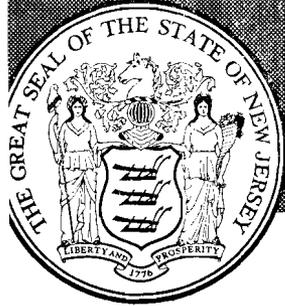


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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ACTIVITIES OF STATE AGENCIES NOTICES OF RULE-MAKING

(a)

OFFICE OF ADMINISTRATIVE LAW

Notice of Correction: Motions to Consolidate

Take notice that, in the Notice of Proposal appearing in the November 6, 1980 issue of the New Jersey Register at 12 N.J.R. 626(b) concerning motions to consolidate (N.J.A.C. 1:1-14.1(a)), the following agency explanatory statement was omitted: "This amendment is proposed for clarification purposes only, and does not make any changes in the operation or effect of the existing rule."

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Repeal Minimum Prices on Fluid Whole Milk and Amend Sales Below Cost

On October 30, 1980, Woodson W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 2:53-1 concerning minimum prices on fluid whole milk and amended N.J.A.C. 2:53-3.1 concerning sale of milk or milk products below cost as proposed in the Notice published October 9, 1980 at 12 N.J.R. 562(b).

For purposes of the substantive law, the Milk Control Act, N.J.S.A. 4:12A-1 et seq., this rule is a suspension of the existing minimum pricing regulations, which may be re-established at any time by the State Board of Agriculture, pursuant to the procedural requirements of the Administrative Procedure Act. For purposes of the procedural requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., this regulation is considered a repeal and amendment of the existing regulations.

An order adopting this rule was filed October 30, 1980 to become effective on November 1, 1980 as R.1980 d.472.

(c)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Notice of Intent to Change Source of Supply

On October 30, 1980, Woodson W. Moffett, Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:53-4.1(a) concerning notice of intent to change sources of milk and milk products supply as proposed in the Notice published October 9, 1980 at 12 N.J.R. 563(a).

An order adopting this rule was filed October 30, 1980 to become effective on November 1, 1980 as R.1980 d.473.

(d)

BANKING

DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

Multiple-Party Deposit Accounts

On October 28, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:16I-16 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 3:1-12 concerning multiple-party deposit accounts as proposed in the Notice published July 10, 1980 at 12 N.J.R. 378(c) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

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

3:1-12.1 Definitions

"Account" means a contract of deposit of funds between a depositor and a financial institution, and includes a

NEW JERSEY REGISTER

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checking account, savings account, certificate of deposit, share account and other like arrangement.

"Beneficiary" means a person named in a trust account as one for whom a party to the account is named as trustee.

"Payment" means a withdrawal, payment on check or other directive of a party, and any pledge of sums on deposit by a party of any setoff, or reduction or other disposition of all or part of an account pursuant to a pledge. Payment to a third person pursuant to check or otherwise is a withdrawal.

"Request" means a proper request for withdrawal, or a check or order for payment, including special requirements concerning necessary signatures and regulations of financial institutions. A notice of intent to withdraw is treated as a request for withdrawal.

"Written notice or order" means the notice or order necessary to access or affect an account which notice is effecting for a particular transaction from the time it is brought to the attention of the individual conducting that transaction.

3:1-12.2(b) [Separate] Different contract forms should be used for any multiple party deposit account where the parties do not intend to create a right of survivorship.

3:1-12.3 Type of accounts

Nothing in the Act or in this subchapter is to be construed as requiring a financial institution to enter into any deposit account contract. Financial institutions are not required to open [a] any multiple party deposit account which does not provide for rights of survivorship as provided in section 5 of the Act.

3:1-12.4 Specific content of deposit contract

(a) The following information must be included in all multiple party account contracts:

1. A statement that this account is subject to the provisions of the Multiple Party Deposit Act, N.J.S.A. 17:16I-1 et seq. (P.L. 1979, c.491)

[2. Provisions to identify the type of account, specify the present interests of all parties and the rights of survivorship. Should the parties intend to create different rights and obligations the specific intent of the parties must be set out in the deposit account contract.

i. "This joint account (is/is not) intended to create an account relationship whereby, during the lifetime of the parties to the account, each has a right to the entire balance of the account. Upon the death of a party to this account, it (is/is not) the intent of the parties to this account to create a survivorship relationship whereby each surviving party or parties to the account has a right to an equal share in the balance of the account."

ii. "This P.O.D. account (is/is not) intended to create a right of survivorship whereby the surviving P.O.D. payee or payees to the account has a right to an equal share in the balance of the account."

iii. If there is only one trustee:

(1) "This trustee account (is/is not) intended to create an account relationship whereby during the lifetime of the trustee the entire balance of such account belongs beneficially to the trustee during his lifetime. Upon the death of the trustee, it (is/is not) the intent of such trustee to create a survivorship relationship whereby each person named as a beneficiary in the account has a right to an equal share in the balance of the account."

or,

iv. If there is more than one trustee:

(1) "This trustee account (is/is not) intended to create an account relationship whereby, during the lifetime of the trustees to the account, each has a beneficial right to the entire balance of the account. Upon the death of one or more of the trustees to the account, it (is/is not) the intent of the parties to the account to create a survivorship relationship whereby each surviving party or parties to the account has a right to an equal share in the balance of the account. Upon the death of the survivor of two or more trustees it (is/is not) the intent of the parties to this account to create a right of survivorship whereby the named beneficiaries, if surviving, or to the survivor of them if one or more die before the trustees, has a right to the balance of the account or to an equal share if there remains more than one beneficiary."

2. Express provisions that:

i. Identify the type of account; that is, whether it is a joint account, a P.O.D. account, or a trust account; and
ii. Specify the present interests of all parties with an explanation that parties will share equally in the absence of proof of net contribution unless the parties expressly agree otherwise; and

iii. Specify that unless otherwise provided there is a right of survivorship among parties, but the account must expressly provide for a right of survivorship between or among two or more P.O.D. payees or trust beneficiaries.

3. A statement of no liability to the financial institutions for payments made pursuant to the Act. Any multiple party account may be paid, on request, to any one or more of the parties, the financial institutions shall not be required to determine net contributions.

4. The necessary form of notice required to effectively change the terms of the deposit account contract. Where there is more than one party, that is, joint accounts or two or more original payees in P.O.D. accounts or two or more trustees in trust accounts, the financial institution may require that the party giving the notice pursuant to N.J.S.A. 17:16I-6 or N.J.S.A. 17:16I-12 provide the current address of every other party affected by the notice if such address is known.

5. [An acknowledgment of having read the contract and received a copy of the completed form, signed by all parties.] An acknowledgement of having read the contract which must be signed by all parties.

3:1-12.5 [Additional content of contracts] Additional provisions

A financial institution may include any additional provisions in its form of contract which are necessary to fully inform its depositors of the terms of multiple party deposit accounts and applicable regulations, provided that such provisions are not inconsistent with the provisions of the Act or [these regulations.] this subchapter.

3:1-12.6 [Changes in contract provisions] Change in contract

No financial institution or party may change the form of contract [unless] without the written notice [is received by the financial institution as] required in the Act.

3:1-12.7 Copy of contract

[A financial institution must give a copy of the completed deposit account contract to each party to the contract.] Financial institutions shall provide copies of the multiple party account provisions. Copies should be made available.

APPENDIX A

The following statements are presented as model forms only, the language is not mandatory. The language used

must accurately reflect the intent of the Act and provide the information required by N.J.A.C. 3:1-12.4.

Joint Accounts

This is a joint account. Ownership of this account cannot be changed by will.

Each party to this account has a present right to payment from this account. Each party owns his/her net contribution to the account. In the absence of proof of net contribution, and unless the parties have specifically otherwise agreed, each party will own an equal share of this account. Upon the death of a party to this account:

a) Where there is only one surviving party, the entire account will belong to the survivor;

b) Where there are two or more surviving parties each party will continue to own his/her proportionate share. The portion of the account owned by the deceased party will be shared equally by the survivors.

P.O.D. Accounts

This account is a P.O.D. account. Ownership of this account cannot be changed by will.

This account belongs to the party/parties to this account during their lifetime and belongs to the payee/payees upon the death of all the parties. The payee/payees have no present right of withdrawal:

a) Where there are two or more parties, each party has right to payment from the account. Each party owns his/her net contribution. In the absence of proof of net contribution, and unless the parties have specifically otherwise agreed, each party will own an equal share of the account during their lifetimes. Upon the death of a party, the surviving party/parties will continue to own his/her proportionate share of the account. The share owned by the deceased party will be shared equally by the surviving party/parties. Upon the death of the sole surviving party, the account will belong to the P.O.D. payee/payees;

b) Where there are two or more P.O.D. payee/payees, the account will belong to the payee/payees who survive all parties. Unless otherwise specifically stated in the account by the party/parties, each surviving P.O.D. payee will own an equal share of the account. Unless specifically stated in the account by the party/parties, upon the death of a surviving P.O.D. payee, the remaining P.O.D. payee/payees will not own any portion of the deceased payee's share of the account.

Trust Accounts

This is a trust account. Ownership of this account cannot be changed by will.

This account belongs to the trustee/trustees during the lifetime of the trustee/trustees and belongs to the beneficiary/beneficiaries upon the death of all trustees.

a) Where there are two or more trustees, each trustee has a right to payment from the account. Each trustee owns his/her net contribution. In the absence of proof of net contribution and unless the trustees have specifically otherwise agreed, each trustee will own an equal share of the account during his/her lifetime. Upon the death of a trustee, the surviving trustee/trustees will continue to own his/her proportionate share of the account. The share owned by the deceased trustee will be shared equally by the surviving trustee/trustees. Upon the death of the sole surviving trustee, the account will belong to the beneficiary/beneficiaries;

b) Where there are two or more beneficiaries, the account belongs to the beneficiary/beneficiaries who survive all the trustees. Unless otherwise specifically stated in the account by the trustee/trustees, each surviving beneficiary will own an equal share of the account. Unless specifically stated in the account by the trustee/trustees,

upon the death of a surviving beneficiary the remaining beneficiary/beneficiaries will not own any portion of the deceased beneficiary's share of the account.

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.480.

(a)

BANKING

DIVISION OF BANKING

Required Reserve

On November 3, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:8-1 concerning required reserves to be maintained by banks not members of the Federal Reserve System as proposed in the Notice published October 9, 1980 at 12 N.J.R. 564(a).

An order adopting this rule was filed November 3, 1980 to become effective on November 13, 1980 as R.1980 d.481.

