Authority: N.J.S.A. 45:15-6.

Effective Date: October 28, 1988.

Expiration Date: October 28, 1993.

Summary of Public Comments and Agency Responses:

No comments were received concerning the re adoption of the above-referenced rules.

However, the Commission received three written comments in regard to the proposed repeal of N.J.A.C. 11:5-1.14, Use of name or license for the benefit of others, which was also published on September 6, 1988 at 20 N.J.R. 2184(a).

Each of the three comments expressed objections to the proposed repeal for various reasons.

The first comment expressed a concern that the repeal of this rule would lead to the abuse of unsuspecting brokers who might be taken advantage of by unscrupulous corporate principals. In addition, the commenter cautioned that a repeal of this rule would be interpreted as sanctioning "license lending" and would consequently create problems for the public and the industry.

The second comment encouraged the Commission to retain N.J.A.C. 11:5-1.14 because if the rule were repealed it would be difficult to "know who is behind the operation of a real estate office".

The third comment stated a strenuous objection to the proposed repeal because the repeal would be construed as permitting an absentee broker to maintain offices wherein they had little or no involvement in or supervision of the day-to-day operations of the office. The commenter further contended that the repeal would make it difficult for the Commission to monitor and enforce compliance of its rules in situations where a broker does not have substantial contact with a firm that is supposedly under his or her authority.

In response to these comments, the Commission has decided not to repeal N.J.A.C. 11:5-1.14. The rule will therefore be re adopted along with the other rules in chapter 5 of Title 11. At a future date, the Commission will consider proposing an amendment to N.J.A.C. 11:5-1.14 in order to make it more effective.

INSURANCE

ADOPTIONS

Full text of the re adoption, including N.J.A.C. 11:5-1.14, may be found in the New Jersey Administrative Code at N.J.A.C. 11:5-1.

COMMERCE, ENERGY AND ECONOMIC DEVELOPMENT

(a)

**URBAN ENTERPRISE ZONE AUTHORITY
Urban Enterprise Zone Boundary Amendments
Adopted New Rules: N.J.A.C. 12A:121**

Proposed: September 19, 1988 at 20 N.J.R. 2358(a).
Adopted: November 2, 1988 by Urban Enterprise Zone Authority, Borden R. Putnam, Chairman.
Filed: November 7, 1988 as R.1988 d.565, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 52:27H-60 et seq.
Effective Date: December 5, 1988.
Expiration Date: December 5, 1993.

**Summary of Public Comments and Agency Responses:
No comments received.**

The Department has made changes to the definitions of "qualified business" and "zone neighborhood association" in N.J.A.C. 12A:121-1.2 to reflect amendments made by P.L. 1988 c.93 to the N.J.S.A. 52:27H-62 definitions of those terms.

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

**CHAPTER 121
URBAN ENTERPRISE ZONE AUTHORITY**

SUBCHAPTER 1. URBAN ENTERPRISE ZONE BOUNDARY AMENDMENTS

12A:121-1.1 Applicability and scope

(a) The rules in this subchapter are promulgated by the Urban Enterprise Zone Authority (UEZA) to implement P.L. 1983, ch. 303, the New Jersey Urban Enterprise Zones Act, and to specifically implement the methodology of amending zone boundaries within a municipality.

(b) The Act provides for the establishment of the UEZA which is to designate certain areas of the State as Urban Enterprise Zones (UEZ). The Act also provides that the UEZA exercise continuing review and supervision of the implementation of zone development plans.

(c) Applications and questions concerning a UEZ should be directed to:

Urban Enterprise Zone Program
New Jersey Department of Commerce, Energy and Economic Development
20 West State Street
Trenton, New Jersey 08625-0829

12A:121-1.2 Definitions

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

"Act" means the New Jersey Urban Enterprise Zones Act, P.L. 1983, ch. 303, N.J.S.A. 52:27H-60 et seq.

"Administrator" means the Administrator of the Urban Enterprise Zone Program in the Department of Commerce, Energy and Economic Development.

"Authority" or "UEZA" means the New Jersey Urban Enterprise Zone Authority.

"Enterprise zone" or "zone" means an urban enterprise zone designated by the New Jersey UEZA pursuant to this Act.

"Qualified business" means any entity authorized to do business in the State of New Jersey which, at the time of designation as an

enterprise zone, is engaged in the active conduct of a trade or business in that zone or an entity which, after that designation but during the designation period, becomes newly engaged in the active conduct of a trade or business in that zone and for which at least 25 percent of its full-time employees, newly hired during the two years after issuance of the business*[es]* certificate of occupancy to work at a business location in the zone, meet one or more of the following criteria:

1. Resident within the zone*, within another zone* or within the municipality within which the zone *or any other zone* is located; or

2. Unemployed for at least a year prior to being hired and residing in New Jersey, or recipients of New Jersey public assistance programs for at least one year prior to being hired; or

3. Determined to be economically disadvantaged pursuant to the Jobs Training Partnership Act, Pub.L. 97-300 (29 U.S.C. §§ 1501 et seq.)

"Qualifying municipality" means any municipality in which there was, in the last full calendar year immediately preceding the year in which application for enterprise zone designation is submitted pursuant to section 14 of the Act, an annual average of at least 2,000 unemployed persons, and in which average annual unemployment rate for that year exceeded the State average annual unemployment rate; except that a municipality which qualifies for State aid pursuant to P.L. 1978, c.14 (N.J.S.A. 52:27D-178 et seq.) shall qualify if its municipal average unemployment rate for that year exceeded the State average annual unemployment rate. The annual average of unemployed persons and the average annual unemployment rates shall be estimated for the relevant calendar year by the Office of Labor Statistics, Division of Planning and Research of the State Department of Labor.

"Zone development corporation" means a nonprofit corporation or association created by the governing body of a qualifying municipality to formulate and propose a preliminary zone development plan pursuant to section 9 of the Act.

"Zone development plan" means a plan adopted*[,]* by the governing body of a qualifying municipality for the development of an enterprise zone therein, and for the direction and coordination of activities of the municipality, zone businesses and community organizations within the enterprise zone toward the economic betterment of the residents of the zone and the municipality.

"Zone neighborhood association" means a corporation or association of persons who either are residents of, or have their principal place of employment in, a municipality in which an enterprise zone has been designated pursuant to the Act; which is organized under the provisions of Title 15 of the Revised Statutes*[,]* *or Title 15A of the New Jersey Statutes* and which has for its principal purpose the encouragement and support of community activities within, or on behalf of, the zone so as to:

1. Stimulate economic activity;
2. Increase or preserve residential amenities; or
3. Otherwise encourage community cooperation in achieving the goals of the zone development plan.

12A:121-1.3 Standards of eligibility for zone boundary revisions

(a) A qualified municipality shall be eligible to apply for a revision of the urban enterprise zone within that municipality when:

1. The proposed boundary revision will not enlarge the geographic area of the existing zone by more than 10 percent;
2. The expansion and revision of the zone boundaries will not, as based upon the original zone application, significantly alter the percentage within the zone of:
 - i. Unemployment;
 - ii. Persons below the poverty level; or
 - iii. Persons receiving public assistance.

12A:121-1.4 Application for zone boundary revisions

(a) Each application for a zone boundary revision shall include an analysis of how the proposed zone revision will relieve:

1. Economic distress;
2. High unemployment;
3. Low investment of capital;
4. Blighted conditions;

ADOPTIONS

LAW AND PUBLIC SAFETY

- 5. Obsolete or abandoned industrial or commercial structures; and
- 6. Deteriorating tax base.
- (b) Each application for a zone boundary revision shall include a rationale for the boundary change and why the area to be added was not included in prior boundary revision requests or the original application.
- (c) Each application for a zone boundary revision shall be accompanied by a resolution from the municipal governing body supporting the request.

12A:121-1.5 Time for zone boundary revisions

- (a) A municipality in which a zone is located may apply at any time after the date the original zone was designated by the UEZA.
- (b) A municipality will not be eligible to apply for a zone boundary revision for at least one year after the UEZA approves a prior zone boundary revision.

12A:121-1.6 Evaluation of a zone boundary revision application

- (a) The Administrator shall evaluate each zone boundary revision application considering the following factors:
 - 1. The likelihood that the boundary revision will alleviate general problems of economic distress within the existing zone and the proposed area to be covered under the boundary revision;
 - 2. The likelihood that the boundary revision will help alleviate problems of high unemployment in the municipality and the zone area;
 - 3. The likelihood that the boundary revision will result in investment of new capital in the zone and the proposed area to be covered under the boundary revision;
 - 4. Whether the boundary revision will help alleviate blighted conditions in the zone and the proposed area to be covered under the boundary revision;
 - 5. Whether the boundary revision will aid in modernizing or reoccupation of industrial or commercial structures within the zone and the proposed area to be covered under the boundary revision; and
 - 6. The likelihood that the boundary revision will strengthen and broaden the municipal tax base.
- (b) After the Administrator's evaluation is complete, he or she shall forward the application for the UEZA's review, modification, denial, and/or approval.
- (c) Notwithstanding the provisions of this subchapter, the Authority may, in its discretion, consider a request for zone boundary revisions if it deems the special conditions of the application to be of exceptional merit.

LAW AND PUBLIC SAFETY

(a)

**DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING**

Accreditation of Nursing Programs

Adopted Amendments: N.J.A.C. 13:37-1.1 and 1.2

Proposed: July 18, 1988 at 20 N.J.R. 1645(b).
 Adopted: October 20, 1988 by the New Jersey Board of Nursing,
 Sylvia C. Edge, R.A., M.A., President.
 Filed: October 31, 1988 as R.1988 d.558, **with substantive and technical changes** not requiring additional public notice and comment pursuant to N.J.A.C. 1:30-4.3.
 Authority: N.J.S.A. 45:11-24(d).
 Effective Date: December 5, 1988.
 Expiration Date: February 11, 1990.

The New Jersey State Board of Nursing afforded all interested persons the opportunity to comment by August 17, 1988, on the proposed amendments to the rule regarding the accreditation of nursing programs, N.J.A.C. 13:37-1.1 and 1.2. Notice of this opportunity appeared in the July 18, 1988 edition of the New Jersey Register, 20 N.J.R. 1645(b). Announcements were also forwarded to the Star Ledger, the Camden Courier Post, the Trenton Evening Times, New Jersey State Nurses' Association, New Jersey League for Nursing, and New Jersey Society of

Nursing. The only comment received was from the New Jersey Hospital Association.

A full record of this opportunity to be heard can be inspected by contacting:

Sister Teresa Harris, R.N., M.S.N.
 Board of Nursing
 1100 Raymond Boulevard, Room 319
 Newark, New Jersey 07102

Summary of Public Comments and Agency Responses:

COMMENT: During the comment period, the Board received a letter from the New Jersey Hospital Association. While the letter commended the Board on its proposal the Association expressed a concern about N.J.A.C. 13:37-1.2(n). The Association felt that the definition and process that the Board will use to determine adequate and safe patient care and the use of the nursing process must be specified.

RESPONSE: While the Board appreciates the Association's interest in the regulatory process, the Board believes that nursing process is well defined in N.J.S.A. 45:11-23 under the practice of nursing. With respect to the Association's concern over what constitutes "adequate and safe patient care", the Board believes this answer is already established by current and accepted nursing practices.

Various grammatical and clarifying changes were made upon adoption of these amendments. The present financial resources evidence requirement at N.J.A.C. 13:37-1.1(a)3 was retained by the Board upon further consideration. In addition, reference to current subparagraph v of N.J.A.C. 13:37-1.2(g)1 as a "no change" provision was inadvertently omitted in the proposal text, an error now corrected. In the deletion of N.J.A.C. 13:37-1.2(l)1 through 3, paragraph 4 was referenced simply as "no change", when it should have been recodified with a technical amendment as (l)5 in the new subsection: this error is corrected. The note following N.J.A.C. 13:37-1.2(g)2 concerning exemption of faculty members whose employment began on or before September 1, 1981 from "this requirement" is relocated to follow (g)1. The present location of the note is erroneous and, since that location was adopted, the Board has acted in accordance with the note's providing an exemption from the qualifications requirements, as it is now adopted to do, rather than from the (g)2 filing requirement. As this change is a continuation of Board practice which will have no effect on those meeting the exemption requirements, the change is not so substantive as to require reproposal.

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

13:37-1.1 Application for establishment of a new program in nursing or reorganization of an existing program

(a) An institution seeking to establish a new program in nursing and/or reorganize an existing program shall submit in writing to the Board of Nursing an application consisting of the following items:

- 1. The philosophy and objectives of the program in accordance with N.J.A.C. 13:37-1.2, criteria for accreditation;
- 2. An ***[analysis]* *Analysis*** of ***[need]* *Need*** for the program;
- 3. ***Evidence of financial resources adequate for the planning, implementation and continuation of the program including a* *[*A]*** projected budget for a five year period;
- 4. ***An* *[*O]***o*rganizational** chart describing the lines of authority and the administrative structure of the program;
- 5. Curricula vitae for all nurse educators and consultants responsible for the development and administration of the program.

(b) The application shall be submitted to the Board no later than 11 months prior to the establishment of a new program or the reorganization of an existing program.

- (c) After reviewing these materials the Board shall either:
 - 1. Grant preliminary permission to pursue the development of the proposed program. This preliminary permission does not ensure that provisional accreditation will be granted; or
 - 2. Require the redesign and/or revision of the preliminary program materials or ***the*** submission of additional information. Redesign or revision of preliminary program materials does not ensure that provisional accreditation will be granted; or
 - 3. Deny permission to establish a new program and/or reorganize an existing program.
- (d) The institution may request a hearing before the Board to appeal a decision of 2. or 3. above.

LAW AND PUBLIC SAFETY

ADOPTIONS

(e) After receiving preliminary permission to establish a new program and/or reorganize an existing program, the institution shall submit to the Board no later than five full calendar months prior to the month anticipated for the start of the program the following items:

1. **[Documents required]* All of the documents needed to satisfy the requirements of** N.J.A.C. 13:37-1.2 **[(c)*, C*criteria for accreditation*];**

2. A statement of the conceptual/organizational framework of the curriculum;

3. A projected budget for a five year period;

4. **An* [O]**o*rganizational chart** as contained in (a) above;

5. A written statement containing information on the anticipated student population including at least the following:

i. The number of students to be admitted to each of the first four classes after establishment or reorganization of the program;

ii. Maximum student enrollment;

iii. Timetable for attainment of maximum student enrollment;

iv. Admission, retention and dismissal policies;

v. Student services.

6. A written statement describing the support staff, the curricula vitae for all faculty members, dates of faculty appointment, and time phase plan for increases in faculty commensurate with student enrollment.

13:37-1.2 Criteria for accreditation

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

(c) Accreditation shall be granted as follows:

1. (No change.)

2. Conditional accreditation shall be given to any accredited program which subsequently fails to meet and maintain the standards and requirements for accreditation contained in this subchapter. The Board may limit the number of students enrolled in such a program. The institution shall be given the opportunity for a hearing to appeal this decision.

i. A program shall be placed on conditional accreditation if less than 75 percent of its graduates achieve passing grades in the licensing examination. The program shall be sent written notification of conditional accreditation by the Board.

ii. The Board may place a program on conditional accreditation if it fails to comply with any of the rules of the Board contained in this subchapter. The program shall be notified by letter of conditional accreditation by the Board including the conditions which must be corrected within a specific time period established by the Board. Removal from conditional accreditation may be granted if it can be demonstrated that the standards and requirements contained in this subchapter have been met.

iii. A program placed on conditional accreditation shall request Board action to remove the conditional accreditation status.

3. (No change.)

4. A program may be placed on probation when its graduates fail to achieve 75 percent passing on two consecutive licensing examinations. The program shall not admit new or transfer students into the program. The institution shall be given the opportunity for a hearing to appeal this decision.

5. A program which does not comply with the rules of this subchapter may have its accreditation withdrawn. The institution shall be given the opportunity for a hearing to appeal this decision.

6. Any change in the accreditation status as described in (c) 1, 2, 3*, 4* and 5 above of a program in nursing shall not affect the eligibility of students currently enrolled in the program to sit for the licensing examination. There is no predetermined order for taking action against a program.

(d) Plans of organization and administration shall be subject to the following:

1.-2. (No change.)

3. There shall be a qualified nurse administrator of the nursing program who shall have direct authority for the fiscal and academic administration of the program. The administrator shall be responsible to the governing body of the sponsoring institution.

(e) **[Requirements]*The requirements*** for the philosophy and objectives of the program follow:

1. The nursing program shall have in writing a defined statement of philosophy and program objectives which are consistent with those of the controlling institution and with the law regulating the practice of nursing (N.J.S.A. 45:11-23 et seq.);

2. The philosophy and program objectives shall be developed by the faculty and give consideration to the development of the student as a person, practitioner, and citizen;

3. The philosophy of the program shall include, but not be limited to, the faculty's beliefs about the following:

i. Nursing and nursing education.

ii. Humans and society.

iii. Education as a life-long process (continuing education).

iv. Teaching-learning process.

4. The program objectives shall measure the entry level competencies of the graduate;

5. The philosophy and program objectives shall be used by the faculty in planning, developing, implementing, and evaluating the total program;

6. The written statement of philosophy and objectives shall be shared with the faculty, students, cooperating agencies, advisory committees and interested persons;

7. The philosophy and objectives shall be consistent with professional, educational and ethical standards of nursing.

(f) (No change.)

(g) Faculty qualifications follow:

1. The program shall provide and maintain a qualified faculty. For purposes of this subsection, faculty shall include persons from out-of-state nursing programs who are responsible for teaching students in a clinical affiliate located in New Jersey. The qualifications for all faculty members shall include:

i.-ii. (No change.)

iii. Academic, professional/clinical experience qualifications appropriate to the specific area of responsibility of the appointed position. For purposes of this subchapter, all degrees shall be earned at accredited schools of nursing;

iv.-v. (No change.)

NOTE: Only those faculty members who began their employment on or before September 1, 1981 may qualify for an exemption from this requirement in accordance with previous Board policy.

2. Each newly appointed faculty member shall file a record of professional preparation and experience with the Board.

[NOTE: Only those faculty members who began their employment on or before September 1, 1981 may qualify for an exemption from this requirement in accordance with previous Board policy.]