(b)

BANKING

DIVISION OF BANKING

Repeal Savings Bank Reserves

On November 3, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 3:8-5 concerning reserves to be maintained by savings banks against demand deposits as proposed in the Notice published October 9, 1980 at 12 N.J.R. 564(b).

An order adopting this rule was filed and became effective on November 3, 1980 as R.1980 d.482.

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amend Statewide Management Of Septage Disposal

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.), the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.), and the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), proposes to amend N.J.A.C. 7:14-5.5, 5.7, 5.8, 5.9, and 5.10 concerning septage disposal and N.J.A.C. 7:26-3.5 concerning collector-hauler requirements.

The Solid Waste Management Act prohibits the disposal of bulk liquids, including septage, in a landfill after March 15, 1980, unless the landfill is lined and has an acceptable leachate collection system or the landfill has permission from the Department by written order to temporarily accept septage in accordance with P.L. 1980,

c. 9. As an alternative to the disposal of septage in landfills, the Department promulgated regulations in June, 1980, establishing the Statewide Septage Management Plan (SWSMP). This plan requires that sewerage agencies dispose of the septage generated within their service areas or temporary septage service areas as designated by the Department. This plan was established by the Department based upon the available capacity of a sewerage agency to dispose of septage at the existing treatment works.

The SWSMP, which is found in Appendix A of the Septage Regulations, contains three major interim compliance dates by which designated sewerage agencies are required to accept septage generated within their service areas or temporary septage service areas. The proposed amendments allow the Department to grant modifications of compliance dates and of amounts of septage which must be accepted by Category A, Category B, and Category C sewerage agencies. The sewerage agency must document to the satisfaction of the Department that the existing treatment system cannot presently accept and treat septage in compliance with the requirements of Appendix A. Such documentation shall include a proper engineering justification demonstrating that an existing system cannot adequately accept and treat any septage by its compliance date, or that it cannot adequately accept and treat the amount of septage assigned to it. If a sewerage agency can accept an amount of septage that is less than its allocation it will be required to do so. Sewerage agencies should note that Appendix A modification requests that are received by the Department after January 5, 1981, will not be considered.

The current Septage Regulations require a generator to submit to the hauler a certification form in conformance with Appendix C, and require the hauler to submit to the sewerage agency the information and certification listed in Appendix B. Various sewerage agencies and local regulatory agencies have proposed alternatives to this State system. These agencies are concerned with protecting the operation of the sewage treatment plants and/or with developing a manifest system. Some agencies may also need more detailed records on septage to assist them in gathering information concerning local septic systems, including information on septage generation. The Department, however, carefully designed the forms in Appendices B and C to meet various program objectives, and therefore permission to use substitute forms or systems will be granted only after a stringent Departmental review of such substitutes. Note that pursuant to these amendments both haulers and sewerage agencies must retain their records on septage (including the required forms) for three years, instead of one year as previously required. This will enable the State and sewerage agencies to check records and to account for the disposal and treatment of septage over a longer period of time.

For planning and enforcement purposes the Department needs a uniform accounting system that will facilitate computerization of records of septage generation and disposal throughout the State. To meet this need, the proposed amendments require haulers to submit to the Department monthly reports (see Appendix D) concerning all of the septage that the hauler has transported. This means that haulers who transport septage to landfills or land application sites must now account for such disposal and submit reports to the State. To alert haulers who transport domestic septage primarily to landfills or land application sites regulated under N.J.A.C. 7:26-1.1 et seq., the Solid Waste Regulations are being amended to include, at N.J.A.C. 7:26-3.5(a)3, a reference to the record-keeping and monthly reporting requirements of the Septage Reg-

ulations. Sewerage agencies should note that they, too, are required to submit monthly reports (see Appendix E) concerning all of the septage the sewerage agency has accepted.

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

7:14-5.5(e) Appendix A requirements for Category A, Category B, and Category C sewerage agencies may, at the discretion of the Department, be modified if the sewerage agency:

1. Makes a request for the modification in writing, to be addressed to:

Assistant Director
Water Quality Management Element
Division of Water Resources
CN 029
Trenton, New Jersey 08625; and

2. Has made efforts to comply with the requirements of Appendix A;

3. Provides documentation, including proper engineering justification, that the sewerage agency cannot presently, with existing systems, comply with the requirements of Appendix A; and

4. Submits the request for a modification and the proper documentation to the Department on or before January 5, 1981.

7:14-5.7(a)4. The Commissioner, at his/her discretion, may certify a NPDES permit, issue a NJPDES permit, or certify a grant or grant amendment to a sewerage agency where an acceptable septage disposal plan has not been submitted provided:

i. The sewerage agency [has applied for a 201 grant or grant amendment or] has been granted a modification of Appendix A requirements pursuant to section 5.5(d);

ii. The Department conditions a grant or grant amendment (which includes a compliance schedule) to perform the required planning, design and/or construction of treatment works for septage disposal in conformance with Appendix A; and/or;

[ii.] iii. The sewerage agency has entered into an Administrative Consent Order with the Department to plan for the disposal of septage. A compliance schedule shall be developed by the Department and incorporated within the appropriate discharge permit.

7:14-5.8(c) A sewerage agency shall not accept septage from a hauler unless the hauler certifies each load as domestic septage as defined in these regulations. The certification shall conform with Appendix B[.], unless the Department has given prior approval for the use of another form or manifest system.

(d) - (f) (No change.)

(g) The sewerage agency shall maintain records of the acceptance of septage including the certification form specified in [Appendix B] (c) above. Such records shall be retained for [one (1) year] three years and shall be made available to the Department for copying and inspection.

(h) (No change.)

(i) The sewerage agency shall submit a monthly report to the Department concerning all of the septage the sewerage agency has accepted. The monthly report shall conform with Appendix E, and shall be submitted within 10 days after the end of each month to:

Assistant Director
Water Quality Management Element
Division of Water Resources
CN 029
Trenton, New Jersey 08625.

7:14-5.9(e) No hauler shall dispose of septage at any sewerage agency, transfer station or other approved site which has been approved by the Department unless the hauler submits a certification with each load [(see Appendix B)], as required in N.J.A.C. 7:14-5.8(c), that the septage to be disposed of is domestic. No person shall knowingly make a false statement or falsify, tamper with, or render inaccurate a monitoring device or method.

(f) (No change.)

(g) A hauler shall not accept septage from a generator unless the generator certifies each load as domestic septage as defined in these regulations. The certification from the generator shall conform [to] with Appendix C[.], unless the Department has given prior approval for the use of a substitute form or manifest system.

(h) The hauler shall maintain records of the acceptance of septage including the certification form specified in [Appendix C] (g) above. Such records shall be retained for [one (1) year] three years and shall be made available to the Department and the appropriate sewerage agency (see Appendix A) for copying and inspection.

(i) The hauler shall submit a monthly report to the Department concerning all of the septage that the hauler has accepted, including any septage that has been disposed of in landfills or at land application sites. The monthly report shall conform with Appendix D, and shall be submitted within 10 days after the end of each month to:

Assistant Director
Water Quality Management Element
Division of Water Resources
CN 029
Trenton, New Jersey 08625.

[(i)] (j) Effective March 15, 1981, no septage shall be disposed of at a [solid waste facility] landfill unless:

1. [s]Said facility has installed a system for the interception, collection and treatment of any and all leachate generated at the facility, and has obtained approval from the Department for the entire system[.]; or

2. The Department has temporarily allowed the landfill to accept septage pursuant to the emergency powers granted the Department under P.L. 1980, c.9.

[(j)] (k) The registered hauler shall comply with the rules and regulations of the "Solid Waste Management Act" (N.J.S.A. 13:1E-1 et seq. and the "Solid Waste Utility Control Act" (N.J.S.A. 48:13A-1 et seq.).

7:14-5.10(b) A septage generator shall not dispose of septage to a hauler [who will dispose of the septage at a sewerage agency,] unless the septage generator certifies that the septage is domestic, as defined in this chapter. The certification shall conform with Appendix C[.] unless the Department has given prior approval for the use of a substitute form or manifest system.

7:26-3.5(a)3. A hauler shall maintain records of the acceptance of all domestic septic tank clean-out (domestic septage) from a generator in accordance with N.J.A.C. 7:14-5.9(h). The hauler shall submit a monthly report to the Department concerning all of the domestic septic tank clean-out (domestic septage) that the hauler has accepted, in accordance with N.J.A.C. 7:14-5.9(i).

Editor's Note: Amendments to Appendices B, Hauler Certification Form, and C, Generator Certification Form, were filed with these proposed amendments but are not reproduced herein. In addition, new Appendices entitled D, Septage Hauler Monthly Report, and E, Sewerage Authority Monthly Septage Report, were filed but are not reproduced herein. Copies may be obtained from:

Water Quality Management
Division of Water Resources
CN 029
Trenton, N.J. 08625

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before December 24, 1980 to:

Dr. Marwan M. Sadat, P.E.
Assistant Director
Water Quality Management Element
CN 029
Trenton, New Jersey 08625

The Department of Environmental Protection may thereafter adopt these rules substantially as proposed without further notice.

(a)

ENVIRONMENTAL PROTECTION BUREAU OF AIR POLLUTION CONTROL

Proposed Amend Control and Prohibition Of Open Burning: Notice of Public Hearing

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 26:2C-1 et seq., proposed to amend N.J.A.C. 7:27-2 concerning the control and prohibition of open burning. This proposal is known within the Department as Docket No. DEP. 063-80-10.

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

CHAPTER 27

BUREAU OF AIR POLLUTION CONTROL

SUBCHAPTER 2. CONTROL AND PROHIBITION OF OPEN BURNING

- 7:27-2.1 Definitions
- 7:27-2.2 Open Burning for Salvage Operations
- 7:27-2.3 Open Burning of Refuse
- 7:27-2.4 [Exceptions] **General Provisions**
- 7:27-2.5 Infested Plant Life
- 7:27-2.6 Prescribed Burning
- 7:27-2.7 Emergencies
- 7:27-2.8 [Hazardous] **Dangerous Material**
- 7:27-2.9 Herbaceous Plant Life and Hedgerows
- 7:27-2.10 Orchard Prunings and Cullings
- 7:27-2.11 [Fees] **Land Clearing**
- 7:27-2.12 [Permit Transfer] **Special Permit**
- 7:27-2.13 Fees

7:27-2.1 DEFINITIONS

"Air contaminant" means solid particles, liquid particles, vapors, or gases which are discharged into the outdoor atmosphere.

“Class I area” means an area so designated by the United States Environmental Protection Agency or the State of New Jersey in order to preserve the area’s unique environmental characteristics. (As of January 1, 1980, only the Brigantine Wildlife Refuge has been so designated in New Jersey.)