3. (No change.)

(h)-(j) (No change.)

(k) Curriculum content shall include the following:

1.-5. (No change.)

6. All nursing programs shall contain content relating to chemical substance abuse.

[4. Written notification as contained in (l)3 above shall be submitted at least four calendar weeks prior to the Board meeting at which approval is sought.]

(l) No major change in a nursing program shall be implemented without the prior approval of the Board. Major program changes include:

1. Changes of administrative control. When a change or transfer of administrative control is contemplated, nursing program officials shall submit to the Board the following information in writing:

i. An application made pursuant to N.J.A.C. 13:37-1.1 for initial approval of a nursing program under the auspices of the new sponsoring institution;

ii. A study/analysis substantiating the need for the change;

iii. The anticipated plan of administrative and organizational control;

iv. The anticipated effect of the change on students, faculty and resources;

2. Organizational/structural changes or changes of the administrator of the program;

ADOPTIONS

3. Major changes in curriculum or alterations of the present curriculum. Major curriculum changes include:

- i. Changes in philosophy or objectives which alter the present curriculum;
- ii. An increase or decrease in the length of the program; or
- iii. Reorganization of the curriculum.

4. When a major change in curriculum is contemplated, nursing program officials shall submit to the Board the following information in writing:

- i. Rationale for the proposed changes, including its anticipated effect on faculty, students, resources and facilities;
- ii. Presentation of the differences between the current curriculum and the proposed curriculum changes;
- iii. A timetable for implementation of the change;
- iv. Methods of evaluation which will be used to determine the effect of the change.

5. Written notification as contained in (1)2, 3, and 4 above shall be submitted at least four calendar weeks prior to the Board Meeting at which approval is sought.

(m) (No change.)

(n) Every clinical affiliate shall be approved or disapproved on the basis of the following:

- 1. Resources for training in clinical practice shall implement the nursing process and shall reflect adequate and safe patient care.
- 2. Accreditation by the appropriate authority prior to the assignment of students.
- 3. There shall be a written agreement between the nursing program and the clinical affiliate. The agreement shall be signed ***and adhered to*** by the parties and shall include but not be limited to provision for the following:
 - i. Periodic review of the terms of the written agreement.
 - ii. Adequate notice of termination of the agreement by either party.
 - iii. Control of student education by the faculty of the nursing program.
 - iv. Continuous educational planning for students assigned to the clinical affiliate.
 - v. Joint annual evaluation of the effectiveness of the clinical experience.
 - vi. Student-faculty ratio of not more than ten students to one faculty member.
- 4. A clinical affiliate located outside of New Jersey shall meet the requirements of 1 and 2 above and shall be approved as a qualified institution for providing clinical experience in nursing by the Board of Nursing of the state in which it is located.
- 5. Whenever a change in the clinical facilities is contemplated, the Board shall be notified of the proposed change in writing for its review and approval prior to the implementation of the change.

(o)-(t) (No change.)

(u) Current information about the school shall be distributed to students, applicants for admission and the Board of Nursing. The bulletin shall include the following items:

- 1. General description of the program.
- 2. Accreditation.
- 3. Admission, retention, promotion and graduation requirements.
- 4. Curriculum plan and course descriptions.
- 5. Statement of tuition fees and refund policies.

(v)-(x) (No change.)

(y) Within 10 days of the official date of closure, the date on which the last student is properly transferred or completes the program, the administrative officer shall notify the Board of the same in writing. The institution shall be responsible for the safekeeping of the records and, at termination, shall notify the Board of the future custody of such records.

LAW AND PUBLIC SAFETY

(a)

**DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS**

Readoption with Amendments: N.J.A.C. 13:42

Proposed: September 6, 1988 at 20 N.J.R. 2244(a).

Adopted: October 17, 1988 by the Board of Psychological Examiners, Rhoda Geller Marks, Ph.D., Chairperson.

Filed: October 31, 1988 as R.1988 d.557, with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3) and with portions not adopted.

Authority: N.J.S.A. 45:14B-45.

Effective Date for Readoption: October 31, 1988.

Effective Date for Amendments: December 5, 1988.

Expiration Date: October 31, 1993.

The Board of Psychological Examiners afforded all interested parties an opportunity to comment on the proposed readoption with amendments, N.J.A.C. 13:42, relating to the Board of Psychological Examiners rules. The official comment period ended on October 6, 1988. Announcement of the opportunity to respond to the Board appeared in the New Jersey Register on September 6, 1988 at 20 N.J.R. 2244(a). Announcements were also forwarded to the Star Ledger and the Trentonian, newspapers of general circulation; the New Jersey Psychological Association; the Chairpersons of the Departments of Psychology at three universities; and interested individuals.

A full record of this opportunity to be heard can be inspected by contacting the Board of Psychological Examiners, Room 512, 1100 Raymond Boulevard, Newark, New Jersey 07102.

Summary of Public Comments and Agency Responses:

COMMENTS: A number of comments were received during the official comment period, and the extension thereof, relating to proposed amendments to N.J.A.C. 13:42-1.4(b)ii, (c)1 and (c)2. These comments generally allege that the Board of Psychological Examiners is exceeding its statutory authority resulting in unfair practices and the restraint of trade of other mental health professions. The comments also noted that psychoanalysis is, and should remain, a profession which is separate and distinct from psychology. Numerous requests were made to schedule a public hearing.

RESPONSE: Pending further review and discussion, the Board of Psychological Examiners will not adopt the proposed amendments to N.J.A.C. 13:42-1.4 at this time. (AGENCY NOTE: During the official comment period, the New Jersey Psychological Association submitted a copy of a letter which was initially received and reviewed by the Board of Psychological Examiners in June, 1988. As suggested, the Board did clarify the types of temporary permits, but decided not to incorporate additional recommendations, with the exception of those relating to N.J.A.C. 13:42-1.4. As stated above, N.J.A.C. 13:42-1.4 will receive further consideration by the Board since the proposed amendments to that section will not be adopted at this time.)

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:42.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***).

CHAPTER 42

BOARD OF PSYCHOLOGICAL EXAMINERS

SUBCHAPTER 1. GENERAL PROVISIONS

13:42-1.1 Examination review procedures

(a) A candidate who fails the American Association of State Psychology Boards' sponsored written examinations may request a review of papers and grades as available. The candidate shall be responsible for payment of any fees required by the American Association of State Psychology Boards. Such a request must reach the Board secretary in writing within 45 days of the date of the letter of notification of examination results. The secretary shall subsequently arrange a mutually convenient date for the candidate and a Board examiner to review the materials at the Board office.

LAW AND PUBLIC SAFETY

ADOPTIONS

(b) A candidate who fails the oral examination of professional practice may request a review of the examination. Such request must reach the Board secretary in writing within 45 days of the date of the letter of notification of examination results. The Board secretary will make the tape of the oral examination available to the candidate at the Board office on a mutually convenient date. Neither the candidate nor an agent of the candidate may tape the Board's copy of the oral examination tape during this or any review of the tape of the oral examination.

(c) Following review of the examination, a candidate who fails the oral examination may request an appeal of the decision. Requests for appeal shall only be granted upon a showing of good cause, which means cause sufficient to establish that the request is meritorious and made in good faith. Such requests must reach the Board secretary in writing within 45 days of the date of the examination review. A failure on the oral examination may be deferred or reversed for good cause shown. For purposes of establishing good cause required for this subsection, the Board shall consider the following:

1.-2. (No change.)

(d) Should an appeal be granted, the Board may decide the appeal based on written material submitted and/or the taped examination. Any written material submitted must be limited to no more than five 8½ inch by 11 inch sized pages, single spaced, with normal size type set. Only one side of the page is to be used. The Board may also appoint a subcommittee which shall be designated to make a recommendation on the matter to the Board after conducting an inquiry or investigation deemed necessary by the subcommittee. Should a subcommittee be designated to make a recommendation on the matter, it shall subsequently present to the Board the following:

1.-4. (No change.)

(e) (No change.)

13:42-1.4 Unlicensed practice of psychology

(a) The unlicensed practice of psychology occurs if either of the following is present:

1. Offering or rendering of professional psychological services for a fee, monetary or otherwise, by an unlicensed person who is not otherwise explicitly exempted from the Act; or

2. Use of any title or description which implies the individual is a psychologist or is an expert or has special competence in the field of psychology which implies the offering or rendering of professional psychological services or the use of psychological principles or procedures or implies that such person is licensed under ***[the]* *this*** Act.

(b) Definitions of the terms are as follows:

1. Professional psychological services include, but are not limited to, the use or advertisement of the use of, the theories, principles, procedures, techniques or devices of psychology, for a fee, monetary or otherwise. Such services include but are not limited to:

i. (No change.)

ii. Psychological intervention to promote optimal development or growth or to ameliorate personality disturbances or maladjustments of an individual or group including but not limited to: individual psychotherapy, ***[psychoanalysis, hypnotherapy, biofeedback, couples and family systems therapy, sex therapy, group therapy, and organizational development]* *group therapy, family systems therapy, organizational development***.

iii. (No change.)

2.-3. (No change.)

(c) A person not licensed under this Act is prohibited from implying licensure under the Practicing Psychology Licensing Act by using:

1. A title or description which would lead a reasonable person to think that the person is a licensed psychologist ***[(such title shall include, but not be limited to, "psychoanalyst", "psychotherapist", "therapist", "mental health specialist", "behavior modifier", "growth facilitator")]***; or

2. A title or description which when combined with other circumstances (for example, a graduate degree in psychology or an allied field, membership in psychological organizations, training or certification in applied psychological methods, professional association and identification with licensed psychologist) would lead a reasonable person to think that the practitioner is a licensed psychol-

ogist. ***[This includes, but is not limited to, school psychologists and pastoral counselors outside the scope of their respective institutions.]***

SUBCHAPTER 2. ACADEMIC AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR LICENSURE

13:42-2.1 Allied Degree

A doctoral degree in a "field allied to psychology" as set forth in N.J.S.A. 45:14B-17(a) shall be obtained from a regionally accredited educational institution or one which is recognized by the New Jersey State Board of Education. Any accreditation given to a formerly non-accredited school shall be considered retroactive for a period of five years. This accreditation will be accepted as long as the following criteria are met:

1.-3. (No change.)

4. The accrediting body is generally recognized within the national academic community. A degree shall be accepted if it was granted within five years prior to the date of the institution's receiving accreditation.

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

(d) The doctoral dissertation must be psychological in nature. If there is question about the psychological nature of the dissertation or courses, the determination will be made by the Board with the advice of the chairperson of the graduate department of psychology of the degree-granting institution and after consulting with the chairperson of the graduate department in which the degree was earned or any other expert designated by the Board.

(e) (No change.)

13:42-2.4 Supervised experience

(a) The purpose of supervised experience is to afford the candidate an opportunity to gain training and experience under qualified supervision prior to licensing. As prescribed in N.J.S.A. 45:14B-17(b), "supervised experience" shall mean psychological practice that meets the following criteria:

1. Unsupervised independent practice by the candidate is prohibited. Supervised practice shall be conducted in accordance with the following requirements:

i. The candidate's clients shall include only those who have been approved in advance by the supervisor(s). The responsibility for the patient shall rest with the supervisor(s). It is his or her judgment to determine if the needs of the patient fall within the capabilities of the candidate. Should the Board deem it necessary to discontinue or limit the temporary permit, it shall be the responsibility of the supervisor(s) to assume the further treatment of the patients, or to refer the patients to other qualified psychologists in the event that the candidate fails to pass the written or oral examination.

ii.-v. (No change.)

vi. The client fee structure shall reflect the experience and training of the candidate and not the experience and training of the supervisor.

vii. (No change.)

2. A supervisor shall:

i. (No change.)

ii. Be clearly eligible for licensure. Such eligibility requires:

(1)-(2) (No change.)

(3) Demonstration of substantial experience in the field of applied psychology or, in the case of a psychiatrist, who must be Board-certified, demonstrated substantial experience in the practice of psychotherapy. A psychiatrist shall supply no more than one-third of the total required supervisory hours; and

(4) (No change.)

iii. Supervise no more than three candidates at a given time; and

iv. Attest to the candidate's compliance with (a)1 above and to his or her satisfaction of the requirements enumerated in (a)2 above. On forms provided by the Board, a supervisor shall also indicate the dates during which the candidate has been under supervision, the nature of the cases assigned, and the proficiency rating earned by the candidates. These ratings shall include categories attesting to the personal and professional integrity of the candidate.

3. (No change.)

ADOPTIONS

13:42-2.5 Temporary permit

(a) One Year Permit: Pursuant to N.J.S.A. 45:14B-6(e), a temporary permit may be issued for the practice of psychology for a period not to exceed one year. The permit limits the permit holder to no more than 10 client contact hours per week in independent private practice.

1.-2. (No change.)

3. In the event that the temporary permit is granted to a candidate who has passed the written examination but has not presented the Board with a case study for oral examination, the candidate shall have 45 days from the date of issuance of the permit to submit the written case to the Board office. Failure to meet this deadline may result in revocation of the temporary permit.

4. In the event of failure of either the written or oral examination, or the failure of a candidate to properly discharge his or her responsibilities, the Board may suspend or revoke a one year temporary permit. The further continuance of a permit subsequent to the above stated failures may be conditioned upon the candidate meeting the following requirements:

i.-ii. (No change.)

iii. Acceptance of such limitations and conditions (for example, reduction of caseload, change of supervisor, personal therapy, etc.) as the Board may deem necessary to assure competent psychological practice.

5. A candidate for New Jersey licensure shall be responsible for the completion of the examination process within the time allotted before the expiration of the temporary permit. The candidate shall assume only the number and kind of cases that can be readily transferred to a licensed psychologist deemed appropriate by the Board should there be a failure in the examination and/or the expiration or revocation of the temporary permit not to exceed one year.

(b) Three Year Permit: A temporary permit not to exceed a total of three years pursuant to N.J.S.A. 45:14B-6(f) may be granted to a candidate for licensure who has satisfied the following requirements:

1.-3. (No change.)

4. Arranged for a supervisor who has been licensed as a psychologist in New Jersey for at least two years and who has no more than two other candidates for licensure under supervision.

5. Arranged for the supervisor to provide the Board with a written statement detailing the planned hours of supervised time per week, the nature of the work assignments and the estimated date of completion of the supervised experience prior to the beginning of supervision.

(c) Permit holders: A holder of a three year temporary permit allowed in N.J.S.A. 45:14B-6(f) is responsible for the following:

1.-2. (No change.)

3. Requisite supervisory hours should be obtained and the examination process should be successfully completed within the time allotted in the temporary permit. The candidate shall undertake only the number and kind of cases that could be readily transferred to a licensed psychologist should he or she fail to complete the examination process successfully within the term of the permit.

4. In the event of failure of either the written or oral examination, or the failure of a candidate to properly discharge his or her responsibilities, the Board may suspend or revoke a three year temporary permit. The further continuance of a permit subsequent to the above stated failures may be conditioned upon the candidate meeting the following requirements:

i.-iii. (No change.)

5. (No change.)

SUBCHAPTER 4. MISCONDUCT DEFINED FOR PURPOSES OF N.J.S.A. 45:14B-24

13:42-4.1 Misconduct; generally

(a) Misconduct, as grounds for revocation, suspension, refusal to renew or grant a license shall include, but not be limited to, the following:

1. Misconduct in the practice of psychology by persons licensed by the State Board of Psychological Examiners:

i.-xxiii. (No change.)

LAW AND PUBLIC SAFETY

xxiv. Failure to maintain professional confidentiality including the following:

(1) Failure to safeguard information about an individual that has been obtained by a psychologist in the course of his or her teaching, practice, or investigation unless:

(A) There is a clear and imminent danger to the individual or the public or when there is probable cause to believe that there is a likelihood of danger to a potential victim of a patient, as judged by the psychologist in accordance with the standards of the profession. In such cases information should be revealed only to appropriate professional workers, public authorities and the threatened individual(s) or their representatives.

(B) (No change.)

(C) Personal information obtained during the course of professional work in writing, lectures or other public forums is revealed with prior consent of the clients or persons involved or where the identity of the clients or persons involved is adequately disguised.

(D)-(F) (No change.)

xxv. through xxvi. (No change.)

(b) Prior to the suspension, revocation or non-renewal of a license, the licensee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

NEW JERSEY RACING COMMISSION

(a)

**Thoroughbred Rules
Abusive Whipping by a Jockey**

Adopted New Rule: N.J.A.C. 13:70-11.12

Proposed: August 15, 1988 at 20 N.J.R. 2038(a).

Adopted: October 20, 1988 by the New Jersey Racing

Commission, Bruce H. Garland, Executive Director.

Filed: October 31, 1988 as R.1988 d.559, **without change.**

Authority: N.J.S.A. 5:5-30.

Effective Date: December 5, 1988.

Expiration Date: February 25, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

13:70-11.12 Abusive whipping by a jockey

Every jockey shall be responsible for the proper use of his or her whip during the running of a race. Whips may be used for the purpose of encouraging a horse to give forth its best effort during the running of a race, but shall not be used in an abusive or reckless manner. The stewards shall take cognizance of the manner in which a whip is used during the riding of a race and at all times thereafter and shall make such determinations as they deem appropriate with respect to whether or not there has been an abusive use of a whip and/or reckless use of a whip. If, in the opinion of the stewards, an abuse of the whip or a reckless use of the whip has been committed, the offending jockey shall be fined and/or suspended by the stewards.

(b)

**Thoroughbred Rules
Determining Finishing Place; Noses of Horse**

Adopted Amendment: N.J.A.C. 13:70-19.22

Proposed: August 15, 1988 at 20 N.J.R. 2038(b).

Adopted: October 20, 1988 by the New Jersey Racing

Commission, Bruce H. Garland, Executive Director.

Filed: October 31, 1988 as R.1988 d.560, **without change.**

Authority: N.J.S.A. 5:5-30.

Effective Date: December 5, 1988.

Expiration Date: February 25, 1990.