“Cullings” means dead or non-productive trees which have been removed to allow for the planting of new trees to improve crop yield.

“[Hazardous] Dangerous material” means trade waste which presents an existing or potential hazard to health or safety if disposed of by any means other than open burning including, but not limited to, explosives, nitro-cellulose and elemental sodium.

“Hedgerow” means a barrier-like formation composed of, but not limited to, rocks, fencing material, earth, and plant life used to separate sections of farm land in use or serve as boundaries for such lands.

“Non-attainment area” means any area determined by the Department as one in which the ambient air concentration of a criteria pollutant exceeds a national ambient air quality standard (NAAQS).

“Prunings” means dead or excess branches and twigs removed from plants and trees to improve crop yield. This shall mean and include cullings exclusive of their subterranean portions.

“Trade waste” means all waste solid, [or] liquid, or gaseous material, or rubbish resulting from construction, building operations, or the prosecution of any business, trade, or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders, and other forms of solid, [or] liquid, or gaseous waste material.

7:27-2.3(d) The provisions of this section shall not apply to open burning of refuse for training or research exercises in fire protection or prevention when conducted at a permanent facility or training center designed to be used solely for such purposes on a continuing basis.

7:27-2.4 [Exceptions] General provisions

[The provisions of Section 3 of this subchapter shall not apply to open burning of refuse for training or research exercises in fire protection or prevention when conducted at a permanent facility or training center designed to be used solely for such purposes on a continuing basis.]

(a) All conditions and provisions of any permit granted in accordance with this subchapter must be fulfilled.

(b) Any permit issued under the provisions of this subchapter shall not be transferable either from one location to another or from one person to another.

7:27-2.5 Infested plant life

(a) (No change.)

(b) Applications may be made to the Bureau of [Forestry, Forest Fire Service,] Forest Fire Management in the Department for a permit for the open burning of infested plant life.

(c) Such permit may be issued for a single event or for a period not to exceed [14 days] 30 days, may be conditioned upon meteorological factors and any other requirements which the Department deems to be necessary, and is revocable at the discretion of the Department.

(d) (No change.)

7:27-2.6 Prescribed burning

(a) The Department may issue a permit authorizing prescribed burning in accordance with a plan approved by and under the control and supervision of the Bureau of [Forestry, Forest Fire Service] Forest Fire Management.

(b) The permit may be conditioned upon meteorological factors and any other requirements which the Bureau of [Forestry, Forest Fire Service,] Forest Fire Management deems to be necessary and is revocable at the discretion of the Department.

(c) The permit may be issued for a single event or for a period of days, and no prescribed burning shall commence until a permit is issued and current.

(d) Any person seeking a permit for prescribed burning shall file with the Bureau of [Forestry, Forest Fire Service,] Forest Fire Management a permit application, on a form provided by the Department, which sets forth the following and any other information requested by the Bureau of [Forestry, Forest Fire Service] Forest Fire Management:

1. - 4. (No change.)

7:27-2.7 Emergencies

(a) The Department may issue a permit to a municipality for the open burning of plant life upon a finding of merit in an affidavit filed with the [Department] Bureau of Air Pollution Control by the municipal clerk that excessive quantities of plant wastes have been produced by an emergency such as a wind storm or ice storm.

(b) The permit may be conditioned upon meteorological factors and any other requirements which the [Department] Bureau of Air Pollution Control deems to be necessary and is revocable at the discretion of the Department.

(c) (No change.)

(d) The affidavit shall set forth the following and any other information requested by the Department:

1. - 4. (No change.)

5. The exact location(s) at which the plant life is to be burned;

6. (No change.)

7:27-2.8 [Hazardous] Dangerous material

(a) The Department may issue a permit for the open burning of [hazardous] dangerous material, except in any municipality which prohibits such open burning, where no other known method of disposal can be used without hazard to health or property, upon a finding of merit in an affidavit filed with the [Department] Bureau of Air Pollution Control on a form provided by the Department by the person seeking to engage in such activity.

(b) (No change.)

(c) The permit may be issued for a [single event,] period not to exceed seven days, or for a period not to exceed 60 days, or for a period not to exceed six months and no disposal of [hazardous] dangerous materials by open burning shall commence until a permit is issued and [is] current.

(d) The affidavit shall set forth the following and any other information requested by the Department:

1. The name, address, and telephone number of the person submitting the affidavit; if such person is a legal entity, the name, title, and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the [hazardous] dangerous material is to be burned;

2. (No change.)

3. Municipal restrictions on open burning of [hazardous] dangerous material;

4. The proposed operating practice including the type

and quantity of [hazardous] dangerous material to be disposed of by open burning;

5. (No change.)

6. The exact location at which the [hazardous] dangerous material will be disposed of by open burning;

7. Reasons why the [hazardous] dangerous material cannot be disposed of by any method other than by open burning without resulting in a hazard to health or property.

8. Measures undertaken to eliminate or to reduce the quantity of dangerous material to be disposed of by open burning:

i. Prior to the initial submittal of an affidavit or;

ii. Since the issuance of the previous permit if the affidavit is for a renewal.

7:27-2.9 Herbaceous plant life and hedgerows

(a) The Department may issue a permit for the open burning [of herbaceous plant life], on the premises where grown, of herbaceous plant life and plant life growing in hedgerows except in any municipality which prohibits such burning, when the premises are actively in use for raising other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

(b) The permit will be issued only in accordance with a plan approved by and under the control and supervision of the Bureau of [Forestry, Forest Fire Service.] Forest Fire Management.

(c) The permit will be conditioned upon the confirmation with the Bureau of Forest Fire Management of favorable meteorological and air quality conditions on the day the open burning will be conducted.

(d) (No change.)

(e) The permit may be issued for a [single event,] period not to exceed seven days, or for a period not [exceeding 60 days] to exceed 90 days, or for a period not to exceed one year and no open burning shall commence until a permit is issued and current.

(f) Any person seeking a permit for the open burning of herbaceous plant life or hedgerows shall file with the Bureau of [Forestry, Forest Fire Service,] Forest Fire Management a permit application on a form provided by the Department which sets forth the following and any other information requested by the Department:

1. The name, address, and telephone number of the person submitting the permit application; if such person is a legal entity, the name, title, and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the open burning is to take place;

2. - 3. (No change.)

4. The exact location of the premises on which the herbaceous plant life or hedgerows will be burned;

5. (No change.)

6. A detailed plan describing the nature and quantity of herbaceous plant life or hedgerows and how the open burning is to be done, including whether it is to take place in a single instance or the frequency if intermittent;

7. (No change.)

7:27-2.10 Orchard prunings and cullings

(a) The [department] Department may issue a permit for the open burning of orchard prunings and cullings on the premises where grown, except in any municipality which prohibits such burning, when such prunings and cullings are derived from trees being cultivated for commercial purposes to produce food crops or as ornamentals and where no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

(b) The permit will be issued only in accordance with a plan approved by and under the control and supervision of the Bureau of [Forestry, Forest Fire Service.] Forest Fire Management.

(c) The permit will be conditioned upon the confirmation with The Bureau of Forest Fire Management of favorable meteorological and air quality conditions on the day the open burning will be conducted.

(d) The permit may also be conditioned upon any requirements which the [department] Department deems to be necessary and is revocable at the discretion of the [department] Department.

(e) The permit may be issued for a [single event] period not to exceed seven (7) days, or for a period not [exceeding 60 days] to exceed ninety (90) days, or for a period not to exceed one year and no open burning shall commence until a permit is issued and current.

(f) Any person seeking a permit for the open burning of orchard prunings and cullings shall file with the Bureau of [Forestry, Forest Fire Service,] Forest Fire Management a permit application on a form provided by the Department which sets forth the following and any other information requested by the [department] Department:

1. - 3. (No change.)

4. The exact location of the premises on which the orchard prunings and cullings will be burned;

5. (No change.)

6. A detailed plan describing the nature and quantity of orchard prunings and cullings and how the open burning is to be done, including whether it is to take place in a single instance, or the frequency if intermittent;

7. (No change.)

7:27-2.11 [Fees] Land clearing

[(a) Any application for a permit for the open burning of herbaceous plant life as provided in Section 9 of this subchapter shall be accompanied by a service fee of \$10.00 and no such permit will be issued until the service fee is received.

(b) Any application for a permit for the open burning of orchard prunings as provided in section 10 of this subchapter shall be accompanied by a service fee of \$10.00 and no such permit will be issued until the service fee is received.

(c) Service fees shall be submitted in the form of a check or postal money order payable to the order of the New Jersey Bureau of Air Pollution Control.]

(a) The Department may issue a permit for the open burning of plant life on the premises where grown, except in any municipality which prohibits such burning, upon a finding of merit in an affidavit, filed by the owner of such premises, which provides certification that:

1. No other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources, and;

2. The premises to be cleared by open burning will be used exclusively for commercial agricultural purposes for a period of at least five years after such open burning.

(b) Such affidavit shall become a part and condition of any permit approved pursuant to the provisions of this section.

(c) The permit will be issued in accordance with a plan approved by and under the control and supervision of the Bureau of Forest Fire Management.

(d) The permit will be conditioned upon confirmation with the Bureau of Forest Fire Management of favorable meteorological and air quality conditions on the day the open burning will be conducted.

(e) The permit may also be conditioned upon any requirements which the Department deems necessary and is revocable at the discretion of the Department.

(f) The permit may be issued for a period not to exceed 90 days and no open burning shall commence until a permit is issued and current.

(g) The permit will be limited to a land area not to exceed 25 acres.

(h) Any person seeking a permit to clear land by open burning shall provide such information as requested by the Department and shall file with the Bureau of Forest Fire Management a permit application on a form provided by the Department.

(i) No more than one permit pursuant to the provisions of this section will be issued in any one calendar year for a given premise.

(j) No person shall cause, suffer, allow, or permit the use of land cleared by open burning pursuant to the provisions of this section for any purpose other than commercial agriculture for a period of five years after such open burning.

(k) No person shall cause, suffer, allow or permit open burning pursuant to the provisions of this section in an area which is designated non-attainment for total suspended particulates, or in a Class I area, or within six kilometers of such areas.

7:27-2.12 [Permit transfer] Special permit

[Any permit issued under the provisions of this subchapter shall not be transferable either from one location to another or from one person to another.]

(a) The Department may issue a special permit to any person, regardless of the provisions of any other section of this subchapter, for the open burning of any substance or material upon a finding of merit in an affidavit filed with the Bureau of Air Pollution Control that such substance or material represents an imminent hazard to the public health, welfare, or safety.