LAW AND PUBLIC SAFETY

ADOPTIONS

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

13:70-19.22 Determining finishing place; noses of horse

In determining the places of the horses at the finish of a race, the placing judges shall consider only the relative position of the respective noses of such horses. In the event of an electrical or mechanical failure of the photo finish camera, or if a distorted, deceptive or otherwise inadequate picture is developed, the placing judges shall decide the order of finish and such decision shall be final.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Supplemental Annuity Collective Trust Lump Sum Distributions

Adopted Amendment: N.J.A.C. 17:8-3.3

Proposed: September 6, 1988 at 20 N.J.R. 2192(a).
Adopted: October 17, 1988 by Supplemental Annuity Collective Trust Council, Douglas R. Forrester, Secretary.
Filed: October 28, 1988 as R.1988 d.554, **without change.**
Authority: N.J.S.A. 52:18A-111.
Effective Date: December 5, 1988.
Expiration Date: June 27, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

17:8-3.3 Withdrawal or retirement; effective date and form

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

(c) In the event that an eligible participant elects a lump sum payment of his or her account and the determination of the unit value is delayed past the normal valuation date, the participant will be advised that an amount up to 90 percent of his or her last computed equity may be paid initially and the balance paid once the unit value has been established.

(d) (No change.)

OTHER AGENCIES

(b)

DELAWARE RIVER BASIN COMMISSION

Amendments to Comprehensive Plan and Water Code of the Delaware River Basin

Adopted: November 2, 1988 by the Delaware River Basin Commission, Susan M. Weisman, Secretary.
Filed: November 7, 1988 as R.1988 d.564.
Effective Date: December 7, 1988.

Full text of the adoption follows.

NO. 88-26

A RESOLUTION to amend the Comprehensive Plan to include a drought management plan for the Christina River Basin, Chester County, Pennsylvania and New Castle County, Delaware.

WHEREAS, recurrence of drought conditions during the 1980s has underscored the need for a coordinated approach to drought management activities in the interstate Christina watershed; and

WHEREAS, Pennsylvania and Delaware have developed management techniques for the Delaware River Basin portion of their respective jurisdictions as requested by the Commission; and

WHEREAS, basinwide drought declarations by the Commission, which bases its drought management plan on the amount of storage

available in the New York City reservoirs in the upper basin, have also at times complicated the management of the water resources in the Christina River Basin which has a major dependence on groundwater supplies in Pennsylvania and surface water supplies in Delaware; and

WHEREAS, it has been demonstrated through past drought actions that surface water conditions may improve to a point where restrictions on non-essential use of water may be lifted, while some local groundwater levels have not sufficiently recovered to justify such action; and

WHEREAS, it was deemed essential that the unique hydrologic circumstances of the Christina River Basin be addressed in a drought management effort whereby surface and groundwater conditions within the basin may be regionally evaluated during prolonged periods of precipitation deficiency; and

WHEREAS, it was further determined that a drought management plan be developed which can be implemented under the umbrella of the state and Commission plans or independently as circumstances may warrant; and

WHEREAS, on August 8, 1986, a study group was created to develop the Christina River Basin Drought Management Plan; and

WHEREAS, such a drought management plan for the Christina River Basin was developed; now therefore

BE IT RESOLVED by the Delaware River Basin Commission: 1. The Comprehensive Plan and Article 2 of the Water Code of the Delaware River Basin are hereby amended by the addition of a new Section 2.5.7 to read as follows:

2.5.7 Drought Management Plan for the Christina River Basin, Chester County, Pennsylvania and New Castle County, Delaware.

A. Purpose. It shall be the purpose of this plan to provide a drought management strategy for the Christina River Basin in Chester County, Pennsylvania and New Castle County, Delaware for implementation as conditions warrant. The plan establishes drought criteria and recommends actions to be undertaken on a coordinated basis in the event of drought. The plan is incorporated in the drought management plans of the Commonwealth of Pennsylvania and the State of Delaware. The Christina River Basin Drought Management Plan is designed for utilization as conditions dictate, notwithstanding the absence of drought declaration by the Commission for the entire region.

B. Definition of Area. The area to be governed by the Christina River Basin Drought Management Plan includes all of the Christina River drainage area, all of New Castle County, Delaware north of the Chesapeake and Delaware Canal and the adjoining public water supply service areas as described in the Christina River Basin Drought Management Plan map attached hereto and made a part of this plan.

C. Administration. There shall be created for the purposes of this plan the Christina River Basin Drought Management Committee. Membership shall include, but not be limited to, representatives of the Bureau of Water Resources Management, Pennsylvania Department of Environmental Resources, Pennsylvania Emergency Management Agency; Division of Water Resources, Delaware Department of Natural Resources and Environmental Control; Delaware Geological Survey; Water Resources Agency for New Castle County, Delaware; Chester County (PA) Water Resources Authority; major public and private water purveyors serving customers in the defined area and such other entities as may be necessary to effectuate this plan.

D. Drought Indicators. For the purposes of this plan, the status of water conditions in the Christina River Basin shall be evaluated on the basis of precipitation, groundwater levels at selected monitoring sites, and streamflow measured at the Chadds Ford gage on the Brandywine Creek. Water conditions shall be evaluated in terms of drought watch (optional), drought warning and drought emergency according to criteria established by the Christina River Basin Drought Management Committee. The Optional Drought Watch may be implemented in Chester County by the Chester County Water Resources Authority when groundwater levels approach the 75 percent exceedance level (drought warning) in the majority of the designated monitoring wells to permit early public announcement of declining water tables. This optional approach is in recognition of the

ADOPTIONS

OTHER AGENCIES

magnitude of private individual wells serving the residential area in the Christina Basin.

E. Drought Criteria. For the purposes of this plan, it has been determined by the parties at interest that a two-stage drought mechanism be employed. Upon the request of at least two members or at the call of the chairman, the Christina River Basin Drought Management Committee will be called into session for the purposes of evaluating water conditions and preparing an analysis for the Governors of the respective states or such other business as may be required. The criteria to be used in evaluating water conditions in the Christina Basin include:

1. Precipitation

a. Warning is indicated when precipitation at the National Weather Service Office in New Castle, Delaware, and average Chester County precipitation indicate less than 18 inches of precipitation for a 6-month duration for two consecutive months (20% deficit).

b. Emergency is indicated when precipitation at the National Weather Service Office in New Castle, Delaware and average Chester County precipitation indicate less than 16 inches of precipitation for a 6-month duration for two consecutive months (30% deficit).

2. Streamflow. Chadds Ford Streamgage (USGS No. 01481000 at Chadds Ford, Pennsylvania on Brandywine Creek).

a. Warning is indicated when monthly average streamflow is below 75% exceedance for two consecutive months.

b. Emergency is indicated when monthly average streamflow is below 90% exceedance for two consecutive months.

3. Groundwater. Use six Chester County wells (70% of Basin) CH-2, CH-10, CH-28, CH-38, CH-1229, CH-1247 and two Delaware wells (30% of Basin) Bc43-01, Db24-10.

a. Warning is indicated when majority of wells are below 75% exceedance for two consecutive months.

b. Emergency is indicated when majority of wells are below 90% exceedance for two consecutive months.

F. Drought Actions. When the Governors of the respective states, following receipt of an analysis of water conditions for the Christina River Basin Drought Management Committee, shall deem that declaration of drought warning or drought emergency is warranted, a ban on non-essential use of water shall be implemented within the Christina River Basin area, as defined. In the case of drought warning, the ban shall be of a voluntary nature and shall become mandatory in the event of drought emergency. When a cause for such action is apparent to the Drought Management Committee, the Governors of Pennsylvania and Delaware shall be urged to take simultaneous and identical actions in order to further the cause of water conservation in the Christina Basin. The following non-essential uses of water shall be banned in accordance with the provisions of this section:

1. The use of any water for watering of lawns, except—

a. water may be applied to grass areas as part of a sewage or storm water treatment system utilizing spray irrigation;

b. water may be applied at the minimum rate necessary to maintain grass tennis courts to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use;

c. water may be used at the minimum rate necessary to establish and maintain newly seeded and sodded grass areas when applied between the hours of 5:00 p.m. and 9:00 a.m. by means of bucket, can, or hand-held hose equipped with an automatic shut-off nozzle;

d. water may be used at the minimum rate necessary to establish and maintain newly seeded or sodded non-residential grass areas exceeding 10,000 square feet when applied between the hours of 5:00 p.m. and 9:00 a.m., by any means designed and operated to assure effective conservation of the water.

2. The use of fresh water for irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs, and other outdoor plants, by means other than a bucket, pail or hand-held hose equipped with an automatic shut-off nozzle, when applied between the hours of 5:00 p.m. and 9:00 a.m. except—

a. fresh water may be used for agricultural irrigation for the production of food and fiber, the maintenance of livestock and poultry, or the production of nursery stock;

b. fresh water may be applied by means of a hand-held container, or hand-held hose equipped with an automatic shut-off nozzle at the minimum rate necessary to establish and maintain newly planted gardens, trees, shrubs, or other outdoor plants. Sources of water other than fresh water, should be used where available;

c. fresh water may be used by commercial nurseries at the minimum rate necessary to maintain stock, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use;

d. fresh water may be used by arboretums and public gardens of national, state or regional significance at the minimum rate necessary to preserve specimens, to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use;

e. fresh water may be used at the minimum rate necessary to implement revegetation following earth-moving, where such revegetation is required pursuant to an approved erosion and sedimentation control plan adopted pursuant to state law or regulation, to the extent that sources of water, other than fresh water, adequate to supply needs are not available or feasible to use. Revegetation use shall comply with all applicable best conservation management practices for such revegetation as prescribed by the Pennsylvania Department of Environmental Resources, the Delaware Department of Natural Resources and Environmental Control, and appropriate County Conservation Districts.

3. The use of fresh water for watering any portion of golf courses, except for tees and greens, for which water may be applied during the hours of 5:00 p.m. to 9:00 a.m.

4. The use of any water for washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts and patios, except—

a. water may be used for pre-washing in preparation of asphalt street or driveway recoating and sealing;

b. water may be used at the minimum rate necessary for the maintenance of tennis courts composed of clay or similar materials by means of a hand-held hose equipped with an automatic shut-off nozzle;

c. water may be used at the minimum rate necessary for sanitation of the premises of eating and drinking places.

5. The use of any water for ornamental purposes including fountains, artificial waterfalls and reflecting pools.

6. The use of any water for washing or cleaning of mobile equipment, including automobiles, trucks, trailers and boats, except—

a. water may be used by commercial car washers equipped with facilities that recycle water or with timed water dispensing equipment which restricts flow to 3 gallons per minute;

b. water may be used for cleaning of construction, public transportation, or government vehicles where necessary to preserve the proper functioning of the vehicle.

7. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.

8. The use of water to fill and top off swimming pools, except water may be used for the following:

a. to fill and top off public swimming pools and residential pools serving 25 or more dwelling units, if the pools have filtration equipment allowing for continued use and recycling of water over the swimming season;

b. to fill and top off swimming pools operated by health care facilities used in connection with patient care and rehabilitation;

c. to fill and top off other pools in accordance with the following requirements—

1). the pool may be filled or topped off only if approved by the public water supply system from which the water is withdrawn. If water is obtained from other sources, permission from the owner of the source is required, or

2). pools shall have filtration equipment allowing for continued use and recycling of the water over the swimming season.

9. Exemption from the ban on non-essential uses may be granted as follows:

a. by the Pennsylvania Emergency Management Council in accordance with established procedures within the Commonwealth of Pennsylvania, or

OTHER AGENCIES

ADOPTIONS

b. by the Delaware Department of Natural Resources and Environmental Control in accordance with established procedures within the State of Delaware.

10. The above listed non-essential uses are further refined, and made more stringent, as part of local water rationing plans within Emergency Service Areas.

When the Governors of the respective states, following receipt of an analysis of improved water conditions from the Christina River Basin Drought Management Committee, shall deem that declaration of drought warning or drought emergency may be terminated, the ban on non-essential use of water implemented under such declaration may be rescinded.

G. Penalty/Enforcement. The provisions of this plan, incorporated as an appendix to the Pennsylvania and Delaware state drought contingency plans, shall have the same statutory penalty and enforcement provisions as those contained in the parent documents.

H. Amendment. The Christina River Basin Drought Management Plan may be amended by majority vote of the Drought Management Committee membership after consideration at two successive meetings. Such amendments will become effective only after formal inclusion in the drought contingency plans of Pennsylvania and Delaware.

II. This amendment shall take effect upon approval by the Commission.

NO. 88-29

A RESOLUTION to amend the Comprehensive Plan and Basin Regulations—Water Supply Charges to include water charges for water use at hydroelectric power plants.

WHEREAS, in December 1964 the Commission adopted its basic water supply policy, assuming the obligation to repay the Federal Government for the water supply costs of Federal reservoirs constructed in the Basin; and

WHEREAS, the Commission subsequently formulated a water charges program applicable to both new surface water users and those whose taking exceeds their legal entitlement; and

WHEREAS, the charging program was based upon the weighted average unit cost of water supply stored in Federal reservoirs on behalf of the Commission and the revenues thus obtained provide the funds for annual repayment to the Federal Government; and

WHEREAS, the initial charge, reflecting the costs of the first reservoir, Beltzville, was established in 1974 at four cents per thousand gallons for consumptive use and four-tenths of a mill for non-consumptive use and in 1978 was revised to six cents per thousand gallons for consumptive use, and to six-tenths of a mill per thousand gallons for non-consumptive use to reflect the water supply costs of the Blue Marsh Reservoir; and

WHEREAS, Article 9 of the Delaware River Basin Compact provides that the waters of the Delaware River and its tributaries may be impounded and used by or under authority of the Commission for generating hydroelectric power and energy, in accordance with the Comprehensive Plan; and

WHEREAS, proposed hydroelectric power projects are reviewed by the Commission under Compact Section 3.8 to ensure compatibility with other water resources management objectives; and

WHEREAS, the Commission has received applications for approval of certain hydroelectric power projects to which the provisions of Basin Regulations—Water Supply Charges may apply, yet the existing water supply charges were not structured to reflect the operational characteristics of hydroelectric projects; and

WHEREAS, the Commission is now proposing revisions to its Basin Regulations—Water Supply Charges to establish an appropriate system of water supply charges applicable to hydroelectric projects; and

WHEREAS, the Commission held a public hearing on August 3, 1988 on the proposed amendment and has reviewed and considered testimony from water users and other interested parties; now therefore

BE IT RESOLVED by the Delaware River Basin Commission:

I. The Comprehensive Plan and Basin Regulations—Water Supply Charges are hereby amended as follows:

1. Existing Article 5-4 is redesignated as Article 5-5 and Article 5-4 is added to read as follows:

Article 5-4

Section 5-4.1 Hydroelectric power plant water use charges.

(a) Annual base charges. Owners of conventional run-of-river hydroelectric power plants that benefit from water storage facilities owned or partially owned by the Commission shall pay an annual base charge to the Commission. The amount of the base annual charge shall be one dollar per kilowatt of installed capacity.

(b) Annual variable charges. In addition to the base charge established in (a) above, annual charges based on power generated at each facility will be assessed as follows:

(1) Owners of hydroelectric power plants that benefit from increased hydraulic head available to the hydroelectric project as a result of investments by the Commission shall be charged one mill per kilowatt-hour of energy produced.

(2) Owners of hydroelectric power plants that derive additional benefits from increased flows available to the hydroelectric project that would not have been available without the Commission-sponsored project shall be charged one-half mill per kilowatt-hour of energy produced. No charges for increased flows will be required when charges for increased hydraulic head are in effect.

(3) Charges for the use of any facilities such as pipe conduits, outlet works, and so on, installed in, on or near a Commission-sponsored project that benefit the hydroelectric project in any way will be determined on a case-by-case basis as approved by the Commission.

(c) Credits. The owner of any hydroelectric generating facility shall receive a credit against the current year water use fee otherwise payable to the Commission for any amount which the Commission receives from the U. S. Army Corps of Engineers or from the Federal Energy Regulatory Commission for each calendar year.

(d) Exemptions. No payment will be required when hydroelectric power facility water use charges would amount to less than \$25 per year. Retroactive charges will not be assessed for facilities which have already obtained Commission approval pursuant to Section 3.8 of the Delaware River Basin Compact. All hydroelectric generating projects that do not benefit from storage owned or partially owned by the Commission are exempt from these Commission water charges.

(e) Payment of bills. The amount due each year shall bear interest at the rate of 1% per month for each day it is unpaid beginning 30 days after the due date. Payments are due within 30 days of the end of each calendar year. Annual base charges will be prorated for periods less than a year.

2. This amendment shall be effective immediately.

OAL NOTE: These rules are not subject to codification and will not appear in the New Jersey Administrative Code.

PUBLIC NOTICES

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

(a)

Amendment to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on July 6, 1988 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" Rules (N.J.A.C. 7:15-3.4), an amendment to the Tri-County Water Quality Management Plan was adopted by the Department. This amendment will allow the expansion of the sewer service area of the Mount Laurel Township Municipal Utilities Authority (MUA) to include a proposed residential development on Block 508, Lot 4, Mount Laurel Township. There are wetlands on the project site. This amendment will also allow the filling of 0.25 acres of wetlands for minor road crossings for the project. All remaining wetlands on the project site have been identified as a conservation easement which has been recorded with the Burlington County Clerk.

(b)

Amendment to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on July 6, 1988 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" Rules (N.J.A.C. 7:15-3.4), an amendment to the Tri-County Water Quality Management Plan was adopted by the Department. This amendment will expand the sewer service area of the Pemberton Township Utilities Authority (PTMUA) to include the existing Pemberton Township High School No. 2, and residences along Arney's Mount Road up to North Pemberton Road. No sewer service will be provided to sites containing freshwater wetlands, unless approved separately by the Department. The High School's treatment facility (NJ0031011) will be abandoned once the sewer extension to PTMUA is on line.

(c)

Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan

Public Notice

Take notice that on July 27, 1988 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" Rules (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 will allow for the expansion of the Forsgate Sewage Treatment Plant sewer service area to include the Whittingham Section II development located in Monroe Township, Middlesex County. A portion of the project site is presently within the Middlesex County Utilities Authority sewer service area. This area will be removed from the Middlesex County Utilities Authority's sewer service area and become part of the Forsgate Sewage Treatment Plant sewer service area.

(d)

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. A Wastewater Management Plan (WMP) has been prepared for the plan-

ning area of the Western Monmouth Utilities Authority (WMUA). The WMP addressed wastewater planning for the Townships of Manalapan and Marlboro as member communities and the Borough of Englishtown and a portion of Freehold Township as customer communities. The WMP expands the sewer service areas, projects flows based on population, and delineates areas to be served by on-site wastewater facilities and individual disposal systems. Additionally, the WMP provides for the expansion of the WMUA's Pine Brook Sewage Treatment Plant from 6.6 million gallons per day (MGD) to 9.0 MGD.

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 Quality 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 Quality 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.

INSURANCE

(e)

OFFICE OF THE COMMISSIONER

Exportable List

Notice of Correction and Clarification

Take notice that the Department of Insurance wishes to correct item number 19 and clarify item number 21 on the recently promulgated exportable list, published in the October 17, 1988 New Jersey Register at 20 N.J.R. 2596(b).

Item number 19 has a typographical error and should read:

"Physical Damage Coverage for Private Passenger and Commercial Vehicles with Actual Cash Value over \$30,000."

Item 21 lists "Professional Liability and Errors and Omissions (all forms)" as a class of coverage or risk for which no reasonable or adequate market exists among authorized insurers. This listing, however, does not reflect the Department's intent, which was and is to include on the list all forms of errors and omissions coverages and risks, but only those forms of professional liability coverages or risks which appeared on the immediately previous list. Accordingly, item 21 of the current exportable list should read as follows:

21. Professional Liability (see a.-o. below) and Errors and Omissions (all forms):

- a. Associated Persons (licensed by the Commodity Futures Trading Commissions)
- b. Chiropractors
- c. Clinical Laboratories
- d. Divorce Mediation
- e. Hospices
- f. Massage and Reducing Salons
- g. Medical Health Care Agencies
- h. Medical Personnel Pools
- i. Psychologists
- j. Real Estate Appraisers
- k. Salon Sun Tan Beds
- l. Stress Testing Centers
- m. Title Abstractors
- n. Veterinarians

INSURANCE

o. Other coverages shown as Class A Rated by an authorized rating bureau and any coverage or classes not specifically rated by an authorized rating bureau.

This notice is published as a matter of public information.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES

Notice of Contract Carrier Application

Take notice that Glenn 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 an applicant who has filed an application for a Contract Carrier Permit.

CONTRACT CARRIER (NON-GRANDFATHER)
N. M. Cromwell & Family, Inc.
RD 3 Box 335B
Gordon Road
Robbinsville, NJ 08691

Protests in writing and verified under oath may be presented by interested parties to the Director, Division of Motor Vehicles, 25 South Montgomery Street, Trenton, N.J. 08666 within 20 days (December 25, 1988) following the publication date of the application.

TREASURY-GENERAL

(b)

DIVISION OF BUILDING AND CONSTRUCTION

Architect-Engineer Selection

Notice of Assignments—Month of October 1988

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 October 7, 1988.

The following assignments have been made:

| DBC No. | PROJECT | A/E | CCE |
|---------|---|-------------------------------------|----------------------|
| A312-08 | Signage Package General Office Building Trenton, NJ | Geddes Brecher Qualls Cunningham | \$22,510 Services |
| P581 | Renovations Spring Hill Comfort Station Cheesequake State Park Matawan, NJ | Matthew L. Rue, AIA | \$50,000 |
| P580 | Municipal Sewage System Tie-In Swedish Cabin Hancock House Historic Site Hancocks Bridge, NJ | Anders Engineering Inc. | \$35,000 |
| M783 | Wastewater Treatment Plant Study Marlboro Psychiatric Hospital Marlboro, NJ | T & M Associates | \$2,000 Services |
| S252 | Removal & Replacement of 4,000 Gallon Gasoline Tank N.J. State Police Tuckerton, N.J. and Edison, N.J. | Roy Larry Schlein & Assoc. | \$35,000 |
| E191 | Remedial Structural Repairs Jersey Way Regional Day School Jersey City, N.J. | Maitra Assoc. | \$3,000 Services |
| M789 | Boiler Replacement Greystone Park Psychiatric Hospital Greystone Park, NJ | London Kantor Umland & Assoc. | \$206,000 |

PUBLIC NOTICES

| | | | |
|------|--|--------------------------------|----------------------|
| C367 | Replacement of Roof Intrusion Alarm System Trenton, State Prison Trenton, NJ | J.M. DiGiacinto & Assoc. | \$260,000 |
| M782 | Wastewater Treatment Plant Study Greystone Psychiatric Hospital Greystone Park, NJ | Post Buckley Schuh Jernigan | \$2,000 Services |
| E174 | Demolition Marie Katzenbach School for the Deaf W. Trenton, NJ | Lammey & Giorgio, PA | \$8,000 Services |
| P583 | Sandy Hook Marine Laboratory Fort Hancock Historic District Sandy Hook National Park, NJ | Beyer Blinder Belle | \$11,000,000 |
| J045 | Facility Consultant FY '89 Division of Building & Construction | Gaudet Assoc., Inc. | \$50,000 Services |
| J047 | Facility Consultant FY '89 Division of Building & Construction | Matthew L. Rue, AIA | \$50,000 Services |
| J049 | Facility Consultant FY '89 Division of Building & Construction | Herbert A. Wiener, PA | \$50,000 Services |
| J037 | Facility Consultant FY '89 Division of Building & Construction | Leonard Busch Assoc. | \$50,000 Services |
| F059 | Facility Consultant FY '89 Ramapo College of N.J. Dept. of Higher Education | Won Kim, P.E. | \$10,000 Services |
| D071 | Facility Consultant FY '89 Dept. of Corrections | Louis A. North, PE | \$10,000 Services |
| C376 | Kitchen/Dormitory Annandale High Point Correctional Unit High Point State Park | Capriotti & Vining | \$453,000 |

COMPETITIVE PROPOSALS

| | |
|-----------------------------|-----------------------|
| Capriotti & Vining | 15.8% |
| Barrett Allen Ginsberg, AIA | No proposal submitted |
| Nadaskay/Kopelson | No proposal submitted |

| | | | |
|------|---|----------------------------------|----------|
| A565 | Asbestos Removal Boiler Room Taxation Building Trenton, NJ | Northeastern Analytical Corp. | \$30,000 |
|------|---|----------------------------------|----------|

COMPETITIVE PROPOSALS

| | |
|--------------------------------|----------------------|
| Northeastern Analytical Corp. | \$12,500 Lump Sum |
| Gaudet Assoc. | \$16,452 Lump Sum |
| EHI/C Environmental | No proposal received |
| Princeton Testing Laboratories | No proposal received |

| | | | |
|------|--|-------------------|-----------------------|
| Z001 | Consultant Services DMV Model Agency Program General Services Administration | URS Company, Inc. | \$250,000 Services |
|------|--|-------------------|-----------------------|

COMPETITIVE PROPOSALS

| | |
|---------------------------|------------|
| URS Company, Inc. | \$209,000* |
| Wagner-Hohns-Ingles, Inc. | \$211,300* |
| Day & Zimmermann, Inc. | \$212,180* |
| Stone & Webster | \$227,320* |

*Estimated amount based on hourly rate, for proposal purposes only.

| | | | |
|------|--|-----------------------------|-----------|
| P579 | Maintenance Facility Blackwell Mills Complex D & R Canal State Park Franklin Township, NJ | Cody Eckert & Assoc., PA | \$550,000 |
|------|--|-----------------------------|-----------|

COMPETITIVE PROPOSALS

| | |
|---------------------------------|--------|
| Cody Eckert & Assoc., PA | 9.0% |
| Armstrong Jordan Pease, AIA, PA | 11.25% |
| Morton, Russo & Maggio | 11.9% |

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 a 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 | 3:22 | 5/21/89 |
| 1:5 | 10/20/91 | 3:23 | 7/6/92 |
| 1:6 | 5/4/92 | 3:24 | 8/20/89 |
| 1:6A | 5/4/92 | 3:25 | 8/17/92 |
| 1:7 | 5/4/92 | 3:26 | 12/31/90 |
| 1:10 | 5/4/92 | 3:27 | 9/16/90 |
| 1:10A | 5/4/92 | 3:28 | 12/17/89 |
| 1:10B | 10/6/91 | 3:30 | 10/17/88 |
| 1:11 | 5/4/92 | 3:32 | 10/1/93 |
| 1:13 | 5/4/92 | 3:38 | 10/5/92 |
| 1:20 | 5/4/92 | 3:41 | 10/16/90 |
| 1:21 | 5/4/92 | 3:42 | 4/4/93 |
| 1:30 | 2/14/91 | | |
| 1:31 | 6/17/92 | | |

PERSONNEL (CIVIL SERVICE)—TITLE 4/4A

| 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 |
| 4A:1 | 10/5/92 |
| 4A:2 | 10/5/92 |
| 4A:3 | 9/6/93 |
| 4A:4 | 6/6/93 |
| 4A:5 | 10/5/92 |
| 4A:6 | 1/4/93 |
| 4A:7 | 10/5/92 |
| 4A:9 | 10/5/92 |
| 4A:10 | 11/2/92 |

AGRICULTURE—TITLE 2

| N.J.A.C. | Expiration Date |
|----------|---|
| 2:1 | 9/3/90 |
| 2:2 | 10/3/88 |
| 2:3 | 6/18/89 |
| 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 | 7/18/93 |
| 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 | 11/7/93 |
| 2:69 | 11/7/93 |
| 2:70 | 5/7/90 |
| 2:71 | 7/8/93 |
| 2:72 | 7/8/93 |
| 2:73 | 7/8/93 |
| 2:74 | 7/8/93 |
| 2:76 | 8/29/89 |
| 2:90 | 6/24/90 |

COMMUNITY AFFAIRS—TITLE 5

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 5:2 | 9/1/93 |
| 5:3 | 9/1/93 |
| 5:4 | 10/5/92 |
| 5:10 | 12/1/88 |
| 5:11 | 3/1/89 |
| 5:12 | 1/1/90 |
| 5:13 | 12/24/92 |
| 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 |
| 5:19 | 2/1/93 |
| 5:22 | 12/1/90 |
| 5:23 | 3/1/93 |
| 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 | 6/29/93 |
| 5:31 | 12/1/89 |
| 5:37 | 11/18/90 |
| 5:38 | 10/27/93 |
| 5:70 | 7/9/92 |
| 5:71 | 3/1/90 |
| 5:80 | 5/20/90 |

BANKING—TITLE 3

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 3:1 | 1/6/91 |
| 3:2 | 4/15/90 |
| 3:6 | 3/3/91 |
| 3:7 | 9/16/90 |
| 3:11 | 3/19/89 |
| 3:13 | 11/17/91 |
| 3:17 | 6/18/91 |
| 3:18 | 1/19/93 |
| 3:19 | 3/17/91 |
| 3:21 | 2/2/92 |

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 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 | 7/8/93 |
| 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 | 7/5/93 |
| 6:31 | 1/24/90 |
| 6:39 | 10/18/89 |
| 6:43 | 4/7/91 |
| 6:46 | 10/5/92 |
| 6:53 | 7/7/92 |
| 6:64 | 1/11/93 |
| 6:68 | 4/12/90 |
| 6:69 | 6/4/91 |
| 6:70 | 1/25/90 |
| 6:78 | 11/7/93 |
| 6:79 | 11/25/92 |

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 | 7/18/93 |
| 7:2 | 6/24/93 |
| 7:3 | 3/21/93 |
| 7:6 | 12/19/88 |
| 7:7 | 5/7/89 |
| 7:7A | 6/6/93 |
| 7:7E | 7/24/90 |
| 7:7F | 1/19/93 |
| 7:8 | 2/5/93 |
| 7:9 | 1/21/91 |
| 7:10 | 9/4/89 |
| 7:11 | 5/13/93 |
| 7:12 | 4/11/93 |
| 7:13 | 5/4/89 |
| 7:14 | 4/27/89 |
| 7:14A | 6/4/89 |
| 7:14B | 12/21/92 |
| 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 |

| N.J.A.C. | Expiration Date |
|---|-----------------|
| 7:23 | 6/18/89 |
| 7:24 | 5/19/91 |
| 7:25 | 2/18/91 |
| (Except for 7:25-1 which expired 9/17/85) | |
| 7:25A | 5/6/90 |
| 7:26 | 11/4/90 |
| 7:27 | Exempt |
| 7:27B-3 | Exempt |
| 7:28 | 10/7/90 |
| 7:29 | 3/18/90 |
| 7:29B | 2/1/93 |
| 7:30 | 12/4/92 |
| 7:31 | 6/20/93 |
| 7:36 | 11/21/93 |
| 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 | 9/8/92 |
| 8:19 | 6/28/90 |
| 8:20 | 3/4/90 |
| 8:21 | 11/18/90 |
| 8:21A | 4/1/90 |
| 8:22 | 8/4/91 |
| 8:23 | 12/17/89 |
| 8:24 | 5/2/93 |
| 8:25 | 5/19/93 |
| 8:26 | 8/4/91 |
| 8:31 | 11/5/89 |
| 8:31A | 3/18/90 |
| 8:31B | 10/15/90 |
| 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 | 5/7/89 |
| 8:33K | 4/16/89 |
| 8:34 | 11/18/88 |
| 8:39 | 6/20/93 |
| 8:40 | 4/15/90 |
| 8:41 | 2/17/92 |
| 8:42 | 8/17/92 |
| 8:42A | 6/12/91 |
| 8:42B | 7/18/93 |
| 8:43 | 1/21/91 |
| 8:43A | 9/3/90 |
| 8:43B | 1/21/91 |
| 8:43E | 12/11/92 |
| 8:43F | 3/18/90 |
| 8:43G | 9/8/91 |
| 8:43I | 3/21/93 |
| 8:44 | 11/2/93 |
| 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 |
| 8:59 | 10/1/89 |
| 8:60 | 5/3/90 |
| 8:61 | 10/6/91 |
| 8:65 | 12/2/90 |
| 8:70 | 8/19/93 |
| 8:71 | 4/2/89 |

HIGHER EDUCATION—TITLE 9

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 9:1 | 1/17/89 |
| 9:2 | 6/17/90 |
| 9:3 | 9/27/93 |
| 9:4 | 10/30/91 |
| 9:5 | 1/21/91 |
| 9:6 | 5/20/90 |
| 9:6A | 1/4/93 |
| 9:7 | 2/28/93 |
| 9:8 | 11/4/90 |
| 9:9 | 10/3/93 |
| 9:11 | 1/17/89 |
| 9:12 | 1/17/89 |
| 9:14 | 5/20/90 |
| 9:15 | 10/25/88 |

| | |
|---------|----------|
| 10:97 | 4/16/89 |
| 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 | 12/7/92 |
| 10:122 | 8/6/89 |
| 10:122A | Exempt |
| 10:122B | 9/10/89 |
| 10:123 | 7/20/90 |
| 10:124 | 12/7/92 |
| 10:125 | 7/16/89 |
| 10:126 | 11/7/93 |
| 10:127 | 8/26/93 |
| 10:129 | 10/11/89 |
| 10:130 | 9/19/88 |
| 10:131 | 12/7/92 |
| 10:132 | 1/5/92 |
| 10:141 | 2/21/89 |

HUMAN SERVICES—TITLE 10

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 10:1 | 11/7/93 |
| 10:2 | 1/5/92 |
| 10:3 | 11/21/93 |
| 10:4 | 1/3/88 |
| 10:5 | 12/19/88 |
| 10:6 | 2/21/89 |
| 10:12 | 1/5/92 |
| 10:13 | 7/18/93 |
| 10:14 | 5/16/93 |
| 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 | 11/21/93 |
| 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 |
| 10:68 | 7/7/91 |
| 10:69 | 6/6/93 |
| 10:69A | 4/20/93 |
| 10:69B | 11/21/88 |
| 10:70 | 6/16/91 |
| 10:71 | 1/6/91 |
| 10:72 | 8/27/92 |
| 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 | 10/14/92 |
| 10:94 | 1/6/91 |
| 10:95 | 8/23/89 |

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:6 | 11/2/92 |
| 10A:8 | 11/16/92 |
| 10A:9 | 1/20/92 |
| 10A:10-6 | 8/17/92 |
| 10A:16 | 4/6/92 |
| 10A:17 | 12/15/91 |
| 10A:18 | 7/6/92 |
| 10A:22 | 7/5/93 |
| 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 | 6/24/90 |
| 11:1-22 | 6/24/90 |
| 11:2 | 12/2/90 |
| 11:3 | 1/6/91 |
| 11:4 | 12/2/90 |
| 11:5 | 10/28/93 |
| 11:7 | 10/19/92 |
| 11:10 | 7/15/90 |
| 11:12 | 10/27/91 |
| 11:13 | 11/12/92 |
| 11:14 | 7/2/89 |
| 11:15 | 12/3/89 |
| 11:16 | 2/3/91 |
| 11:17 | 4/18/93 |

LABOR—TITLE 12

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 12:5 | 9/19/93 |
| 12:6 | 10/17/93 |
| 12:15 | 8/19/90 |
| 12:16 | 4/1/90 |
| 12:17 | 1/6/91 |
| 12:18 | 3/7/93 |
| 12:20 | 11/5/89 |
| 12:35 | 8/5/90 |
| 12:45 | 5/2/93 |

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 12:46 | 5/2/93 |
| 12:47 | 5/2/93 |
| 12:48 | 5/2/93 |
| 12:49 | 5/2/93 |
| 12:51 | 6/30/91 |
| 12:56 | 9/26/90 |
| 12:57 | 9/26/90 |
| 12:58 | 9/26/90 |
| 12:60 | 3/21/93 |
| 12:90 | 12/17/89 |
| 12:100 | 11/5/89 |
| 12:105 | 1/21/91 |
| 12:110 | 1/19/93 |
| 12:112 | 9/6/93 |
| 12:120 | 5/3/90 |
| 12:175 | 12/9/88 |
| 12:190 | 1/4/93 |
| 12:195 | 6/24/93 |
| 12:200 | 8/5/90 |
| 12:210 | 9/6/93 |
| 12:235 | 5/5/91 |