(b) The permit may be conditioned upon any requirements which the Bureau of Air Pollution Control deems to be necessary and is revocable at the discretion of the Department.

(c) The permit will be issued for a single event and no open burning shall commence until a permit is issued and current.

(d) The affidavit shall set forth the following and any other information requested by the Department:

1. The name, address, and telephone number of the person submitting the affidavit;
2. The name of the owner and authorized representative in charge of the premises where the substance or material is to be burned;
3. The proposed operating practice including the nature, type, and quantity of substance or material to be burned;
4. The date(s) on which the open burning is to take place and the time(s) of day;
5. The exact location(s) at which the open burning is take place;
6. Reasons why the substance or material cannot be disposed of by any method other than by open burning.

7:27-2.13 Fees

(a) Applications for permits for open burning pursuant to the provisions of this subchapter shall be accompanied by a service fee in accordance with the following schedule and no permit will be issued until the service fee is received.

Section of Subchapter	Term of Permit	Service Fee
2.5 Infested plant life	30 days or less	\$10.00
2.6 Prescribed burning	Specified on permit	No Fee
2.7 Emergencies	7 days or less	10.00
2.8 Dangerous materials	7 days or less	10.00
	to 60 days	25.00
	to 6 months	50.00
2.9 Herbaceous plant life and hedgerows	7 days or less	10.00
	to 90 days	25.00
	to 1 year	50.00
2.10 Orchard prunings and cullings	7 days or less	10.00
	to 90 days	25.00
	to 1 year	50.00
2.11 Land clearing	90 days or less	25.00
		Minimum plus \$1 per acre to \$50.00 maximum

(b) Service fees shall be submitted in the form of a check or postal money order. Fees submitted pursuant to N.J.A.C. 7:27-2.5, 2.9, 2.10, and 2.11 shall be made payable to the order of the New Jersey Bureau of Forest Fire Management. Fees submitted pursuant to N.J.A.C. 7:27-2.7 and 2.8 shall be made payable to the order of the New Jersey Bureau of Air Pollution Control.

Written and/or oral testimony concerning the proposed amendments will be received at a public hearing to be held from 9:00 A.M. to 4:00 P.M., on January 5, 1981 at:

New Jersey State Museum Auditorium
205 West State Street
Trenton, N.J. 08625

This hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended (N.J.S.A. 26:2C-1 et seq.) and under Title 40, Section 51.4, of the Code of Federal Regulations as a proposed amendment to the New Jersey State Implementation Plan to meet National Ambient Air Quality Standards.

Copies of this notice, of the proposed regulations, and of the basis and background document are being deposited and will be available for inspection during normal office hours from at least 30 days prior to the hearing until the closing of the hearing record on January 19, 1981 at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, New Jersey 08330

N.J. Bureau of Air Pollution Control
Room 1108, Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

N.J. Bureau of Air Pollution Control
Metropolitan Field Office
1259 Route 46
Parsippany, New Jersey 07054

N.J. Bureau of Air Pollution Control
Southern Field Office
100 Larwin Road
Cherry Hill, New Jersey 08002

Warren County Health Department
151 West Washington Avenue
Washington, New Jersey 07882

The Department may thereafter adopt these rules substantially as proposed without further notice.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Federal Rule-Making On Primary Drinking Water

Take notice that the United States Environmental Protection Agency amended the National Interim Primary Drinking Water Regulations, 40 C.F.R., Part 141, on November 29, 1979, at 44 F.R. 68623, and that this amendment on "Control of Trihalomethanes in Drinking Water" became part of the New Jersey Primary Drinking Water Regulations (N.J.A.C. 7:10-5) by virtue of its being adopted and included in 40 C.F.R., Part 141.

Take further notice that major portions of this amendment becomes effective on November 29, 1980.

Copies of this amendment may be obtained either from the Water Supply Branch, United States Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007, (212) 264-1800; or, Bureau of Potable Water, Division of Water Resources, CN 029, Trenton, New Jersey 08625, (609) 292-5550.

This Notice is published as a matter of public information.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Public Notice of State Certifications of Draft NPDES Permits

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., is authorized to assess compliance of a surface water discharge with State law pertaining to discharges to the waters of the State. The Department is requested by the United States Environmental Protection Agency, as required by section 401 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., to certify that a discharge, as described in a draft National Pollutant Discharge Elimination System permit, will not violate the requirements of State law.

The Department publishes public notice of certifications in the DEP Bulletin. Copies of the Bulletin may be obtained by calling (609) 292-3178 or writing to the Documents Distribution Center, P.O. Box 1390, Trenton, N.J. 08625.

(c)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed State College Reduction in Force Policies

The Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:3-14(h), proposes to adopt new rules concerning reductions in personnel at the State's four year colleges in the event of fiscal exigency, which rules appeared at 12 N.J.R. 407(d). The Board renotices these proposed rules with the changes indicated below due to the substantive nature of the changes.

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

9:2-3.9 Reemployment lists; time period

Non-tenured or non-multi-year contract employees shall remain on the reemployment list until the end of the annual contract pursuant to which they were employed on the date of layoff. [Employees who are tenured or on multi-year contracts at the date of layoff shall remain on the reemployment list for a period of two years from the date of layoff.] Employees who are tenured on the date of layoff shall remain on the reemployment list for a period of five years from the date of layoff. Employees serving under a multi-year contract on the date of layoff shall remain on the reemployment list for the duration of the multi-year contract.

9:2-3.10 Reappointment of laid-off employees

Any employee on layoff status who is reemployed after layoff shall be reappointed with a rank and salary at least equivalent to his or her rank and salary step when laid off. [Provided, however, that an employee may agree to take a position at a lower salary and rank if the college has no senior position available.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 24, 1980 to:

Eric M. Perkins
Administrative Practice Officer
N.J. Department of Higher Education
225 West State Street
Trenton, N.J. 08625

The Board of Higher Education may thereafter adopt rules concerning this subject without further notice.

(d)

HIGHER EDUCATION

STUDENT ASSISTANCE BOARD

Graduate Fellowships

On October 15, 1980, the Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-26.8 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 9:7-6 and repealed N.J.A.C. 9:7-4.4 concerning graduate fellowships as proposed in the Notice published May 8, 1980 at 12 N.J.R. 273(e) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

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

[9:7-5.6] 9:7-6.6 Attendance

A recipient of a Fellowship award must matriculate in an approved program of study no later than the fall term immediately succeeding the notification of award and continue in regular full-time attendance. After payment has been received by the recipient and the recipient has successfully completed one semester of graduate education, a request for a leave of absence may be made to the Office of Student Assistance, Department of Higher Education for a period not to exceed one year. In accord with the continuous attendance requirement, the Office shall

approve leaves only for documented personal or educational reasons.

Note: These new rules will be codified as N.J. A.C. 9:7-6 and not as 9:7-5 as originally proposed.

An order adopting this rule was filed and became effective on October 20, 1980 as R.1980 d.462.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Reductions in Medicaid Services and Co-Payment by Recipients

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend:

- N.J.A.C. 10:49-1.4 Concerning Administration
 - N.J.A.C. 10:50-1.3 Concerning the Transportation Manual
 - N.J.A.C. 10:52-1.4, 1.5, 1.6 Concerning the Manual for Hospital Services
 - N.J.A.C. 10:53-1.1 Concerning the Manual for Special Hospital Services
 - N.J.A.C. 10:54-1.4, 1.5, 1.7, 1.9-1.18 Concerning the Manual for Physician Services
 - N.J.A.C. 10:56-1.10 Concerning the Manual for Dental Services
 - N.J.A.C. 10:60-1.3 Concerning the Manual for Home Health Services Manual
 - N.J.A.C. 10:62-1.1, 2.2 Concerning the Vision Care Manual
 - N.J.A.C. 10:63-1.4 Concerning the Long Term Care Services Manual
 - N.J.A.C. 10:64-1.2 Concerning the Hearing Aid Services Manual
- and to repeal in their entirety:
- N.J.A.C. 10:51-1 through 4 Concerning the Pharmacy Manual
 - N.J.A.C. 10:55 Concerning the Prosthetic and Orthotic Services Manual
 - N.J.A.C. 10:57 Concerning the Podiatry Services Manual
 - N.J.A.C. 10:59 Concerning the Medical Supplier Manual
 - N.J.A.C. 10:65 Concerning the Medical Day Care Manual
 - N.J.A.C. 10:66 Concerning the Manual for Independent Clinic Services
 - N.J.A.C. 10:67 Concerning the Manual for Psychological Services
 - N.J.A.C. 10:68 Concerning the Manual for Chiropractic Services

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

10:49-1.4 Authorized services for covered persons

(a) The items and services provided to covered persons will not normally be limited in duration or amount. Any limitation imposed will be consistent with the medical necessity of the patient's condition, as determined by the attending physician or other practitioner, in accordance with standards generally recognized by health professionals and promulgated through the New Jersey Medicaid Program. The following items and services, more specifically defined in subsequent sections of the provider manual, are authorized under the program:

i. In General Hospitals: Unlimited service except for exclusion of elective cosmetic surgery and diet therapy for exogenous obesity. Need for initial hospitalization must be certified to by attending physician. [The initial number of days of hospitalization approved depends on the diagnosed condition for which the patient is treated.] Reimbursement for inpatient hospital stays will be limited to payment for the first 12 days per admission, including those days covered completely or partially by any third party liability, for all Medicaid eligibles. Reimbursement will not be made for any hospital stay where the date of re-admission immediately follows the date of discharge of the previous admission.

ii. - iii. (No change.)

2. Outpatient hospital services: [No limitations, except for exclusion of elective cosmetic surgery. Take home drugs dispensed by hospital pharmacy are included.] Reimbursement for hospital out-patient visits will be limited to one visit per month for all Medicaid eligibles, including take home drugs dispensed by the hospital pharmacy.

3. - 6. (No change.)

7. Dental services

i. Reimbursement for dental services is limited to hospital outpatient services provided by a dentist, and EPSDT related service services mandated for certain individuals under age 21.

[i.] ii. Comprehensive services: Comprehensive spectrum of dental services provided. Services defined as "routine" do not require prior authorization. Other services require authorization of dental consultants in dental field offices.

[ii.] iii. Dentures: Partial or complete dentures are provided only when masticatory deficiencies are likely to impair general health of the patient. Replacement limited to once every five years. Prior authorization is required for initial or replacement request.

8. Services of licensed other practitioners.

i. [Podiatrists: Routine care must be qualified by medical necessity of professional treatment. Treatment of subluxation must be qualified. Treatment of flat feet not covered, with exceptions:

(1) Supportive devices for symptoms and pain;

(2) When talo crural (ankle) joint is involved;

(3) Postoperative or post-fracture treatment is part of plan. Orthotic devices require prior authorization.]

[ii.] i. Optometrists: Services include optometric examination, optical appliances, contact lenses, artificial eyes and vision training. Prior authorization is required for contact lenses, artificial eyes, vision training and sub-normal vision devices. Reimbursement for optometric services and optical appliances is limited to hospital outpatient services provided under the direction of an ophthalmologist, and EPSDT related services mandated for certain individuals under age 21.

[ii.] ii. Psychologists: Prior authorization is required when payment for services rendered to any single patient exceeds \$300.00 in a given 12-month period.

iii. Chiropractors: Services which are limited to manual

manipulation of the spine and are provided personally by the chiropractor. It includes services furnished in the office, the patient's home, skilled nursing facility, intermediate care facility, and sheltered boarding home. Not a covered out-of-State service.]

9. (No change.)

[10. Medical supplies and equipment: Medical supplies, equipment and appliances are provided, including purchase or rental of hospital beds, wheelchairs and other durable medical equipment, bandages, surgical dressings, catheters and other medical supplies. In all other cases prior authorization by local office required for items when the cost exceeds \$30.00.

11. Clinic services (other than hospital): Provided in nonprofit facilities meeting standards of New Jersey Department of Health or other agencies to qualify as independent outpatient health facility. Prior authorization required for certain clinic services.]

12. Physical therapy and related services.

i. Physical therapy: [Prior authorization is required when provided by a home health agency, independent clinic or long-term care facility.] Services may [also] be provided in a hospital outpatient department [or in a physician's office.] No payments to privately practicing therapists. No other limitations.

ii. Occupational therapy: [Prior authorization is required when provided by a home health agency, independent outpatient health clinic or long-term care facility.] Services may also be provided in a hospital outpatient department. No payments to privately practicing therapists. No other limitations.

iii. Speech therapy: [Prior authorization is required when provided by home health agency, independent outpatient health clinic or long-term care facility.] Services [may] also be provided in a hospital outpatient department. No payments to privately practicing therapists. No other limitations.

iv. Audiology: Limited to such services when provided as part of [clinic or] hospital outpatient services. No payment to privately practicing audiologists.

[13. Prescribed drugs: Both legend and non-legend drugs are provided with few exceptions.]

14. Prosthetic and orthotic devices.

i. Optical appliances: Optical appliances are provided with certain limitations. Prior authorization required for artificial eyes, subnormal vision devices and contact lenses granted only for specific ocular pathological conditions or for patients who cannot achieve vision of 20/70 with regular lenses. Prior authorization required for optical appliances prescribed in excess of one every two years for individuals ages 19 to 59 and one per year for all others.

ii. Hearing aids: Hearing aids and accessories are provided. Audiometric evaluation required. Prior authorization is required except for batteries.

(1) Reimbursement is limited to hospital outpatient services provided under the direction of a physician, and EPSDT related services mandated for certain individuals under age 21.

[iii. Other prosthetic and orthotic devices: This includes devices to replace all or part of an internal organ; artificial limbs, braces, abdominal and other supports. Orthopedic shoes are provided under certain conditions. Prior authorization is required for limbs, braces, supports and orthopedic shoes for which the charge to the program exceeds \$30.00.

iv. Repairs or replacements: Prior authorization is required for the repair or replacement of any of the above items.]

15. - 16. (No changes.)

17. Emergency hospital services: Limited to emergency services with a maximum of [20] 12 days payment allowed. No requirements for prior authorization.

18. Transportation.

i. - iii. (No change.)

iv. Co-payment is required from each Medicaid recipient for each ambulance or invalid coach transportation service provided according to the following schedule:

Medicaid Payment For the Service	Co-Payment Due From The Recipient
\$10.99 or less	\$.50
\$11.00 to \$25.99	\$1.00
\$26.00 to \$50.99	\$2.00
\$51.00 or more	\$3.00

10:50-1.3(g) Co-payment is required from each Medicaid recipient for each ambulance or invalid coach transportation service provided according to the following schedule:

Medicaid Payment For the Service	Co-Payment Due From The Recipient
\$10.99 or less	\$.50
\$11.00 to \$25.99	\$1.00
\$26.00 to \$50.99	\$2.00
\$51.00 or more	\$3.00

10:52-1.4 Special provisions

(a) Entitlement to payment for each continuous period of hospitalization is subject to the following:

1. Reimbursement for inpatient hospital stays will be limited to payment for the first 12 days per admission, including those days covered completely or partially by any third party liability, for all Medicaid eligibles. Reimbursement will not be made for any hospital stay where the date of re-admission immediately follows the date of discharge of the previous admission.

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

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

[3.] 4. (No change in text.)

i. (No change.)

ii. The physician's recertification is considered approval of additional days; however, the maximum days allowed may not exceed those initially allowed under AID. [Subsequent recertifications are required if hospitalization is medically necessary beyond this additional period. For inpatient psychiatric services provided in an approved private psychiatric hospital, see paragraph 6 of this subsection if in a general hospital, see paragraph 6 of this subsection.]

[5.] 6. Psychiatric treatment in an approved general hospital:

i. Length of stay: Reimbursement for inpatient care is based upon the medical necessity of the admission and may not exceed [20] 12 days. [unless supported by a medical recertification (form MC-2);

ii. Medical recertification:

(1) Whenever the span of inpatient days exceeds 20, the attending physician is required to certify the necessity of continued hospitalization on or before the expiration of the 20th day. The maximum number of days allowed on the recertification is 20 days. Only one recertification is allowable for each admission, unless;

(2) Where one recertification has been submitted but where more than 40 days inpatient care is deemed necessary by the attending physician, a special request for prior authorization for the continued stay must be submitted no later than the 30th hospital day. The request must specify in detail why continued hospitalization is necessary for the patient and is to be submitted to:

Chief, Mental Health Services
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

(3) The request must specify the actual number of days for which authorization is requested;

(4) Failure to obtain prior authorization will result in nonpayment of the hospital's claim for all days beyond the 40th day, and all physicians' claims for the corresponding period will also be denied for payment.]

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

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

[8.] 9. Hospital benefits for physical rehabilitation treatment in an approved general hospital: The following procedures apply to physical rehabilitation services provided to Medicaid patients in general hospitals and are similar to procedures required in special class B rehabilitation hospitals:

i. Length of stay: Reimbursement for inpatient care for physical rehabilitation services is based upon the medical necessity of the admission. [and required prior authorization from the local medical assistance unit if the stay exceeds 21 days;

ii. Prior authorization:

(1) The inpatient recertification form (MC-2) shall be used to request prior authorization from the medical consultant of the local medical assistance unit after the first 21 days of inpatient hospitalization. Initial or subsequent authorization shall not exceed 30 calendar days. Section 2 of MC-2 must include a treatment plan in sufficient detail to support the authorization request. The request must be signed by the patient's attending physician and must specify the actual number of days for which the authorization is being requested. See subchapter 2 of this section for the proper disposition of the MC-2 form;

(2) Failure to obtain prior authorization will result in nonpayment of the hospital's claim for all days beyond the 21st day, and all physicians' claims for the corresponding period will also be denied for payment.]

10:52-1.5 Hospital benefits in a non-approved hospital

(a) Hospitals which do not meet the definition of an approved hospital are not eligible for payment unless such services are made necessary by reason of accidental injury or sudden and serious illness requiring treatment on an emergency basis. Reimbursement for emergency care shall be limited to a maximum of [20] 12 days.

(b) (No change.)

10:52-1.6 Covered outpatient hospital services

(a) Reimbursement for hospital outpatient visits will be limited to one visit per month for all Medicaid eligibles, including take home drugs dispensed by the hospital pharmacy. Elective cosmetic surgery is excluded.

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

(c) Reimbursement for covered services in the outpatient department of the hospital shall be determined by the Commissioner of the Department of Human Services. The rates of reimbursement are established by the Commissioner at [100%] 50 percent of the lower of costs or charges defined and determined by Medicare principles of reimbursement.

10:53-1.1 Definitions

...

"Approved special hospitals" means . . .

1. Classification A (Acute or short term); may be reimbursed on basis of reasonable costs if all following criteria are met: (Note: Prior authorization is required for all hospital stays in excess of 12 days.)

i. - v. (No change.)

2. Classification B (Rehabilitation); may be reimbursed on the basis of reasonable costs if all following criteria are met: (Note: Prior authorization is required for all hospital stays in excess of 12 days.)

i. - v. (No change.)

10:54-1.4(a) Reimbursement for inpatient hospital stays will be limited to payment for the first 12 days per admission, including those days covered completely or partially by any third party liability, for all Medicaid eligibles. Reimbursement will not be made for any hospital stay where the date of re-admission immediately follows the date of discharge of the previous admission.

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

[(b)] (c) Rules concerning the certification and utilization review—AID Program are:

1. (No change.)

2. The AID Program (approval by Individual Diagnosis) is a system whereby the initial number of days of hospitalization approved depends on the final diagnosed condition for which the patient is treated. Exception: Psychiatric services: The New Jersey Medicaid Program recognizes as a covered service medically necessary inpatient services which are provided in an approved private psychiatric hospital or the psychiatric section of an approved general hospital with the following limitations:

i. Reimbursement for inpatient care is based upon the medical necessity of the admission and may not exceed [20] 12 days. [unless supported by a medical recertification. (Form MC-2.);

ii. Whenever the span of inpatient days exceeds 20, the attending physician is required to certify the necessity of continued hospitalization on or before the expiration of the 20th day. The maximum number of days allowed on the recertification is 20 days. Only one recertification is allowable for each admission;

Note: In extremely unusual situations where more than 40 days inpatient care is deemed necessary by the attending physician, a special request for continued stay may be submitted no later than the 30th hospital day. The request must specify, in detail, why continued hospitalization is necessary for the patient and is to be submitted to:

Chief, Mental Health Services
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

3. The request must specify the actual number of days for which authorization is requested;

4. Failure to obtain prior authorization will result in nonpayment of the hospital's claim for all days beyond the 40th day and all physicians' claims for the corresponding period will be denied for payment;

5. The regulations of the New Jersey Medicaid Program require that the attending physician sign a statement on or before the expiration of AID days (recertification form) certifying the medical necessity of continued hospitalization beyond the AID days.]

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

10:54-1.5(b)2. Psychiatric services:

i. (No change.)