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 13:44B | 11/2/92 |
| 13:44C | 7/18/93 |
| 13:45A | 12/16/90 |
| 13:46 | 6/3/90 |
| 13:47 | 2/2/92 |
| 13:47A | 10/5/92 |
| 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 | 6/27/93 |
| 13:77 | 2/1/93 |

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

| N.J.A.C. | Expiration Date |
|-----------|-----------------|
| 12A:9 | 3/7/93 |
| 12A:10-1 | 8/15/89 |
| 12A:11 | 9/21/92 |
| 12A:12 | 9/21/92 |
| 12A:50 | 8/15/93 |
| 12A:54 | 8/15/93 |
| 12A:60 | 11/21/93 |
| 12A:100-1 | 9/8/91 |
| 12A:120 | 9/6/93 |
| 12A:121 | 12/5/93 |

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 |
| 14:10 | 9/8/91 |
| 14:11 | 1/27/92 |
| 14:17 | 5/7/89 |
| 14:18 | 7/29/90 |

LAW AND PUBLIC SAFETY—TITLE 13

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 13:1 | 7/5/93 |
| 13:1C | Expired 12/1/83 |
| 13:2 | 8/5/90 |
| 13:3 | 4/25/93 |
| 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 | 9/26/93 |
| 13:27 | 4/1/90 |
| 13:28 | 5/16/93 |
| 13:29 | 6/3/90 |
| 13:30 | 4/15/90 |
| 13:31 | 12/12/91 |
| 13:32 | 10/23/92 |
| 13:33 | 3/18/90 |
| 13:34 | 10/26/93 |
| 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 | 10/31/93 |
| 13:43 | 9/1/93 |
| 13:44 | 8/20/89 |

ENERGY—TITLE 14A

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 14A:2 | 4/17/89 |
| 14A:3 | 10/7/90 |
| 14A:5 | 10/19/88 |
| 14A:6 | 8/6/89 |
| 14A:7 | 9/16/90 |
| 14A:8 | 9/20/89 |
| 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 | 5/2/93 |
| 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 |
| 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 | 8/15/93 |

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 16:25A | 7/18/93 |
| 16:26 | 8/6/89 |
| 16:27 | 9/8/91 |
| 16:28 | 6/1/93 |
| 16:28A | 6/1/93 |
| 16:29 | 6/1/93 |
| 16:30 | 6/1/93 |
| 16:31 | 6/1/93 |
| 16:31A | 6/1/93 |
| 16:32 | 4/15/90 |
| 16:33 | 9/3/90 |
| 16:41 | 7/28/92 |
| 16:41A | 2/19/90 |
| 16:41B | 3/4/90 |
| 16:43 | 9/3/90 |
| 16:44 | 5/25/93 |
| 16:49 | 3/18/90 |
| 16:51 | 4/6/92 |
| 16:53 | 3/19/89 |
| 16:53A | 4/15/90 |
| 16:53C | 6/16/93 |
| 16:53D | 5/7/89 |
| 16:54 | 4/7/91 |
| 16:55 | 6/14/93 |
| 16:56 | 6/4/89 |
| 16:60 | 6/14/93 |
| 16:61 | 6/14/93 |
| 16:62 | 4/15/90 |
| 16:72 | 3/31/91 |
| 16:73 | 1/30/92 |
| 16:75 | 5/13/93 |
| 16:76 | 12/19/88 |
| 16:77 | 1/21/90 |
| 16:78 | 10/7/90 |
| 16:79 | 10/20/91 |
| 16:80 | 11/7/93 |
| 16:81 | 11/7/93 |

TREASURY-GENERAL—TITLE 17

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 17:1 | 5/6/93 |
| 17:2 | 12/17/89 |
| 17:3 | 8/15/93 |
| 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 | 10/3/93 |
| 17:10 | 5/6/93 |
| 17:12 | 8/15/89 |
| 17:16 | 12/2/90 |
| 17:19 | 3/18/90 |
| 17:20 | 9/26/93 |
| 17:25 | 6/18/89 |
| 17:27 | 10/7/93 |
| 17:28 | 9/13/90 |
| 17:29 | 10/18/90 |
| 17:30 | 5/4/92 |
| 17:32 | 3/21/93 |

TREASURY-TAXATION—TITLE 18

| N.J.A.C. | Expiration Date |
|----------|-----------------|
| 18:2 | 9/6/93 |
| 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 | 6/7/93 |
| 18:12 | 7/29/93 |
| 18:12A | 7/29/93 |
| 18:14 | 7/29/93 |
| 18:15 | 7/29/93 |
| 18:16 | 7/29/93 |
| 18:17 | 7/29/93 |
| 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 | 6/7/93 |
| 18:25 | 1/6/91 |
| 18:26 | 6/7/93 |
| 18:30 | 4/2/89 |
| 18:35 | 6/7/93 |
| 18:36 | 2/4/90 |
| 18:37 | 8/5/90 |
| 18:38 | 2/16/93 |
| 18:39 | 9/8/92 |

OTHER AGENCIES—TITLE 19

| N.J.A.C. | Expiration Date |
|----------|---------------------------|
| 19:3 | 5/26/93 |
| 19:3B | Exempt (N.J.S.A. 13:17-1) |
| 19:4 | 5/26/93 |
| 19:4A | 6/20/93 |
| 19:8 | 7/5/93 |
| 19:9 | 10/17/93 |
| 19:12 | 8/7/91 |
| 19:16 | 8/7/91 |
| 19:17 | 6/8/93 |
| 19:25 | 1/9/91 |
| 19:30 | 10/7/90 |
| 19:40 | 9/26/89 |
| 19:41 | 5/12/93 |
| 19:42 | 5/12/93 |
| 19:43 | 4/27/89 |
| 19:44 | 9/29/93 |
| 19:45 | 3/24/93 |
| 19:46 | 4/28/93 |
| 19:47 | 4/28/93 |
| 19:48 | 10/13/93 |
| 19:49 | 3/24/93 |
| 19:50 | 5/12/93 |
| 19:51 | 8/14/91 |
| 19:52 | 9/25/91 |
| 19:53 | 4/28/93 |
| 19:54 | 3/24/93 |
| 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 October 3, 1988 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(c).

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.1988 d.1 means the first rule adopted in 1988.

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 series number and supplement 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: SUPPLEMENT SEPTEMBER 19, 1988

NEXT UPDATE: SUPPLEMENT OCTOBER 17, 1988

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 |
|------------------------------------|--|------------------------------------|--|
| 19 N.J.R. 2225 and 2324 | December 7, 1987 | 20 N.J.R. 1317 and 1500 | June 20, 1988 |
| 19 N.J.R. 2325 and 2510 | December 21, 1987 | 20 N.J.R. 1501 and 1594 | July 5, 1988 |
| 20 N.J.R. 1 and 124 | January 4, 1988 | 20 N.J.R. 1595 and 1758 | July 18, 1988 |
| 20 N.J.R. 125 and 220 | January 19, 1988 | 20 N.J.R. 1759 and 1976 | August 1, 1988 |
| 20 N.J.R. 221 and 320 | February 1, 1988 | 20 N.J.R. 1977 and 2122 | August 15, 1988 |
| 20 N.J.R. 321 and 434 | February 16, 1988 | 20 N.J.R. 2123 and 2350 | September 6, 1988 |
| 20 N.J.R. 435 and 570 | March 7, 1988 | 20 N.J.R. 2351 and 2416 | September 19, 1988 |
| 20 N.J.R. 571 and 692 | March 21, 1988 | 20 N.J.R. 2417 and 2498 | October 3, 1988 |
| 20 N.J.R. 693 and 842 | April 4, 1988 | 20 N.J.R. 2499 and 2610 | October 17, 1988 |
| 20 N.J.R. 843 and 950 | April 18, 1988 | 20 N.J.R. 2611 and 2842 | November 7, 1988 |
| 20 N.J.R. 951 and 1018 | May 2, 1988 | 20 N.J.R. 2843 and 2948 | November 21, 1988 |
| 20 N.J.R. 1019 and 1126 | May 16, 1988 | 20 N.J.R. 2949 and 3046 | December 5, 1988 |
| 20 N.J.R. 1127 and 1316 | June 6, 1988 | | |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|-----------------------------------|---|-----------------------------------|-----------------|-----------------------------------|
| ADMINISTRATIVE LAW—TITLE 1 | | | | |
| 1:1-5.5 | Non-lawyer representatives: consent orders and stipulations | 20 N.J.R. 2845(a) | | |
| 1:1-9.5 | Transmittal of clerk's notices | 20 N.J.R. 1979(a) | | |
| 1:1-9.5 | Transmittal of clerk's notices: withdrawal of proposal | 20 N.J.R. 2613(a) | | |
| 1:1-10.4 | Discovery: requests for admissions | 20 N.J.R. 2845(b) | | |
| 1:1-14.3 | Interpreters for hearing impaired | 20 N.J.R. 2845(c) | | |
| 1:1-14.8 | Proceedings on the papers: inaction by requesting party | 20 N.J.R. 1979(c) | R.1988 d.517 | 20 N.J.R. 2749(a) |
| 1:6-10.1 | Discovery in school budget cases | 20 N.J.R. 1980(a) | R.1988 d.516 | 20 N.J.R. 2749(b) |
| 1:30-3.1 | Regulatory flexibility analysis and proposed rulemaking | 20 N.J.R. 573(a) | | |

Most recent update to Title 1: TRANSMITTAL 1988-4 (supplement September 19, 1988)

| | | | | |
|--|---|-------------------|--------------|-------------------|
| AGRICULTURE—TITLE 2 | | | | |
| 2:2 | Animal disease control program | 20 N.J.R. 2419(a) | | |
| 2:33 | Agricultural fairs | 20 N.J.R. 2125(a) | | |
| 2:68-1 | Association standards for commercial feeds | 20 N.J.R. 1671(c) | R.1988 d.528 | 20 N.J.R. 2749(c) |
| 2:69 | Commercial fertilizers and soil conditioners | 20 N.J.R. 1673(a) | R.1988 d.527 | 20 N.J.R. 2750(a) |
| 2:76-6.2, 6.5, 6.6, 6.8, 6.9, 6.10, 6.11, 6.16 | Farmland preservation: acquisition of development easements | 20 N.J.R. 1503(a) | R.1988 d.493 | 20 N.J.R. 2565(a) |
| 2:76-6.2, 6.5, 6.6, 6.9, 6.15, 6.16 | Farmland development easements: residual dwelling sites | 20 N.J.R. 1761(a) | | |
| 2:76-8 | Acquisition of farmland in fee simple | 20 N.J.R. 2501(a) | | |

Most recent update to Title 2: TRANSMITTAL 1988-6 (supplement September 19, 1988)

| | | | | |
|--|--|-------------------|--------------|-------------------|
| BANKING—TITLE 3 | | | | |
| 3:1-2.17 | Repeal (see 3:32-1) | 20 N.J.R. 697(a) | R.1988 d.472 | 20 N.J.R. 2450(a) |
| 3:1-16 | Mortgage loan practices | 20 N.J.R. 1021(b) | | |
| 3:2-1.1, 1.2, 1.3, 1.4 | Advertising by financial institutions | 20 N.J.R. 1025(a) | R.1988 d.524 | 20 N.J.R. 2750(b) |
| 3:24-5.1 | Licensed check cashing | 20 N.J.R. 2353(a) | | |
| 3:32-1.1, 1.2, 1.4, 1.6, 1.7, 1.10, 1.11 | Conversion of savings and loan associations from mutual to capital stock | 20 N.J.R. 697(a) | R.1988 d.472 | 20 N.J.R. 2450(a) |
| 3:38-5 | Repeal (see 3:1-16) | 20 N.J.R. 1021(b) | | |

Most recent update to Title 3: TRANSMITTAL 1988-5 (supplement August 15, 1988)

CIVIL SERVICE—TITLE 4

Most recent update to Title 4: TRANSMITTAL 1988-3 (supplement September 19, 1988)

| | | | | |
|---------------------------|--|------------------|--|--|
| PERSONNEL—TITLE 4A | | | | |
| 4A:6-1.3, 1.10 | Sick leave; leave without pay | 20 N.J.R. 133(a) | | |
| 4A:6-1.3, 1.10 | Sick leave, leave without pay: extension of comment period | 20 N.J.R. 341(a) | | |

Most recent update to Title 4A: TRANSMITTAL 1988-3 (supplement September 19, 1988)

| | | | | |
|----------------------------------|---|-------------------|--------------|-------------------|
| COMMUNITY AFFAIRS—TITLE 5 | | | | |
| 5:2 | Handicapped Persons' Recreational Opportunities grant program | 20 N.J.R. 1765(a) | R.1988 d.459 | 20 N.J.R. 2451(a) |
| 5:3-2 | Nonpublic records | 20 N.J.R. 1763(a) | R.1988 d.458 | 20 N.J.R. 2451(b) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|--|---|-----------------------------------|-----------------|-----------------------------------|
| 5:10 | Maintenance of hotels and multiple dwellings | 20 N.J.R. 2126(a) | | |
| 5:10-1.3, 1.6, 1.10, 1.12, 25 | Fire safety in hotels and multiple dwellings | 20 N.J.R. 2126(a) | | |
| 5:12-1.1, 2.1, 2.4 | Homelessness Prevention Program: eligibility for temporary assistance | 19 N.J.R. 1777(a) | R.1988 d.521 | 20 N.J.R. 2752(a) |
| 5:13-1.14 | Limited dividend and nonprofit housing projects: payment in lieu of taxes | 20 N.J.R. 2425(a) | | |
| 5:15 | Emergency shelters for the homeless | 20 N.J.R. 341(b) | | |
| 5:23-3.15 | Uniform Construction Code: plumbing subcode | 20 N.J.R. 2846(c) | | |
| 5:23-4.3 | Uniform Construction Code: assumption of local enforcement powers | 20 N.J.R. 1764(a) | | |
| 5:23-4.4 | Acting appointments: correction to text | | | 20 N.J.R. 2823(a) |
| 5:23-7.104, 7.116 | Barrier Free Subcode: recreation standards | 20 N.J.R. 1764(b) | R.1988 d.503 | 20 N.J.R. 2754(a) |
| 5:23-8 | Asbestos Hazard Abatement Subcode | 20 N.J.R. 1130(b) | | |
| 5:27-1.3, 1.6, 5 | Fire safety in rooming and boarding houses | 20 N.J.R. 2126(a) | | |
| 5:30 | Local Finance Board rules: waiver of Executive Order No. 66 (1978) expiration provision | 20 N.J.R. 1320(a) | | |
| 5:38 | State intergovernmental review process for Federal programs and direct development activities | 20 N.J.R. 2354(a) | R.1988 d.553 | 20 N.J.R. 3015(a) |
| 5:51 | Handicapped Persons' Recreational Opportunities grant program (recodified as 5:2) | 20 N.J.R. 1765(a) | R.1988 d.459 | 20 N.J.R. 2451(a) |
| 5:70-6.3 | Congregate Housing Services Program: service subsidy formula | 20 N.J.R. 2426(a) | | |
| 5:91-4.1 | Council on Affordable Housing: adoption of housing element | 20 N.J.R. 2613(b) | | |
| 5:91-14 | Council on Affordable Housing: amending of certified municipal plan | 20 N.J.R. 2613(c) | | |
| 5:92-6.1, 11.4, 11.5, 12.9, 16.6, App. F | Affordable housing council rules | 20 N.J.R. 1673(b) | | |

Most recent update to Title 5: TRANSMITTAL 1988-9 (supplement September 19, 1988)

MILITARY AND VETERANS' AFFAIRS (formerly DEFENSE)—TITLE 5A

Most recent update to Title 5A: TRANSMITTAL 1 (supplement May 20, 1985)

EDUCATION—TITLE 6

| | | | | |
|-------------------------|---|-------------------|--------------|-------------------|
| 6:2 | Appeals to State Board | 20 N.J.R. 2615(a) | | |
| 6:2-1.21 | Issuance of administrative order creating State-operated school district | 20 N.J.R. 1505(a) | R.1988 d.475 | 20 N.J.R. 2452(a) |
| 6:3-1.23, 1.24 | Principal certification | 20 N.J.R. 1320(c) | R.1988 d.491 | 20 N.J.R. 2567(a) |
| 6:8-1.1, 4.3, 7.1 | High school core proficiencies | 20 N.J.R. 2619(a) | | |
| 6:11-12.5 | Substance awareness coordinator | 20 N.J.R. 1980(c) | R.1988 d.562 | 20 N.J.R. 3015(b) |
| 6:11-3.25, 4.2, 5.7, 10 | Principal certification | 20 N.J.R. 1320(c) | R.1988 d.491 | 20 N.J.R. 2567(a) |
| 6:20-2 | Bookkeeping and accounting in local districts | 20 N.J.R. 2502(a) | | |
| 6:20-5.7 | Reimbursement to nonpublic schools for asbestos removal and encapsulation | 20 N.J.R. 2505(a) | | |
| 6:22A-1 | School facility lease purchase agreements | 20 N.J.R. 2127(a) | | |
| 6:29-4.2 | Testing for tuberculosis infection | 20 N.J.R. 1981(a) | R.1988 d.563 | 20 N.J.R. 3016(a) |
| 6:39 | High school core proficiencies | 20 N.J.R. 2619(a) | | |
| 6:78-1.1, 1.2, 1.3 | Marie H. Katzenbach School for the Deaf | 20 N.J.R. 1678(a) | R.1988 d.534 | 20 N.J.R. 2754(b) |

Most recent update to Title 6: TRANSMITTAL 1988-7 (supplement September 19, 1988)