[ii. Exception: Psychiatric services rendered in an approved hospital outpatient department to a registered clinic patient shall not require prior authorization, but in accordance with section 207 of the Hospital Manual requires physician's certification every 30 days and a plan of treatment. Certification and/or recertification shall consist of a typewritten statement signed by the attending physician, which shall indicate the type, amount, fre-

quency and duration of the services that are to be furnished and must include the diagnosis and anticipated goals. The certification must be completed on a timely basis and the dates on the report must be applicable to the billing dates on the claim submitted by the hospital;

iii. When prior authorization is required, the request is to be submitted in quadruplicate on a "Request for authorization of psychiatric services form" (FD-07 exhibit III) to the Chief of Mental Health Services, Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, New Jersey 08625. The patient's name, home address, present address, if different than home address, H.S.P. case number, patient person number, age, sex, beginning date of requested authorization and the practitioner's name, address, and so forth, is to be inserted on the FD-07 form. Additionally, the request must include the diagnosis as set forth in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association (latest edition), treatment plan and progress report, in detail, and prognosis. No post facto authorization will be granted;

iv. When a request for prior authorization is approved, the Chief of Mental Health Services shall provide the practitioner with written confirmation for continued care by signing form FD-07 (Request for authorization of psychiatric services) and return two copies to the practitioner. The original copy of the authorization (FD-07) must be attached to the physicians and practitioners claim (MC-8) when submitting the claim for payment. The other copy is retained by the physician for his records. When a request for prior authorization is denied, the practitioner shall be notified in writing by the Chief of Mental Health Services of the reason.]

[v.] ii. (No change in text.)

[vi.] iii. (No change in text.)

10:54-1.7 Physical medicine and rehabilitative

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

(f) Rehabilitation services may be provided [by the following:

1. By home health agency in the patient's home or other place of residence;
2. To a patient in the long-term care facility;]
- [3.] [I]in a hospital outpatient department[;].
- [4. In an approved clinic (independent outpatient facility not part of the hospital);
5. In the setting of a physician's office;
6. Physical therapy performed in a physician's office is a reimbursable service under the following conditions:
 - i. The service is delivered personally in the physician's office by a registered physical therapist (see subsection (b) of this section for qualifications);
 - ii. Has been prior authorized by the Medicaid medical consultant of the local medical assistance unit (see subsection (g) of this section);
 - iii. All treatment must be individual and consist of a minimum of 30 minutes and no more than three patients can be treated simultaneously by the same therapist;
 - iv. Treatment progress notes must be in the patient's record folder and signed by the physical therapist rendering treatment.

Note 1. Maintenance therapy will be disallowed.

Note 2. Authorization if given will not exceed a period of 60 days, but may be again reauthorized on submission of request (form FD-06) which contains a progress report and demonstrates medical justification for reauthorization.

Note 3. No portion of the time spent on a physical therapy treatment may be considered as part of the time parameter of an office visit. Office visits billed during the same day must have clearly and separately met the time

and other parameters described in the procedure codes in the subchapter 3 of this chapter.

Note 4. The physical therapist is not a direct provider to the program and therefore reimbursement will be made only to the physician. Billing for physical therapy services performed in the physician's office must be listed on the MC-8 physicians and practitioners claim form in section 12D under procedure code 9090 with a statement, "physical therapy session." A copy of the approved prior authorization form (FD-06) must accompany the claim form when sent to the Prudential Insurance Company for reimbursement. (See FD-06 exhibit 1.)]

(g) (No change.)

Repeal N.J.A.C. 10:54-1.9 through 1.18.

10:56-1.10 [(Reserved)] General policy

Reimbursement for dental services is limited to hospital out-patient services provided by a dentist, and EPSDT related services mandated for certain individuals under age 21.

10:60-1.3(c) The type of home health agency services covered include professional public health nursing, licensed nursing, home health aide (nurses' aide) under direction and supervision of a registered professional nurse, [physical therapy, occupational therapy, speech therapy,] and medical social services.

10:62-1.1 Scope

(a) This section is concerned with examinations and care for visual defects and/or eye disease.

(b) Reimbursement for optometric services is limited to hospital out-patient services provided under the direction of an ophthalmologist, and EPSDT related services mandated for certain individuals under age 21.

10:62-2.2 Scope

(a) [The following optical appliances are covered under the Health Services Program subject to the limitations listed below:] Reimbursement for optical appliances is limited to out-patient services provided under the direction of an ophthalmologist and EPSDT related services mandated for certain individuals under age 21. The following optical appliances are covered subject to the limitations listed below:

1. and 2. (No change.)

10:63-1.4 Additional services

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

(d) Transportation services: When a Medicaid eligible patient requires a service or care not regularly provided by the LTCF, arrangements to obtain these services are to be made by facilities with appropriate agencies or other responsible persons.

1. Co-payment is required, from each Medicaid recipient, for each ambulance or invalid coach transportation service provided according to the following schedule.

Medicaid Payment For the Service	Co-Payment Due From The Recipient
\$10.99 or less	\$.50
\$11.00 to \$25.99	\$1.00
\$26.00 to \$50.99	\$2.00
\$51.00 or more	\$3.00

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

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

[3.] 4. (No change in text.)

[(e) Rehabilitation services: Rehabilitation services include physical therapy, occupational therapy, speech therapy services and other restorative services provided

for the purpose of attaining maximum reduction of physical or mental disability and restoration of the patient to his best functional level. It does not include physical medicine procedures administered directly by a physician, or physical therapy which is purely palliative, such as the application of heat per se, in any form; massage; routine calisthenics or group exercises; assistance in any activity; use of a simple mechanical device; or other services not requiring the special skill of a qualified physical therapist. Rehabilitation services shall be made available to eligible recipients as an integral part of a comprehensive medical program.

1. When prior authorized, reimbursement to a LTCF may be made for more than one type of therapy service performed on the same day, e.g., physical therapy and speech therapy.

2. Where the same type of therapy is performed more than once on a given day, or the therapy rendered is a different modality within the same type of therapy, reimbursement will be made for one therapy treatment only. All therapy must be provided under direct supervision and in the presence of a qualified therapist or physiatrist.

3. Providers of service:

i. Rehabilitation services shall be provided by qualified therapists employed by or under contract to:

- (1) An approved Home Health Agency; or
- (2) A licensed or accredited general or special hospital;

or

- (3) An approved independent outpatient health facility;

or

- (4) A LTCF.

ii. Reimbursement for rehabilitation services is made to the LTCF and not to the therapist by this program. Prior authorization is required as outlined in paragraph 5 of this subsection.

(1) Outpatient physical therapy and speech therapy services furnished by a Medicare Certified facility to its Medicare eligible inpatients may be billed by the facility to Medicare under part B only when the beneficiary has exhausted his benefits under part A or is otherwise ineligible for Part A benefits. When physical therapy or speech therapy services are furnished under arrangements to combination Medicare/Medicaid patients, these services should be billed to the provider's Part A Intermediary using the form Provider Billing for Medical and Other Health Services SSA-1483 (Exhibit No. 23).

(2) Outpatient physical therapy and special therapy furnished only by a Medicaid LTCF to Medicaid eligible inpatients only may be billed by the facility to the Bureau of Claims and Accounts if prior authorization has been given by the LMAU. The facility must state to the LMAU that it is not a Medicare provider and therefore, no Medicare denial letter is needed.

(3) Medicaid may reimburse Medicare certified facilities through their Part A Intermediary (Blue Cross or Prudential) for the unsatisfied deductible (Medicare Part B) when physical therapy or speech therapy services are performed for patients eligible for both programs.

4. Billing Medicaid following Medicare decline:

i. If the SSA-1483 (Exhibit No. 23) claim for physical therapy or speech therapy is declined by Medicare and you wish to bill Medicaid for these services a request for authorization must be made to the LMAU. When submitting such a request for authorization to the LMAU the facility must attach a copy of the Medicare denial letter. Medicaid will not authorize payment for any therapy claim which was denied by Medicare by reason of "not medically necessary." If authorization is granted by the LMAU the facility shall bill the Bureau of Claims and Accounts in accordance with established procedures, e.g., therapy

charges, MCNH-14 (exhibit No. 5) plus the form Request for Authorization or Reauthorization for Prescribed Rehabilitation Treatment Program, FD-06 (Exhibit No. 1).

ii. When submitting requests for prior authorization of physical therapy or speech therapy to the LMAU on behalf of patients not covered by Medicare benefits, the facility must state that the "patient is not a Medicare beneficiary."

5. Medicaid patients not eligible for Medicare benefits: Prior authorization by the Medical Consultant of the LMAU is required for rehabilitation services. Authorization shall be considered only when the request includes a written prescription by a licensed physician who is the patient's attending physician, substantiating the need, type of therapy, objective of treatment, and an estimate of the number of treatment days. Prescriptions must be definitive as to type and scope. Orders such as "Physical Therapy three times a week" will not be accepted. Prior authorization may be for a period not exceeding 60 days. Subsequent authorizations for periods not exceeding 60 days may be issued by the Medical Consultant of the LMAU when the request is supported by the written prescription of the attending physician, including a statement of the anticipated number of treatments required, and a progress report of the recipient's condition.

6. Procedure regarding the acquisition of prior authorization for prescribed rehabilitation services:

i. All LTCFs requesting prior authorization or rehabilitation services for Medicaid eligible patients receiving care in their facilities will use the Form FD-06 (Exhibit No. 1).

ii. The LTCF will be responsible for the total completion of the "Patient Information" and "Medical Information and Therapy Requested" portions of the form, in triplicate. If the request is for initial authorization of rehabilitation services, it will not be necessary to complete No. 13 on the form. Please note also that if the form is completed by the therapist rather than the attending physician, the latter's prescription must be attached to the request when it is submitted to the LMAU.

iii. Following Medical Consultant review and disposition, the billing and provider copies of the form will be returned to the LTCF by the LMAU. The billing copy is to be submitted to the Bureau of Claims and Accounts along with the MCNH-14 form, (exhibit No. 5) for payment.

7. Therapy charges - billing procedures: Please refer to N.J.A.C. 10:63-1.11(h), Therapy Charges for detailed instructions.

(f) Dental services: It is required that all facilities assist Medicaid eligible patients to obtain dental care through a licensed or consulting dentist who shall provide, or make provision for:

1. Appropriate consulting services;
2. In-service education to the facility;
3. Policies concerning oral hygiene;
4. Routine and emergency services.

(g) Podiatry services: It is required that all facilities assist Medicaid eligible patients to obtain podiatry care through a licensed podiatrist who shall provide, or make provision for:

1. Appropriate consulting services;
2. In-service education to the facility;
3. Policies concerning foot care;
4. Routine and emergency services.