ENVIRONMENTAL PROTECTION—TITLE 7

| | | | | |
|---|--|------------------------------|--------------|-------------------|
| 7:1A-1.1, 1.2, 1.4, 1.6, 2.1-2.4, 2.8, 2.10, 2.12-2.15, 5.1, 5.2, 7 | Replacement of contaminated wellfields | Emergency (expires 11-18-88) | R.1988 d.479 | 20 N.J.R. 2470(a) |
| 7:1C-1.2, 1.5 | 90-day construction permits: fee structure for treatment works approvals | 20 N.J.R. 135(a) | | |
| 7:1D | Allocation of costs for emergency water supply projects | 20 N.J.R. 2197(a) | | |
| 7:2 | State Park Service: extension of comment period | 20 N.J.R. 1035(a) | | |
| 7:7-2.2 | Coastal wetlands maps for Gloucester County | 19 N.J.R. 2090(b) | Expired | |
| 7:7-2.2 | Coastal wetlands boundaries in Salem County | 20 N.J.R. 349(b) | | |
| 7:7-2.3 | Waterfront development | Emergency (expires 12-3-88) | R.1988 d.518 | 20 N.J.R. 2815(a) |
| 7:7A-8.1 | Freshwater Wetlands Protection Act rules: correction | 20 N.J.R. 22(a) | | |
| 7:7A-9.2, 9.4 | Freshwater wetlands protection: Statewide general permits for certain activities | 20 N.J.R. 1327(a) | | |
| 7:7E-3.46 | Hudson River waterfront development | 20 N.J.R. 1982(a) | | |
| 7:9-2 | Repeal (see 7:9A) | 20 N.J.R. 1790(a) | | |
| 7:9-4 | Surface water quality standards: public hearings | 20 N.J.R. 1865(a) | | |
| 7:9-4 | Surface water quality standards: extension of comment period | 20 N.J.R. 2427(a) | | |
| 7:9-4.4, 4.5, 4.6, 4.14, 4.15, Indexes A-G | Surface water quality standards | 20 N.J.R. 1597(a) | | |
| 7:9A | Individual subsurface sewage disposal systems | 20 N.J.R. 1790(a) | | |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|--|---|-----------------------------------|-----------------|-----------------------------------|
| 7:9A | Individual subsurface sewage disposal systems: extension of comment period | 20 N.J.R. 2427(b) | | |
| 7:10-10.2, 11.2, 15 | Safe Drinking Water Program fees | 20 N.J.R. 142(a) | | |
| 7:10-13.2, 13.10, 13.13 | Industrial wastewater treatment systems: licensing of operators | 20 N.J.R. 1141(b) | | |
| 7:10-16 | Maximum Containment Levels (MCLs) for hazardous contaminants in drinking water | 19 N.J.R. 2228(a) | | |
| 7:10-16.13, 16.14, 16.15 | Hazardous contaminants in drinking water: pre-proposal concerning short-term action levels, sampling response levels, and unregulated and total volatile organics | 19 N.J.R. 2231(a) | | |
| 7:14A-3.1 | NJPDES permit requirements: discharges of dredged and fill material into freshwater wetlands and open waters | 20 N.J.R. 1328(a) | | |
| 7:14A-5.12 | Hazardous waste management: closure and post-closure financial assurance | 19 N.J.R. 2349(a) | | |
| 7:14A-5.12 | Closure of hazardous waste facilities | 20 N.J.R. 2650(a) | | |
| 7:14A-6.4 | Groundwater monitoring parameters for hazardous waste facilities | 19 N.J.R. 1863(b) | R.1988 d.529 | 20 N.J.R. 2755(a) |
| 7:15 | Statewide water quality management planning | 20 N.J.R. 2198(a) | | |
| 7:15-3.4 | Correction to proposed new rule | 20 N.J.R. 2478(a) | | |
| 7:20A | Water usage certifications for agricultural and horticultural purposes | 20 N.J.R. 2663(a) | | |
| 7:22-10 | Environmental assessment requirements for State-assisted wastewater treatment facilities | 20 N.J.R. 1983(a) | | |
| 7:25-1.5, 8 | Clam licenses | 20 N.J.R. 2666(a) | | |
| 7:25-5.7 | 1989 Wild turkey season | 20 N.J.R. 2217(a) | R.1988 d.530 | 20 N.J.R. 2757(a) |
| 7:25-5.24 | Bow and arrow provisions: correction to text | _____ | _____ | 20 N.J.R. 2936(a) |
| 7:25-6 | 1989-90 Fish Code | 20 N.J.R. 1627(a) | R.1988 d.531 | 20 N.J.R. 2758(a) |
| 7:25-16.1 | Upstream fishing license line: administrative correction | _____ | _____ | 20 N.J.R. 2936(b) |
| 7:26-1.1, 1.4, 2.7, 2.11, 2.12, 2.13, 2A.8, 2B.4, 2B.8, 3.1-3.5, 3.7, 4.1-4.5, 4.7-4.10, 16.2, 16.3, 16.13 | Solid waste facility and transporter registration fees | 20 N.J.R. 2668(a) | | |
| 7:26-1.1, 1.4, 4, 4A, 7.3, 7.5, 12.2, 13A.6, 16.2, 16.3 | Hazardous waste fee schedule | 20 N.J.R. 1995(a) | | |
| 7:26-1.1, 1.4, 4, 4A | Hazardous waste fee schedule: extension of comment period | 20 N.J.R. 2427(c) | | |
| 7:26-1.4, 1.7, 1.11, 1.12, 2.1, 2.4, 2.8, 2.13 | Permit exemptions for composting facilities | Emergency (expires 12-25-88) | R.1988 d.547 | 20 N.J.R. 2817(a) |
| 7:26-1.4, 7.4, 9.1, 12.1 | Hazardous waste research and testing facilities: pre-proposal | 20 N.J.R. 460(b) | | |
| 7:26-1.4, 9.8-9.11, 9.13, App. A, 12.3 | Hazardous waste management: closure and post-closure financial assurance | 19 N.J.R. 2349(a) | | |
| 7:26-1.4, 9.8, 9.9, 9.10, 9.11, 9.13, App. A, 12.3, 12.5 | Closure of hazardous waste facilities | 20 N.J.R. 2650(a) | | |
| 7:26-1.7 | Exemption from registration: correction to text | _____ | _____ | 20 N.J.R. 2936(c) |
| 7:26-3A | Special medical waste | 20 N.J.R. 2321(a) | R.1988 d.523 | 20 N.J.R. 2760(a) |
| 7:26-6.5 | Interdistrict and intradistrict solid waste flow: Essex County | 20 N.J.R. 1048(a) | | |
| 7:26-7.3, 7.4, 7.5, 7.6 | Hazardous waste management | 20 N.J.R. 867(a) | | |
| 7:26-7.4, 9.1, 12.1 | Hazardous waste stored for reuse | 20 N.J.R. 1329(a) | | |
| 7:26-12.9 | Hazardous waste management: research, development and demonstration permits | 20 N.J.R. 462(a) | | |
| 7:26B-1.10 | Environmental Cleanup Responsibility Act: fee schedule | 20 N.J.R. 2000(a) | | |
| 7:27-16.1, 16.3 | Marine transfer of gasoline: vapor recovery program | 20 N.J.R. 1866(a) | | |
| 7:27-23 | Volatile organic substances in consumer products | 20 N.J.R. 2002(a) | | |
| 7:27-25 | Control and prohibition of air pollution by vehicular fuels | 20 N.J.R. 1631(a) | | |
| 7:27-25 | Control and prohibition of air pollution by vehicular fuels: extension of comment period | 20 N.J.R. 2355(a) | | |
| 7:30 | Pesticide Control Code | 20 N.J.R. 579(a) | R.1988 d.538 | 20 N.J.R. 2865(a) |
| 7:31-2.12, 2.15, 5 | Confidentiality and trade secrets: correction and extension of comment period | 20 N.J.R. 554(a) | | |
| 7:36 | Green Acres Program | 19 N.J.R. 2358(b) | R.1988 d.549 | 20 N.J.R. 2891(a) |
| 7:45 | Delaware and Raritan Canal: State Park review zone | 20 N.J.R. 23(a) | | |
| 7:45 | Delaware and Raritan Canal review zone: extension of comment period | 20 N.J.R. 552(c) | | |

Most recent update to Title 7: TRANSMITTAL 1988-9 (supplement September 19, 1988)

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|---|--|-----------------------------------|-----------------|-----------------------------------|
| HEALTH—TITLE 8 | | | | |
| 8:31A-7.2, 7.4, 7.5, 7.11 | Reimbursement for new SHARE facilities | 20 N.J.R. 1633(a) | R.1988 d.544 | 20 N.J.R. 2897(a) |
| 8:31B-3.7, 3.17, 3.27, 3.51, 3.55, 3.73, 4.42 | Hospital reimbursement: existing capital indebtedness | 19 N.J.R. 1145(a) | R.1988 d.24 | 20 N.J.R. 2572(a) |
| 8:31B-3.19 | Hospital reimbursement: burn care unit reporting | 20 N.J.R. 2541(a) | | |
| 8:31B-3.43 | General acute care hospitals: implementation of proposed schedule of rates | 20 N.J.R. 2542(a) | | |
| 8:31B-3.44 | Hospital reimbursement: DRG outliers | 20 N.J.R. 2542(b) | | |
| 8:31B-3.45 | Hospital reimbursement: submission of uniform bill-patient summaries | 20 N.J.R. 1143(a) | R.1988 d.497 | 20 N.J.R. 2574(a) |
| 8:31B-3, App. II | Hospital reimbursement: laundry and linen cost center | 20 N.J.R. 2543(a) | | |
| 8:31B-4.37 | Uncompensated Care Trust Fund: charity care eligibility and charges | 20 N.J.R. 2219(a) | | |
| 8:33E-1.2, 1.11 | Cardiac diagnostic facilities: pediatric patients; new facilities | 20 N.J.R. 2847(a) | | |
| 8:33E-2.3, 2.4 | Cardiac surgery centers: pediatric patients; surgery teams | 20 N.J.R. 2848(a) | | |
| 8:33J-1.3 | Nuclear Magnetic Resonance (NMR)/Magnetic Resonance Imaging (MRI) demonstration period | 20 N.J.R. 2220(a) | | |
| 8:34 | Licensing of nursing home administrators | 20 N.J.R. 2355(b) | | |
| 8:39-41.3, 42.2 | Long-term care facilities: excessive heat emergency plan | 20 N.J.R. 2543(b) | | |
| 8:43-4.11 | Residential health care facilities: hot water temperature | 20 N.J.R. 2221(a) | | |
| 8:43B-1.10 | Hospital facilities: confidentiality of patient information | 20 N.J.R. 2221(b) | | |
| 8:43B-18 | Hospital anesthesiology standards | 20 N.J.R. 2544(a) | | |
| 8:44 | Operation of clinical laboratories | 20 N.J.R. 2222(a) | R.1988 d.561 | 20 N.J.R. 3017(a) |
| 8:60-2.1 (12:120-2.1) | Asbestos removal defined | 20 N.J.R. 1049(a) | | |
| 8:60-2.1 (12:120-2.1) | Asbestos removal defined: extension of comment period | 20 N.J.R. 1507(b) | | |
| 8:65-1.3, 6.6, 8.13 | Handling of sodium pentobarbital in animal humane facilities | 20 N.J.R. 366(a) | R.1988 d.498 | 20 N.J.R. 2574(b) |
| 8:65-10.5 | Schedule V, Controlled Dangerous Substances | 20 N.J.R. 1506(a) | R.1988 d.496 | 20 N.J.R. 2575(a) |
| 8:70-1.5 | Interchangeable drug products: substitution of unlisted generics | 20 N.J.R. 2623(a) | | |
| 8:71 | Interchangeable drug products (see 20 N.J.R. 900(a), 1461(a), 1711(b)) | 20 N.J.R. 146(a) | R.1988 d.509 | 20 N.J.R. 2768(a) |
| 8:71 | Interchangeable drug products (see 20 N.J.R. 1710(b), 2376(d)) | 20 N.J.R. 871(a) | R.1988 d.510 | 20 N.J.R. 2768(b) |
| 8:71 | Interchangeable drug products | 20 N.J.R. 1766(a) | R.1988 d.511 | 20 N.J.R. 2769(a) |
| 8:71 | Interchangeable drug products | 20 N.J.R. 2356(a) | | |

Most recent update to Title 8: TRANSMITTAL 1988-8 (supplement September 19, 1988)

| | | | | |
|---------------------------------|--|-------------------|--------------|-------------------|
| HIGHER EDUCATION—TITLE 9 | | | | |
| 9:3 | Facilities planning for public colleges and universities | 20 N.J.R. 1768(a) | R.1988 d.506 | 20 N.J.R. 2771(a) |
| 9:4-1.5 | Chargeback for disability-specific programs at county colleges | 20 N.J.R. 1330(a) | R.1988 d.519 | 20 N.J.R. 2771(b) |
| 9:7-3.5 | Tuition Aid Grant Program: part-time students | 20 N.J.R. 2007(a) | R.1988 d.533 | 20 N.J.R. 2772(a) |
| 9:7-4.2, 4.3, 4.4 | Garden State Scholarships | 20 N.J.R. 1635(a) | R.1988 d.532 | 20 N.J.R. 2772(b) |
| 9:7-6.4 | Garden State Graduate Fellowships: approved programs | 20 N.J.R. 2624(a) | | |
| 9:7-8.1 | Vietnam Veterans Tuition Aid: eligibility | 20 N.J.R. 2625(a) | | |
| 9:9 | Student loan programs: policies and procedures | 20 N.J.R. 1636(a) | R.1988 d.478 | 20 N.J.R. 2452(b) |
| 9:11 | Educational Opportunity Fund Program | 20 N.J.R. 2506(a) | | |
| 9:9-11.2 | Guaranteed Student Loan Program: institution compliance | 20 N.J.R. 1641(a) | R.1988 d.477 | 20 N.J.R. 2456(a) |
| 9:11-1.1 | Educational Opportunity Fund grants: student eligibility | 20 N.J.R. 1768(b) | | |
| 9:11-1.6, 1.8, 1.9, 1.20 | EOF grants: eligibility procedure; refunds | 20 N.J.R. 1769(a) | | |
| 9:11-1.7 | EOF grants: award amounts | 20 N.J.R. 1770(a) | | |
| 9:12 | Educational Opportunity Fund Program | 20 N.J.R. 2506(a) | | |
| 9:12-2.6, 2.9 | EOF grants: eligibility procedure; refunds | 20 N.J.R. 1769(a) | | |

Most recent update to Title 9: TRANSMITTAL 1988-5 (supplement August 15, 1988)

| | | | | |
|--------------------------------|--|-------------------|--------------|-------------------|
| HUMAN SERVICES—TITLE 10 | | | | |
| 10:1-2 | Public comment procedure and petitions for rulemaking | 20 N.J.R. 1050(a) | R.1988 d.504 | 20 N.J.R. 2773(a) |
| 10:3 | Contract administration | 20 N.J.R. 1771(a) | R.1988 d.513 | 20 N.J.R. 2898(a) |
| 10:3-1.14 | Contract administration: prohibited vendor activity | 20 N.J.R. 2849(a) | | |
| 10:4 | Communication with communities regarding development of group homes: extension of comment period | 20 N.J.R. 149(a) | | |
| 10:14-1.4, 4.1, 6.3 | Statewide Respite Care Program | 20 N.J.R. 1051(a) | R.1988 d.505 | 20 N.J.R. 2774(a) |
| 10:31 | Mental illness screening and screening outreach programs | 20 N.J.R. 2427(d) | | |
| 10:37-5.6, 5.16 | Repeal (see 10:31) | 20 N.J.R. 2427(d) | | |
| 10:39 | Group homes for mentally ill: operating standards | 20 N.J.R. 2547(a) | | |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|--------------------------|---|-----------------------------------|-----------------|-----------------------------------|
| 10:41-2 | Services to developmentally disabled: confidentiality of client records | 20 N.J.R. 2435(a) | | |
| 10:41-4 | Human rights committees for developmentally disabled persons | 20 N.J.R. 2552(a) | | |
| 10:43 | Guardians for developmentally disabled persons: determination of need | 20 N.J.R. 2850(a) | | |
| 10:44A | Licensed community residences for developmentally disabled | 20 N.J.R. 149(b) | R.1988 d.546 | 20 N.J.R. 2898(b) |
| 10:46 | Services for developmentally disabled: determination of eligibility | 20 N.J.R. 2008(a) | | |
| 10:48-2 | Control of viral hepatitis B among developmentally disabled | 20 N.J.R. 2437(a) | | |
| 10:48-3 | Lead toxicity control among developmentally disabled | 20 N.J.R. 2555(a) | | |
| 10:48-3 | Lead Toxicity Control Program: comment period | 20 N.J.R. 2688(a) | | |
| 10:49 | New Jersey Care—Special Medicaid Programs | | | 20 N.J.R. 2478(c) |
| 10:49-1.12 | Timely claim submittal—pharmaceutical services | 20 N.J.R. 1642(a) | R.1988 d.541 | 20 N.J.R. 2915(a) |
| 10:54-4 | Medicaid coverage for postpartum services | 20 N.J.R. 1052(a) | | |
| 10:54-4.5 | Medicaid reimbursement for physician's services | 20 N.J.R. 2558(a) | | |
| 10:56-3.7, 3.10 | Medicaid reimbursement for dental services | 20 N.J.R. 2558(a) | | |
| 10:58-1.2, 3 | Medicaid coverage for postpartum services | 20 N.J.R. 1052(a) | | |
| 10:61-3.2 | Medicaid reimbursement for independent laboratory services | 20 N.J.R. 2558(a) | | |
| 10:62-1, 2, 3 | Vision Care Manual | 20 N.J.R. 956(c) | | |
| 10:63-1.11, 1.19 | Use of personal needs allowance in long-term care facilities | 20 N.J.R. 1144(a) | R.1988 d.556 | 20 N.J.R. 3017(b) |
| 10:63-3.9-3.12 | Reimbursement of long-term care facilities: fixed property and movable equipment | 20 N.J.R. 2560(a) | | |
| 10:66 | Independent Clinic Services Manual | 20 N.J.R. 2562(a) | | |
| 10:66-1.6, 3 | Mental health services: partial care | 20 N.J.R. 1054(a) | R.1988 d.481 | 20 N.J.R. 2576(a) |
| 10:66-1.6, 3 | Medicaid coverage for postpartum services | 20 N.J.R. 1052(a) | | |
| 10:66-3.2 | Medicaid reimbursement for independent clinic services | 20 N.J.R. 2558(a) | | |
| 10:69B | Lifeline Credit/Tenants Lifeline Assistance programs | 20 N.J.R. 2440(a) | | |
| 10:72 | New Jersey Care—Special Medicaid Programs | | | 20 N.J.R. 2478(c) |
| 10:81-14 | Realizing Economic Achievement (REACH) program | 20 N.J.R. 2222(b) | R.1988 d.551 | 20 N.J.R. 2916(a) |
| 10:82-5.10 | Emergency Assistance in AFDC: temporary shelter allowances | 20 N.J.R. 1147(a) | | |
| 10:83-1 | Special Payments Handbook for SSI recipients | 20 N.J.R. 2563(a) | | |
| 10:85-3.3 | General Assistance: income-in-kind | 20 N.J.R. 2238(a) | | |
| 10:85-3.3 | Medically Needy eligibility | 20 N.J.R. 2688(b) | | |
| 10:87 | Food Stamp Program | 20 N.J.R. 2689(a) | | |
| 10:87-12.1-12.4, 12.7 | Food Stamp Program: income deductions, coupon allotment, maximum allowable income | Emergency (expires 11-29-88) | R.1988 d.512 | 20 N.J.R. 2592(a) |
| 10:89-2.1, 2.3, 3.4, 4.1 | Home energy assistance | 20 N.J.R. 1643(a) | R.1988 d.482 | 20 N.J.R. 2577(a) |
| 10:100-3, App. A | Special Payments Handbook for SSI recipients (Recodified to 10:83-1) | 20 N.J.R. 2563(a) | | |
| 10:120 | Youth and Family Services hearings | 20 N.J.R. 2742(a) | | |
| 10:126 | Registration of family day care providers | 20 N.J.R. 1508(a) | R.1988 d.507 | 20 N.J.R. 2774(b) |

Most recent update to Title 10: TRANSMITTAL 1988-9 (supplement September 19, 1988)

CORRECTIONS—TITLE 10A

| | | | | |
|------------------------------|--|-------------------|--------------|-------------------|
| 10A:1-11.3, 11.8 | Personal property of inmates | 20 N.J.R. 2746(a) | | |
| 10A:3-5.2 | Institutional search plan | 20 N.J.R. 2441(a) | | |
| 10A:4-11.9, 12 | Inmate discipline: appeal to Office of Administrative Law | 20 N.J.R. 496(b) | R.1988 d.543 | 20 N.J.R. 2928(a) |
| 10A:4-11.9, 12 | Inmate appeals to Office of Administrative Law: public hearing | 20 N.J.R. 880(b) | | |
| 10A:5-5.2 | Involuntary placement to protective custody: hearing procedure | 20 N.J.R. 2746(b) | | |
| 10A:9-4.6 | Open charges and reduced custody status | 20 N.J.R. 880(a) | | |
| 10A:9-11.4 | Classification process | 20 N.J.R. 1645(a) | R.1988 d.467 | 20 N.J.R. 2456(b) |
| 10A:16-4.1, 4.2, 4.8 | Psychological services at correctional facilities | 20 N.J.R. 2128(a) | R.1988 d.542 | 20 N.J.R. 2929(a) |
| 10A:16-4.4 | Inmate/therapist confidentiality | 20 N.J.R. 1772(a) | R.1988 d.476 | 20 N.J.R. 2457(a) |
| 10A:16-6.6 | Infants born to female inmates | 20 N.J.R. 2747(a) | | |
| 10A:16-11.4, 11.5, 11.14 | Special Medical Unit | 20 N.J.R. 1773(a) | R.1988 d.460 | 20 N.J.R. 2457(b) |
| 10A:18-2.6, 2.19, 2.20, 2.22 | Inmate correspondence | 20 N.J.R. 2854(a) | | |
| 10A:32-6.5 | Temporary restriction of juveniles | 20 N.J.R. 2442(a) | | |
| 10A:34-2.8 | Municipal cell equipment | 20 N.J.R. 2442(b) | | |
| 10A:34-2.9 | Holding rooms: administrative correction | | | 20 N.J.R. 2594(e) |
| 10A:71-2.1, 3.4, 3.28 | Parole Board rules | 20 N.J.R. 2129(a) | | |
| 10A:71-3.21, 6.4 | State Parole Board: juvenile inmates; conditions of parole | 20 N.J.R. 2747(b) | | |

Most recent update to Title 10A: TRANSMITTAL 1988-7 (supplement September 19, 1988)

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|---|--|-----------------------------------|-----------------|-----------------------------------|
| INSURANCE—TITLE 11 | | | | |
| 11:1-5.1 | FAIR plan surcharge: repeal rule | 20 N.J.R. 2507(a) | | |
| 11:1-10 | Foreign and alien property and casualty insurers: admission requirements | 20 N.J.R. 2130(a) | | |
| 11:2-1, 19 | Repeal (see 11:17-3, 5.7) | 20 N.J.R. 1152(a) | | |
| 11:2-17.3, 17.10 | Replacement parts for damaged automobiles | 20 N.J.R. 1159(a) | R.1988 d.480 | 20 N.J.R. 2578(a) |
| 11:3-16 | Private passenger automobile rate filings for voluntary market | 20 N.J.R. 2135(a) | | |
| 11:3-24 | Automobile coverage: policy constants | 20 N.J.R. 2508(a) | | |
| 11:4-16.6, 16.8, 23.6, 23.8, Appendices | Medicare Supplement insurance coverage, benefits and premiums | 20 N.J.R. 2510(a) | | |
| 11:4-18.3, 18.5, 18.10 | Individual health policies: loss ratio standards | 19 N.J.R. 1620(b) | R.1988 d.473 | 20 N.J.R. 2457(c) |
| 11:4-28 | Group coordination of health benefits | 20 N.J.R. 1773(b) | R.1988 d.499 | 20 N.J.R. 2581(a) |
| 11:4-29 | Homeowners price comparison survey | 20 N.J.R. 2181(a) | | |
| 11:4-30 | Hospital preadmission certification programs (HPCPs) | 20 N.J.R. 880(c) | | |
| 11:5 | Real Estate Commission rules | 20 N.J.R. 2184(a) | R.1988 d.555 | 20 N.J.R. 3019(a) |
| 11:5-1.16 | Real estate listing agreements | 20 N.J.R. 2185(a) | | |
| 11:5-1.18 | Supervision of real estate offices | 20 N.J.R. 1160(a) | | |
| 11:5-1.23 | Real estate licensee's obligation to disclose certain information concerning a property and to submit to a seller all written offers: pre-proposal | 19 N.J.R. 2238(a) | | |
| 11:5-1.23 | Real estate offers and broker's obligations | 20 N.J.R. 2186(a) | | |
| 11:5-1.34 | Discriminatory commission—split policies | 20 N.J.R. 1163(a) | | |
| 11:17-3, 5.7 | Insurance producer licensing: professional qualifications | 20 N.J.R. 1152(a) | | |
| 11:18 | Medical Malpractice Reinsurance Recovery Fund surcharge | 20 N.J.R. 2010(a) | | |
| 11:18 | Medical Malpractice Reinsurance Recovery Fund surcharge: correction | 20 N.J.R. 2186(b) | | |
| 11:18 | Medical Malpractice Reinsurance Recovery Fund surcharge: public hearing | 20 N.J.R. 2478(d) | | |
| 11:18 | Medical Malpractice Reinsurance Recovery Fund surcharge: extension of open hearing record | 20 N.J.R. 2855(a) | | |

Most recent update to Title 11: TRANSMITTAL 1988-6 (supplement September 19, 1988)

| | | | | |
|-------------------------|--|-------------------|--------------|-------------------|
| LABOR—TITLE 12 | | | | |
| 12:3-1 | Debarment from contracting; conflicts of interest | 20 N.J.R. 2519(a) | | |
| 12:6-1 | Petitions for rulemaking | 20 N.J.R. 2012(a) | R.1988 d.494 | 20 N.J.R. 2586(a) |
| 12:15-1.3-1.7 | 1989 Unemployment Compensation weekly benefit, taxable wage base, local government contribution rate, base week, and alternate earnings test | 20 N.J.R. 2187(a) | R.1988 d.535 | 20 N.J.R. 2786(a) |
| 12:16-21 | Employer reporting of workplace and residential zip codes of employees | 20 N.J.R. 2625(a) | | |
| 12:17-1.6 | Unemployment insurance benefits: temporary separation from work | 20 N.J.R. 1333(a) | | |
| 12:17-2.4, 2.5 | Requalification for unemployment insurance benefits | 20 N.J.R. 1522(a) | | |
| 12:41-1 | Job Training Partnership Act: grievance procedures | 20 N.J.R. 2626(a) | | |
| 12:58-4.12 | Minor employees in meat industry | 20 N.J.R. 2357(a) | R.1988 d.548 | 20 N.J.R. 2929(b) |
| 12:60-8 | Public works and EDA projects: debarment from contracting | 20 N.J.R. 2520(a) | | |
| 12:100-4.2, 5.2, 6.2, 7 | Public employee safety and health: toxic and hazardous substances | 20 N.J.R. 2013(a) | | |
| 12:100-9.18 | Public employee safety and health: work in confined spaces | 20 N.J.R. 2855(b) | | |
| 12:120-2.1 (8:60-2.1) | Asbestos removal defined | 20 N.J.R. 1049(a) | | |
| 12:120-2.1 (8:60-2.1) | Asbestos removal defined: extension of comment period | 20 N.J.R. 1507(b) | | |
| 12:175 | Ski lift safety | 20 N.J.R. 2521(a) | | |
| 12:235-1.6 | 1989 Workers' Compensation maximum weekly benefit | 20 N.J.R. 2188(a) | R.1988 d.536 | 20 N.J.R. 2786(b) |
| 12:235-3.11-3.23 | Workers' Compensation: conduct of compensation judges | 20 N.J.R. 2442(c) | | |
| 12:235-13 | Uninsured Employers' Fund and Second Injury Fund: surcharge collection | 20 N.J.R. 2522(a) | | |

Most recent update to Title 12: TRANSMITTAL 1988-7 (supplement September 19, 1988)

| | | | | |
|---|---|-------------------|--------------|-------------------|
| COMMERCE, ENERGY, AND ECONOMIC DEVELOPMENT—TITLE 12A | | | | |
| 12A:12-2.10 | Local Development Financing Fund program: information confidentiality | 20 N.J.R. 2524(a) | | |
| 12A:60 | Methodology for computing energy cost savings | 20 N.J.R. 2238(b) | R.1988 d.545 | 20 N.J.R. 2929(c) |
| 12A:80-1 | Urban Small Business Incubator Program | 20 N.J.R. 2524(b) | | |
| 12A:81-1 | Urban Development Program | 20 N.J.R. 2527(a) | | |
| 12A:82-1 | Neighborhood Development Corporation | 20 N.J.R. 2530(a) | | |
| 12A:121 | Urban enterprise zone boundaries | 20 N.J.R. 2358(a) | R.1988 d.565 | 20 N.J.R. 3020(a) |

Most recent update to Title 12A: TRANSMITTAL 1988-5 (supplement September 19, 1988)

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|---------------------------------------|--|-----------------------------------|-----------------|-----------------------------------|
| LAW AND PUBLIC SAFETY—TITLE 13 | | | | |
| 13:3-3.4, 3.5, 3.6 | Amusement games: preproposal concerning player fees and value of prizes | 20 N.J.R. 44(a) | | |
| 13:3-5, 6 | Amusement games control: disciplinary proceedings and appeals | 20 N.J.R. 2032(a) | R.1988 d.500 | 20 N.J.R. 2787(a) |
| 13:4-3.4, 3.5, 8.2 | Discrimination complaints: confidentiality of parties' identities | 20 N.J.R. 499(a) | | |
| 13:20-39 | Special motor vehicle plates for nonprofit organizations | 20 N.J.R. 2033(a) | R.1988 d.537 | 20 N.J.R. 2788(a) |
| 13:21-11.13 | Temporary registration of motor vehicles | 20 N.J.R. 176(a) | | |
| 13:21-21 | Auto body repair facilities | 19 N.J.R. 1624(c) | R.1988 d.474 | 20 N.J.R. 2460(a) |
| 13:21-22 | Certificates of title for salvage motor vehicles | 20 N.J.R. 2675(a) | | |
| 13:26 | Transportation of bulk commodities | 20 N.J.R. 2035(a) | R.1988 d.502 | 20 N.J.R. 2790(a) |
| 13:27-5.8, 8.7, 8.8, 8.15 | Certification of landscape architects | 20 N.J.R. 2359(a) | | |
| 13:29-6 | Practice of accountancy: continuing education | 20 N.J.R. 2532(a) | | |
| 13:30-8.5 | Board of Dentistry: access to complaint history of licensees | 20 N.J.R. 2680(a) | | |
| 13:34 | Board of Marriage Counselor Examiners | 20 N.J.R. 2361(a) | R.1988 d.550 | 20 N.J.R. 2932(a) |
| 13:37-1.1, 1.2 | Accreditation of nursing programs | 20 N.J.R. 1645(b) | R.1988 d.558 | 20 N.J.R. 3021(a) |
| 13:38-1, 2.1, 2.3, 2.5, 2.7, 6.1 | Practice of optometry: advertising; access to optometrist; patient records | 20 N.J.R. 2361(b) | | |
| 13:38-2.11 | Practice of optometry: delegation of duties to ancillary personnel | 20 N.J.R. 2363(a) | | |
| 13:39 | Board of Pharmacy rules | 20 N.J.R. 1648(a) | | |
| 13:39A-3.2 | Unlawful practices and arrangements by physical therapists: preproposal | 20 N.J.R. 2242(a) | | |
| 13:39A-5.1 | Educational requirements for licensure as physical therapist | 20 N.J.R. 2243(a) | | |
| 13:40-10.1 | Professional engineers and land surveyors: contract to provide services | 20 N.J.R. 2243(b) | | |
| 13:42 | Board of Psychological Examiners | 20 N.J.R. 2244(a) | R.1988 d.557 | 20 N.J.R. 3023(a) |
| 13:43 | Shorthand reporters rules | 20 N.J.R. 1666(a) | R.1988 d.457 | 20 N.J.R. 2465(a) |
| 13:44-1.1 | Qualified graduate of veterinary medicine | 20 N.J.R. 2680(b) | | |
| 13:44D | Public movers and warehousemen | 20 N.J.R. 2364(a) | | |
| 13:44D | Public movers and warehousemen: public hearing and extension of comment period | 20 N.J.R. 2681(a) | | |
| 13:45A-11.1 | Advertising and sale of new merchandise | 20 N.J.R. 2247(a) | | |
| 13:45A-25 | Health club services | 20 N.J.R. 2036(a) | R.1988 d.520 | 20 N.J.R. 2790(b) |
| 13:45A-26 | Automotive dispute resolution: Lemon Law implementation | 20 N.J.R. 2681(b) | | |
| 13:45B-4, 5 | Temporary help service firms; booking agencies | 20 N.J.R. 2684(a) | | |
| 13:46-1A.3 | Athletic Control Board: weighing of boxers | 20 N.J.R. 380(a) | | |
| 13:47B | Commercial weighing and measuring devices | 20 N.J.R. 2856(a) | | |
| 13:49 | State Medical Examiner rules | 20 N.J.R. 2687(a) | | |
| 13:49 | State Medical Examiner: standards and procedures | 20 N.J.R. 2856(b) | | |
| 13:70-5 | Thoroughbred racing: registration of colors | 20 N.J.R. 2536(a) | | |
| 13:70-11.12 | Thoroughbred racing: abusive whipping by jockey | 20 N.J.R. 2038(a) | R.1988 d.559 | 20 N.J.R. 3025(a) |
| 13:70-19.22 | Thoroughbred racing: determining finishing place | 20 N.J.R. 2038(b) | R.1988 d.560 | 20 N.J.R. 3025(b) |
| 13:75-1.7 | Violent crimes compensation: prosecution of offender | 20 N.J.R. 736(b) | | |
| 13:80-1 | Hazard Waste Management Information Awards | 20 N.J.R. 507(b) | | |

Most recent update to Title 13: TRANSMITTAL 1988-8 (supplement August 15, 1988)

PUBLIC UTILITIES—TITLE 14

| | | | | |
|------------------------|---|-------------------|--|--|
| 14:3-7.5 | Interest on customer deposits | 20 N.J.R. 737(a) | | |
| 14:3-7.13 | Collection activity on disputed charges; interest on overpayments | 20 N.J.R. 963(b) | | |
| 14:3-7.14 | Discontinuance of residential service to tenants | 20 N.J.R. 1668(a) | | |
| 14:3-9.6 | Solid waste: filing contracts for service (preproposal) | 20 N.J.R. 1669(a) | | |
| 14:3-10.3, 10.5, 10.15 | Solid waste: out-of-state solid waste collectors (preproposal) | 20 N.J.R. 1669(c) | | |
| 14:3-10.15 | Annual filing of customer lists by solid waste collectors; annual reports | 20 N.J.R. 2629(a) | | |
| 14:3-10.20 | Solid waste: itemized billing (preproposal) | 20 N.J.R. 1670(a) | | |
| 14:3-10.21 | Solid waste: violations, penalties (preproposal) | 20 N.J.R. 1670(b) | | |
| 14:3-10.22 | Solid waste: contracts (preproposal) | 20 N.J.R. 1669(b) | | |
| 14:9-4.3 | Solid waste: decals for vehicles (preproposal) | 20 N.J.R. 1671(a) | | |
| 14:9-4.4 | Solid waste: container identification (preproposal) | 20 N.J.R. 1671(b) | | |
| 14:18-15.1 | Preproposal: Statewide cable TV access channel for educational and public affairs programming | 20 N.J.R. 1063(a) | | |

Most recent update to Title 14: TRANSMITTAL 1988-1 (supplement January 19, 1988)

ENERGY—TITLE 14A

| | | | | |
|--------|---|-------------------|--|--|
| 14A:14 | Certificate of need for electrical facilities | 20 N.J.R. 2188(b) | | |
| 14A:14 | Certificate of need for electrical facilities: public hearing | 20 N.J.R. 2861(a) | | |