(h) Vision care services: It is required that all facilities assist Medicaid eligible patients to obtain vision care through an ophthalmologist or licensed optometrist who shall provide, or make provision for:

1. Routine and emergency services.

(i) Psychological services: It is required that all facili-

ties assist Medicaid eligible patients to obtain psychological care through a psychiatrist or a licensed psychologist who shall provide, or make provision for:

1. Routine and emergency services.

(j) Chiropractic services: It is required that all facilities assist Medicaid eligible patients to obtain chiropractic care through a licensed chiropractor who shall provide, or make provision for:

1. Routine and emergency services.

(k) When dental, podiatry, vision care, psychological or chiropractic services are ordered, as well as any medical or surgical specialty consultation, such services must be prescribed under the attending physician's signature on the order sheet and on a consultation sheet, indicating the reason for the consultation. In view of patient's rights (see section 9 of this subchapter), if these services were to arise as a result of a patient's request and be consistent with medical necessity, then the attending physician must note knowledge of the request on the order sheet and on the consultation sheet, affixing a signature thereto.

1. Example: "Optometric consultation by Dr. R. L. Smith at patient's request/A. B. Turner, M.D."

10:64-1.2 Eligible dispensers

(a) Reimbursement for hearing aids shall be made only to providers who hold a currently valid license or a temporary valid license from the New Jersey Board of Medical Examiners. Out-of-state hearing aid dispensers may also be reimbursed if they are recognized as providers under the Medicaid program in the state in which they are located.

(b) Reimbursement is limited to hospital out-patient services provided under the direction of a physician, and EPSDT related services mandated for certain individuals under age 21.

These actions, which are scheduled to become effective on February 10, 1981, would allow the Department of Human Services to reduce expenditures up to an estimated \$35.1 million in order to remain within budgetary appropriation.

Copies of the proposed changes are available for public review in each county at the local Medicaid office, except in the counties of Cape May, Salem, Somerset, Warren and Sussex, where said changes can be reviewed at the County Welfare Board Offices.

Written comments must be submitted on or before December 24, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

Any comments submitted are available for public review at:

Division of Medical Assistance
and Health Services
324 East State Street
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Dental Services Manual And Long Term Care Services Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:56-1.8 and -1.12 in the Dental Services Manual and N.J.A.C. 10:63-1.4 and -1.8 in the Long Term Care Services Manual concerning requirements for documentation of dental services.

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

10:56-1.8 Patient records

(a) [Dentists are required to maintain individual patient records which fully disclose the type and extent of services provided to a New Jersey Medicaid Program recipient. These records must be maintained for a minimum of seven years following the last date of service rendered. Such information must be readily available to representatives of the New Jersey Medicaid Program or its agents as required.] **Dentists are required to maintain individual patient records which fully disclose the type and extent of services provided to a New Jersey Medicaid Program recipient detailing all services rendered for each encounter date. Such records must be maintained in the provider's office regardless of the actual place of service (such as dental office, long-term care facility, hospital) for a minimum of seven years following the last date of service rendered. The dentist must also document services in appropriate facility records as required in (b) and (c) below. Such information must be readily available to representatives of the New Jersey Medicaid Program or its agents as required.**

1. The record shall [consist of] **include, but not be limited to the following:**

i. - x. (No change.)

(b) **A complete description of treatment, as noted above, should also be entered into a hospital's clinical records for any patient treated at that facility. These entries must also satisfy that specific hospital's regulations.**

(c) **A dentist who provides services for a long-term care facility patient (regardless of the place of service) must in addition to maintaining his own office records, provide the long-term care facility with an entry for the patient's clinical record that includes the following:**

1. **The results of an examination which will establish an admission record of the patient's dental status.**

i. **If a current examination is required within six months of a previous examination performed by the same provider and billed to Medicaid, the results of the original examination should be entered into the clinical record as the current dental status.**

2. **A time frame, established on an individual basis, for the next periodic examination of the recipient. It is mandatory that this be documented either at the time of examination, or at the completion of treatment. It may be entered on the clinical record for six months, one year, two years, three years, or any other time period that the attending dentist has established per his knowledge of the patient and the patient's dental status.**

3. A record of dental treatment provided at each encounter.

i. A photocopy of the completed and signed Medicaid Dental Services Form (MC-10) for examination and treatment will be accepted in lieu of a separate entry only if treatments (visits and description thereof) that preceded or followed the "dates of service" entered on the Form MC-10 are listed separately on the patient's clinical record.

10:56-1.12(c)3. The dentist who examines a long-term care facility patient must provide the treatment necessary unless the examination indicates that a specialist is needed.

10:63-1.4(f) Dental services: It is required that all facilities assist Medicaid eligible patients to obtain dental care through a [licensed or consulting] dentist [who shall provide or make provision for:] of the patient's choice or the consulting dentist of the facility. In addition, the consulting dentist shall also provide, or make provision for:

1. - 3. (No change.)
4. [Routine and] Emergency services[.];
5. Regular dental care.

i. The dentist who examines a patient must provide the treatment necessary unless the examination indicates that a specialist is needed.

10:63-1.8(b)2. Maintenance of clinical records: (See [subsection] (a)2iv(2) and (6) above [of this section] for records required within 48 hours.)

i. The LTCF shall maintain a separate medical record for each patient admitted with all entries kept current, dated and signed by appropriate personnel. The record includes:

- (1) - (10) (No change.)
- (11) Report of any medically necessary services provided regardless of place of service.
- [(11)] (12) [Dental,] Podiatry, vision care, etc. reports.
- (13) Dental records including:
 - (A) An admission record of the patient's dental status.
 - (B) A time frame for the next examination entered either at the time of examination or at the completion of treatment.
 - (C) A record of dental treatment provided at each encounter. A photocopy of the completed and signed Medicaid Dental Services Form (MC-10) for examination and treatment will be accepted in lieu of a separate entry only if treatments (visits and description thereof) that preceded or followed the "dates of service" entered on the Form MC-10 are listed separately on the patient's clinical record.

[(12)] (14) Nursing records.

[(13)] (15) Social service records including signed documentation that patient's rights were explained.

- [(14)] (16) Patient activities records.
- [(15)] (17) Therapeutic Leave Record.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 24, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Clinic Records: LTC Facilities

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:63-1.8 concerning clinical records in long term care facilities.

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

10:63-1.8(b)1.ii. [That portion of each Medicaid patient's complete clinical record covering the six previous months shall be the minimal portion of the record readily available at the appropriate nurses' station for use of DMAHS professional staff whenever necessary.] The current part of each Medicaid patient's clinical record/chart which must be readily available at the appropriate nurses' station for use by DMAHS professional staff must contain:

- (1) Initial social history;
- (2) Initial nursing history;
- (3) Initial activity assessment and plan;
- (4) Professional clinical and progress notes for a period of one year; and
- (5) Patient care plan and discharge plan for a period of one year.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 24, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Prop. Amend Long Term Care Manual On Three-Year Audit Cycle

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a new rule to be cited as N.J.A.C. 10:63-1.21 concerning the three-year audit cycle.

Full text of the proposed new rule follows.

10:63-1.21 Audit cycle

(a) Any cost study submitted by a Medicaid participating long-term care facility (LTCF) on or after the effective date of this section will be audited within three years of the due date of the cost report or the date it is filed, whichever is later. This requirement shall be satisfied if the on-site audit of the LTCF is initiated within the three-year period and completed within a reasonable time thereafter. If a LTCF audit is not initiated within this

time limit, the appropriate cost study or cost studies shall be excluded from the audit, subject to the conditions set forth in the balance of this subsection and the waiver provisions set forth in (b) below. Exclusion is subject to the following conditions:

1. Failure to initiate a timely audit shall not preclude the Division from collecting overpayments, interest or other penalties if the overpayments are identified by an agency other than the Division.

2. When a timely audit is conducted by the Division and additional overpayments are discovered by another agency, the Division shall not be precluded from collecting such overpayments together with any applicable interest or other penalties.

(b) The Division shall not be precluded from waiving the three-year limitation for good cause, and good cause shall include, but not be limited to, the following circumstances:

1. The overpayments involved in the audit were generated as a result of fraudulent activity by the LTCF or LTCF-related party, whether or not that fraudulent activity has been the subject of a criminal investigation and/or prosecution;

2. The LTCF, its agents or employees have failed to cooperate with the Division in the conduct of its audit;

3. The Division could not have reasonably discovered by audit any evidence of the overpayment within the three-year period;

4. The audit could not be initiated within the three-year period because of delay or cessation of the audit resulting from a request by a law enforcement agency or an administrative agency with jurisdiction over the facility.

1. This provision shall not apply if the LTCF's records are available and no request for delay or cessation of the audit has been made by any of these agencies.

(c) Notice must be given to the LTCF when the three-year requirement is waived together with the reasons for such action. The LTCF may request a hearing on any waiver by the Division to the extent authorized by applicable statutes and regulations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 24, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amend Long Term Care Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:63-3.1 concerning reimbursement to Long Term Care Facilities.

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

10:63-3.1 Timing

(a) Commencing with fiscal years ending with November 30, 1977, LTCF's are to furnish required cost studies to the Department of Health, Health Economics Services within 90 days of the close of each fiscal 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 [to be in effect for one full year] 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 Guidelines.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 24, 1980 to:

Administrative Practice Officer
Division of Medical Assistance and Health Services
P.O. Box 4286
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments to Long Term Care Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to change all reasonableness limits to a level not to exceed 105 percent of medians identified in N.J.A.C. 10:63-3.4 to 10:63-3.14 inclusive, effective on or about February, 1981.

These actions will correct the tendency of the present screens to result in reimbursements which are unreasonably high. For the balance of State Fiscal Year 1981, this change will result in a reduction of 3.5 million dollars in State funds.

Copies of the proposed rules are available for review at the Local Medicaid Offices, except in the counties of Cape May, Somerset, Warren, Sussex and Salem, where said rules may be reviewed at the respective County Welfare Boards.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 24, 1980 to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

Any comments submitted are available for public review at:

Division of Medical Assistance
and Health Services
324 East State Street
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend PAM: Deprivation of Parental Support in AFDC-C

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend N.J.A.C. 10:81-2.7 in the Public Assistance Manual concerning deprivation of parental support in AFDC-C.

Full text of the proposed amendment follows (additions indicated in boldface thus).