Most recent update to Title 14A: TRANSMITTAL 1988-2 (supplement May 16, 1988)

**N.J.A.C.
CITATION
STATE—TITLE 15**

**PROPOSAL NOTICE
(N.J.R. CITATION)**

**DOCUMENT
NUMBER**

**ADOPTION NOTICE
(N.J.R. CITATION)**

Most recent update to Title 15: TRANSMITTAL 1988-2 (supplement September 19, 1988)

PUBLIC ADVOCATE—TITLE 15A

Most recent update to Title 15A: TRANSMITTAL 1987-1 (supplement April 20, 1987)

TRANSPORTATION—TITLE 16

| | | | | |
|-----------------------------------|---|-------------------|--------------|-------------------|
| 16:16, 16:17 | Municipal operations and construction: expiration of rules | _____ | _____ | 20 N.J.R. 2596(c) |
| 16:28-1.6, 1.14, 1.44 | Speed limit zones along U.S. 40 in Salem County, Route 33 in Monmouth County, and Route 27 in Middlesex County | 20 N.J.R. 2630(a) | | |
| 16:28-1.13 | Speed limit zone along Route 20 in Paterson | 20 N.J.R. 2631(a) | | |
| 16:28-1.35, 1.49, 1.111 | Speed rates along Route 35 in Monmouth County, and Routes 87 and 187 in Atlantic County | 20 N.J.R. 2039(a) | R.1988 d.484 | 20 N.J.R. 2586(b) |
| 16:28-1.41 | Speed limits along U.S. 9 in Atlantic County and Ocean County | 20 N.J.R. 2190(a) | R.1988 d.540 | 20 N.J.R. 2932(a) |
| 16:28-1.44 | Speed rates along Route 27 in Middlesex and Somerset counties | 20 N.J.R. 2040(a) | R.1988 d.488 | 20 N.J.R. 2587(a) |
| 16:28-1.72 | School zone along U.S. 206 in Montaque Township | 20 N.J.R. 2862(a) | | |
| 16:28-1.79, 1.81 | Speed limit zones along Route 49 in Salem County and Route 94 in Sussex County | 20 N.J.R. 2632(a) | | |
| 16:28-1.130 | Speed limit zones along Route 66 in Monmouth County | 20 N.J.R. 2633(a) | | |
| 16:28A-1.4, 1.11, 1.21, 1.38 | Bus stop zones and no stopping or standing along Routes 4, 21, and 71, and U.S. 30 | 20 N.J.R. 2862(b) | | |
| 16:28A-1.6 | Parking for handicapped along Route 7 in Belleville | 20 N.J.R. 1778(a) | R.1988 d.463 | 20 N.J.R. 2465(b) |
| 16:28A-1.7 | Bus stop zone along U.S. 9 in Marlboro | 20 N.J.R. 1533(a) | R.1988 d.465 | 20 N.J.R. 2466(a) |
| 16:28A-1.7 | Stopping or standing along U.S. 9 in Somers Point | 20 N.J.R. 2040(b) | R.1988 d.489 | 20 N.J.R. 2587(b) |
| 16:28A-1.7, 1.22, 1.32, 1.34 | Parking restrictions along U.S. 9 in Tuckerton, Route 31 in Hopewell, U.S. 46 in Mountain Lakes, and Route 49 in Pennsville | 20 N.J.R. 2633(b) | | |
| 16:28A-1.7, 1.38 | Parking restrictions along U.S. 9 in Howell and Route 71 in Asbury Park and Manasquan | 20 N.J.R. 2189(a) | R.1988 d.539 | 20 N.J.R. 2933(a) |
| 16:28A-1.9 | Bus stop zone along Route 17 in Ho-Ho-Kus | 20 N.J.R. 2374(a) | R.1988 d.552 | 20 N.J.R. 2933(b) |
| 16:28A-1.18, 1.21 | Bus stop zones along Route 27 in Linden and U.S. 30 in Oaklyn | 20 N.J.R. 2041(a) | R.1988 d.486 | 20 N.J.R. 2587(c) |
| 16:28A-1.18, 1.32 | Parking restrictions along Route 27 in Linden and U.S. 46 in Teterboro | 20 N.J.R. 2040(c) | R.1988 d.485 | 20 N.J.R. 2588(a) |
| 16:28A-1.19, 1.29 | Parking restrictions along Route 28 in Garwood and Route 42 in Washington Township | 20 N.J.R. 2042(a) | R.1988 d.487 | 20 N.J.R. 2589(a) |
| 16:28A-1.33 | No stopping or standing zone along Route 47 in Franklin Township | 20 N.J.R. 2634(a) | | |
| 16:28A-1.46 | No stopping or standing zones along U.S. 130 in Pennsville | 20 N.J.R. 1533(b) | R.1988 d.464 | 20 N.J.R. 2466(b) |
| 16:28A-1.46, 1.57 | Bus stops along U.S. 130 and U.S. 206 in Bordentown | 20 N.J.R. 2043(a) | R.1988 d.492 | 20 N.J.R. 2589(b) |
| 16:30-3.1 | Bus lanes on Route 35 in Brick and Mantoloking | 20 N.J.R. 2044(a) | R.1988 d.490 | 20 N.J.R. 2590(a) |
| 16:30-3.6 | Exclusive bus and HOV lanes along Routes 3 and 495 into Manhattan | 20 N.J.R. 737(b) | | |
| 16:30-4.2 | Bicycle restrictions along Route 88 in Point Pleasant | 19 N.J.R. 2254(a) | | |
| 16:30-10.9 | Midblock crosswalk along U.S. 9 in Galloway Township | 20 N.J.R. 2635(a) | | |
| 16:31-1.25 | Turning restrictions along Route 10 in West Orange | 20 N.J.R. 1779(a) | R.1988 d.462 | 20 N.J.R. 2466(c) |
| 16:32-3.5, 3.6, App. A | 102-inch truck standard network; Route 47 access | 20 N.J.R. 2536(b) | | |
| 16:51-1.3, 1.4, 1.6, 3.1, 4.3-4.7 | Practice and procedure before Office of Regulatory Affairs concerning autobus operations, companies, and services | 20 N.J.R. 2635(b) | | |
| 16:53D | Regular route autobus carriers: zone of rate freedom | 20 N.J.R. 2374(b) | | |
| 16:54-1.4 | Licensing of aeronautical facilities | 20 N.J.R. 2638(a) | | |
| 16:62-5.1, 9.1 | Land uses within airport hazard areas: preproposal | 20 N.J.R. 1534(a) | | |
| 16:76 | NJ TRANSIT: private carrier capital improvement | 20 N.J.R. 2638(b) | | |
| 16:80 | NJ TRANSIT: Section 16(b)(2) Capital Assistance Program | 20 N.J.R. 2044(b) | R.1988 d.515 | 20 N.J.R. 2791(a) |
| 16:81 | NJ TRANSIT: Small Urban and Rural Area Public Transportation Program | 20 N.J.R. 2046(a) | R.1988 d.514 | 20 N.J.R. 2793(a) |

Most recent update to Title 16: TRANSMITTAL 1988-9 (supplement September 19, 1988)

TREASURY-GENERAL—TITLE 17

| | | | | |
|-----------|---|-------------------|--------------|-------------------|
| 17:1-1.18 | Public retirement systems: disbursement checks | 20 N.J.R. 2639(a) | | |
| 17:3-7.1 | Interfund transfers: correction to text | _____ | _____ | 20 N.J.R. 2482(a) |
| 17:6 | Consolidated Police and Firemen's Pension Fund | 20 N.J.R. 2537(a) | | |
| 17:7 | Prison Officers' Pension Fund | 20 N.J.R. 2375(a) | | |
| 17:8-3.3 | Supplemental Annuity Collective Trust: lump sum distributions | 20 N.J.R. 2192(a) | R.1988 d.554 | 20 N.J.R. 3026(a) |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|------------------------------|--|-----------------------------------|-----------------|-----------------------------------|
| 17:9 | State Health Benefits Program | 20 N.J.R. 1536(a) | R.1988 d.461 | 20 N.J.R. 2466(d) |
| 17:9-1.8 | State Health Benefits Program: enrollment policy | 20 N.J.R. 2863(a) | | |
| 17:9-2.12 | State Health Benefits Program: local coverage | 20 N.J.R. 1536(b) | R.1988 d.469 | 20 N.J.R. 2466(e) |
| 17:9-2.17 | State Health Benefits Program: board of education retirees | 20 N.J.R. 1537(a) | R.1988 d.471 | 20 N.J.R. 2467(a) |
| 17:9-4.2 | State Health Benefits Program: full-time employee defined | 20 N.J.R. 741(a) | R.1988 d.442 | 20 N.J.R. 2590(b) |
| 17:9-6.1 | State Health Benefits Program: continuation of coverage into retirement | 20 N.J.R. 1182(a) | R.1988 d.470 | 20 N.J.R. 2467(b) |
| 17:16-41 | Investment in loan participation notes | 20 N.J.R. 1779(b) | R.1988 d.466 | 20 N.J.R. 2467(c) |
| 17:19-10.4, 10.5, 10.7, 10.9 | Architect/engineer selection procedures | 20 N.J.R. 180(a) | | |
| 17:20 | Lottery Commission rules | 20 N.J.R. 2048(a) | R.1988 d.501 | 20 N.J.R. 2795(a) |
| 17:25 | Collection of delinquent educational loans from local government employees | 20 N.J.R. 2537(b) | | |
| 17:27 | Affirmative action and public contracts | 20 N.J.R. 1780(a) | R.1988 d.522 | 20 N.J.R. 2795(b) |
| 17:27 | Affirmative action and public contracts: chapter expiration date | | | 20 N.J.R. 2934(a) |

Most recent update to Title 17: TRANSMITTAL 1988-8 (supplement September 19, 1988)

TREASURY-TAXATION—TITLE 18

| | | | | |
|--|---|-------------------|--|--|
| 18:6-7.13 | Wholesaling of prepackaged cigarettes | 20 N.J.R. 2192(b) | | |
| 18:12-10 | Real property defined | 20 N.J.R. 1787(a) | | |
| 18:26-2.5, 2.7, 5.9, 5.17, 5.19, 6.1, 6.2, 6.3, 7.10, 8.1, 8.6, 8.7, 8.12, 9.4, 9.10, 12.2, App. A | Transfer inheritance tax rules | 20 N.J.R. 2193(a) | | |
| 18:35-1.24 | Gross income tax: investment fund distributions | 20 N.J.R. 742(b) | | |

Most recent update to Title 18: TRANSMITTAL 1988-4 (supplement September 19, 1988)

TITLE 19—OTHER AGENCIES

| | | | | |
|---|--|-------------------|--------------|-------------------|
| 19:4-5.3A, 6.28 | Planned development center specially planned areas (PDC-1) | 20 N.J.R. 2247(b) | | |
| 19:8-10.1 | Garden State Parkway: pre-employment screening | 20 N.J.R. 2864(a) | | |
| 19:9 | Turnpike Authority rules | 20 N.J.R. 1338(a) | R.1988 d.483 | 20 N.J.R. 2591(a) |
| 19:9-1.2 | Speed limitation on constructor vehicles | 20 N.J.R. 2864(b) | | |
| 19:9 Exh. A | Prequalification of bidders for widening contracts | 19 N.J.R. 2129(b) | Expired | |
| 19:25-1.7, 4.6, 6.1, 8.1, 9.8, 10.6, 10.8, 11.6, 11.8, 12.4, 15.14, 16.11 | Reporting and record keeping | 20 N.J.R. 2640(a) | | |
| 19:25-15.4, 15.5, 15.14, 15.16, 15.17, 15.20, 15.26, 15.46 | Public financing of general election for governor | 20 N.J.R. 2642(a) | | |

Most recent update to Title 19: TRANSMITTAL 1988-4 (supplement September 19, 1988)

TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY

| | | | | |
|--|--|-------------------|--------------|-------------------|
| 19:40-1.2 | Junket activities and representatives | 20 N.J.R. 2644(a) | | |
| 19:40-2 | Access to information maintained by casino licensees | 20 N.J.R. 1068(a) | | |
| 19:40-2 | Access to information maintained by casino licensees: public hearing | 20 N.J.R. 2049(b) | | |
| 19:41-9.4, 9.6, 9.7, 9.11, 9.11A, 9.12, 9.18, 9.20 | Billing rates for Commission and Gaming Enforcement services; special assessment | 20 N.J.R. 2539(a) | | |
| 19:41-9.16 | Deletion of endorsement from employee license | 20 N.J.R. 2647(a) | | |
| 19:42-4.2-4.7 | Exclusion of persons hearings | 20 N.J.R. 2250(a) | R.1988 d.526 | 20 N.J.R. 2801(a) |
| 19:44 | Gaming schools: licensure and standards | 20 N.J.R. 2050(a) | R.1988 d.508 | 20 N.J.R. 2802(a) |
| 19:45-1.9 | Junket activities and representatives | 20 N.J.R. 2644(a) | | |
| 19:45-1.20 | Marking baccarat vigorish | 20 N.J.R. 2647(b) | | |
| 19:45-1.25 | Verification of cash equivalents | 20 N.J.R. 1789(a) | | |
| 19:45-1.33, 1.42, 1.43 | Count times for cash and coin | 19 N.J.R. 2265(a) | | |
| 19:45-1.36, 1.45 | Internal casino controls | 20 N.J.R. 1069(a) | R.1988 d.468 | 20 N.J.R. 2468(a) |
| 19:45-1.40, 1.41 | Jackpot payout and hopper fill forms | 20 N.J.R. 2050(b) | | |
| 19:45-1.40B | Inspection of slot machine jackpots | 20 N.J.R. 2648(a) | | |
| 19:46-1.7, 1.9 | Roulette wheels | 20 N.J.R. 2445(a) | | |
| 19:46-1.19 | Dealing shoes | 20 N.J.R. 1069(a) | R.1988 d.468 | 20 N.J.R. 2468(a) |
| 19:46-1.19 | Dealing shoes: public hearing | 20 N.J.R. 1680(a) | | |
| 19:46-1.29 | Approval of slot machine modifications | 20 N.J.R. 52(a) | R.1988 d.495 | 20 N.J.R. 2591(b) |
| 19:47-3.3 | Marking baccarat vigorish | 20 N.J.R. 2647(b) | | |
| 19:48 | Exclusion of persons | 20 N.J.R. 2252(a) | R.1988 d.525 | 20 N.J.R. 2802(b) |
| 19:49-1.1, 1.2, 1.3, 2.1, 2.4, 3.1, 3.2, 3.5, 3.6 | Junket activities and representatives | 20 N.J.R. 2644(a) | | |

| N.J.A.C. CITATION | | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|------------------------------|---|--|----------------------------|--|
| 19:49-3.1, 3.2, 3.3 | Junket reporting requirements | 20 N.J.R. 2648(b) | | |
| 19:52-1.3 | Musical entertainment | 20 N.J.R. 2649(a) | | |
| 19:53-2 | Set-aside goals for minority and women's business enterprises | 20 N.J.R. 2446(a) | | |

Most recent update to Title 19K: TRANSMITTAL 1988-7 (supplement September 19, 1988)

NOTES



OFFICE OF ADMINISTRATIVE LAW PUBLICATIONS

NEW JERSEY ADMINISTRATIVE CODE

- [] FULL SET (INCLUDES ALL TITLES BELOW) \$1200
 INDIVIDUAL TITLES (CIRCLE TITLES DESIRED)*
- 1. Administrative Law \$ 55
 - 2. Agriculture \$ 55
 - 3. Banking \$ 55
 - 4A. Personnel (formerly Civil Service) \$ 55
 - 5. Community Affairs (two volumes) \$110
 - 5A. Military and Veterans' Affairs \$ 55
 - 6. Education (two volumes) \$110
 - 7. Environmental Protection (four volumes) \$220
 - 8. Health (four volumes) \$220
 - 9. Higher Education \$ 55
 - 10. Human Services (four volumes) \$220
 - 10A. Corrections \$ 55
 - 11. Insurance \$ 55
 - 12. Labor (two volumes) \$110
 - 12A. Commerce, Energy and Economic Development \$ 55
 - 13. Law and Public Safety (four volumes) \$220
 Volume C (Alcoholic Beverage Control and Amusement Games Rules) only \$ 55
 - 14/14A. Public Utilities/Energy \$ 55
 - 15. State \$ 55
 - 15A. Public Advocate \$ 55
 - 16. Transportation (two volumes) \$110
 - 17. Treasury-General \$ 55
 - 18. Treasury-Taxation (two volumes) \$110
 - 19. Other Agencies: Expressway Authority, Hackensack Meadowlands Commission, Highway Authority, Turnpike Authority, Public Employment Relations Commission, Sports and Exposition Authority, Election Law Enforcement Commission, Economic Development Authority, Public Broadcasting Authority, Executive Commission on Ethical Standards, Atlantic County Transportation Authority (two volumes) \$110
 - 19K. Casino Control Commission \$ 55

(Prices are in U.S. dollars and include first year of updated replacement pages.)

New Jersey Register (one year, 24 issues)

By second class mail, \$75 []

By first class mail, \$150 []

NEW JERSEY ADMINISTRATIVE REPORTS

- I. Full Set of NJAR. Ten hardbound volumes and quarterly update service for one year. Hardbound volumes include a table of contents for the volume. Quarterly looseleaf update service includes a cumulative listing of statutes cited; cumulative listing of rules cited; cumulative topical index, and cumulative listing of cases reported \$400
- II. Looseleaf Update Service Only: Quarterly update service and bound volume(s) of decisions issued in quarterly service for one year. Cumulative indices \$195/year
- III. Individual Hardbound Volumes (1-10) can be purchased separately. Each volume has a table of contents \$45/volume (specify volume or volumes desired)

Prepayment is required for all subscriptions.

Please return form with your payment to:

OAL Publications
 Quakerbridge Plaza, Bldg. 9
 CN 049
 Trenton, New Jersey 08625

Name and Delivery Address:

Billing Address, if different:

Telephone Number _____

Amount Enclosed _____

*If you want multiple copies of a Title, please specify on the "Amount Enclosed" line. Example: \$110 (two copies, Title 1).