10:81-2.7(c)4. If the applicant has been receiving assistance under the AFDC-F or -N segment and incapacity is found not to exist, the CWA will so notify the applicant promptly of the denial of the application as to incapacity. (See N.J.A.C. 10:81-7.1(1).) While the notice will show no grant change as a result of the denial, fair hearing rights nonetheless apply.

(Renumber 4. and 5. as 5. and 6.)

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amend ASH: Addition Of New Members to Family

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend N.J.A.C. 10:82-2.20 in the Assistance Standards Handbook concerning the addition of new members to the family.

Full text of the proposed amendment follows (additions indicated in boldface thus).

10:82-2.20(b) Under certain situations which in the judgment of the county welfare agency, would otherwise result in undue hardship to the eligible unit, an additional payment(s) supplementing the last regular payment shall be issued during the current payment period for any of the following reasons only:

1. Administrative error;
2. Emergency assistance;
3. Immediate and unanticipated reduction of income (for example, loss of employment, contributions from legally responsible relatives, Social Security or other benefits); or
4. A new member added to the eligible unit. An additional payment for this purpose shall be computed as though the new member had been in the eligible unit for

the entire month. (See N.J.A.C. 10:82-2.6 for computation of needs of children temporarily in the home.)

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 24, 1980 to:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

(c)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Medical Information Form

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 9:3-41.1, proposes to adopt a new rule to be cited as N.J.A.C. 10:121-5 concerning a Medical Information Form for utilization so that a complete medical history can be transmitted to a standardized set of forms and given to the prospective adoptive parents.

Full text of the proposed Medical Information Form can be obtained from the person and address below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 24, 1980 to:

Richard Crane, Chief
Bureau of Licensing
Division of Youth and Family Services
1 South Montgomery Street
Trenton, New Jersey 08625

The Division of Youth and Family Services may thereafter adopt the proposed Medical Information Form without further notice.

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Definition of Specialist, Physician's Services Manual

On October 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:40-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:54-1.1 and 10:54-1.19 in the Physician's Services Manual concerning the definition of "specialist" as proposed in the Notice published June 5, 1980 at 12 N.J.R. 319(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

The change referred to above is the amendment of the definition of "specialist" in N.J.A.C. 10:54-1.19(a)5 (Note) to conform to the amended definition for N.J.A.C. 10:54-1.1 (Note) which was originally proposed.

An order adopting this rule was filed October 22, 1980 to become effective on November 3, 1980 as R.1980 d.463.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

GAM: Referral for Medicaid

On October 21, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3, 5.2, and 8.2 of the General Assistance Manual concerning referral for Medicaid as proposed in the Notice published September 4, 1980 at 12 N.J.R. 534(c).

An order adopting this rule was filed October 23, 1980 to become effective on December 1, 1980 as R.1980 d.466.

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmaceutical Services Manual

On October 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:40-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:51 concerning the Pharmaceutical Services Manual as proposed in the Notice published June 5, 1980 at 12 N.J.R. 318(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed October 24, 1980 to become effective on November 1, 1980 as R.1980 d.469.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmaceutical Assistance to Aged (PAA)

On November 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-20 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:51 concerning pharmaceutical assistance to the aged as proposed in the Notice published July 10, 1980 at 12 N.J.R. 410(b) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed October 24, 1980 to become effective on November 1, 1980 as R.1980 d.470.

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmaceutical Services Manual

On October 17, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq.

and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:51 concerning the Pharmaceutical Services Manual (Appendices B and D) as proposed in the Notice published July 10, 1980 at 12 N.J.R. 411(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed October 24, 1980 to become effective on November 1, 1980 as R.1980 d.471.

(e)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Manual: Prior Authorization For Occupational Therapy Services

On October 22, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:63-1.4 in the Long Term Care Manual concerning prior authorization for occupational therapy services as proposed in the Notice published September 4, 1980 at 12 N.J.R. 521(a).

An order adopting this rule was filed and became effective on October 31, 1980 as R.1980 d.477.

(f)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Independent Clinic Manual: Specialist Payments

On October 30, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:66-1.2 in the Independent Clinic Manual concerning payment for "specialists" as proposed in the Notice published October 9, 1980 at 12 N.J.R. 583(a).

An order adopting this rule was filed October 31, 1980 to become effective on November 3, 1980 as R.1980 d.478.

(g)

HUMAN SERVICES

DIVISION OF MENTAL HEALTH AND HOSPITALS

Community Mental Health Services

On October 30, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:9A-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:37 concerning rules and regulations governing community mental health services as proposed in the Notice published October 9, 1980 at 12 N.J.R. 580(a).

An order adopting this rule was filed and became effective on November 3, 1980 as R.1980 d.479.

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It includes all rules adopted from receipt of the last individual transmittals, as indicated, through November 10, 1980.

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8:19	Newborn hearing screening program	R.1980 d.173	12 N.J.R. 273(d)
8:21-1.13	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
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8:21-1.31, 1.32	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
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8:31B-3.48	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:31B-4	Amend hospital financial elements and reporting regulations	R.1980 d.453	12 N.J.R. 645(a)
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8:34-1.29, 1.30	Administrative experience regarding nursing home administrators	R.1980 d.170	12 N.J.R. 273(a)
8:37	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:37-4.4(a)	Administrators and intermediate care facilities	R.1980 d.363	12 N.J.R. 518(a)
8:37-4.5	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39	Amend effective date	R.1980 d.257	12 N.J.R. 406(a)
8:39-1.1	Amend definition of ancillary nursing personnel	R.1980 d.171	12 N.J.R. 273(b)
8:39-1.1, 1.11	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39-1.13(h)	Administrators, long term care facilities	R.1980 d.365	12 N.J.R. 518(c)
8:39-1.15, 1.25	Amendments to Manual of Standards for Licensure of Long-Term Care Facilities	R.1980 d.258	12 N.J.R. 406(b)
8:42-1.8, 2.1, 2.8	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:42-3	Amend expiration date of standards, alcohol abuse residential and inpatient treatment facilities	R.1980 d.272	12 N.J.R. 407(b)
8:43-1.1	Definition of boarding home	R.1980 d.366	12 N.J.R. 518(d)
8:43-1.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43-4.1(a)	Amendments to standards for licensure of new boarding homes for sheltered care	R.1980 d.172	12 N.J.R. 273(c)
8:43-4.6, 9.2	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43A-1.72	Amend expiration date of standards	R.1980 d.273	12 N.J.R. 407(c)
8:43A-3.1, 9.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-5.1	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-15.1, 16.1, 17.4	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43F-1.1, 3.7	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:50	Repeal rules on local boards of health and personnel	R.1980 d.402	12 N.J.R. 578(d)
8:51	Amend local board of health standards	R.1980 d.321	12 N.J.R. 467(f)
8:51-1.2(a)	Amend local board of health	R.1980 d.319	12 N.J.R. 467(d)
8:65-5.4	Amend maintenance of records and inventories	R.1980 d.360	12 N.J.R. 517(a)
8:65-10.1	Amend controlled dangerous substances	R.1980 d.322	12 N.J.R. 467(g)
8:65-10.2	Amend controlled dangerous substances	R.1980 d.323	12 N.J.R. 468(a)
8:65-10.4	Amend controlled dangerous substances	R.1980 d.327	12 N.J.R. 468(b)
8:65-10.8	Amend exempt chemical preparations	R.1980 d.180	12 N.J.R. 316(b)
8:65-11.7	Use of Dextropropoxyphene in narcotic treatment	R.1980 d.328	12 N.J.R. 468(c)
8:71	Deletions to list of interchangeable drug products	R.1980 d.254	12 N.J.R. 394(c)
8:71	Amend list of interchangeable drug products	R.1980 d.255	12 N.J.R. 405(a)
8:71	Additions to the list of interchangeable drug products	R.1980 d.263	12 N.J.R. 406(c)
8:71	Amend interchangeable drug products	R.1980 d.454	12 N.J.R. 645(b)

(Title 8, Transmittal 13 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

HIGHER EDUCATION — TITLE 9

9:5-1.1, 1.2, 1.3, 1.4	Resident/non-resident tuition charges at public colleges and universities	R.1980 d.428	12 N.J.R. 661(a)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R.1980 d.461	12 N.J.R. 661(b)
9:7-4.1	Amend Garden State scholarship eligibility requirements	R.1980 d.212	12 N.J.R. 317(b)
9:7-4.4, -6	Graduate fellowships	R.1980 d.462	12 N.J.R. 694(d)
9:7-6	Tuition Benefit Program	R.1980 d.324	12 N.J.R. 469(b)
9:9-5.2	Amend Graduate Insured Loan procedures and policies	R.1980 d.339	12 N.J.R. 520(a)
9:9-5.4	Amend Graduate Insured Loan	R.1980 d.339	12 N.J.R. 520(a)
9:16-1	Physician/dentist Loan Advisory Committee	R.1980 d.309	12 N.J.R. 469(a)

(Title 9, Transmittal 14 dated March 20, 1980 includes all rules through May 8, 1980 N.J. Register.)

HUMAN SERVICES — TITLE 10

10:37	Amend community mental health services	R.1980 d.479	12 N.J.R. 704(g)
10:44B	Standards on regulating adult foster homes, skill development homes and supervised apartments	R.1980 d.157	12 N.J.R. 278(e)
10:49-1.3	Amend disclosure of information	R.1980 d.90	12 N.J.R. 193(b)
10:49-1.12	Amend medical assistance claims	R.1980 d.278	12 N.J.R. 481(a)
10:49-1.18, 1.23	Amend nondiscrimination of handicapped recipients	R.1980 d.247	12 N.J.R. 418(d)
10:49-5.5	Amend fair hearing	R.1980 d.33	12 N.J.R. 86(f)
10:49-7.1	Provider reinstatement	R.1980 d.378	12 N.J.R. 599(a)
10:50-1.2—1.4, 2.2, 2.5, 2.6	Amend transportation services	R.1980 d.93	12 N.J.R. 193(e)
10:51	Amend Pharmaceutical Services Manual	R.1980 d.469	12 N.J.R. 704(b)
10:51	Amend Pharmaceutical Assistance to Aged	R.1980 d.470	12 N.J.R. 704(c)
10:51-App.B,D	Amend Pharmaceutical Services Manual	R.1980 d.471	12 N.J.R. 704(d)
10:52-1.6	Amend outpatient hospital services	R.1980 d.313	12 N.J.R. 483(c)
10:52-1.6(c)	Amend out-patient hospital services	R.1980 d.45	12 N.J.R. 125(c)
10:52-1.6(c)	Reimbursement for outpatient hospital services	R.1980 d.337	12 N.J.R. 536(a)
10:52-1.7, 1.13	Amend Hospital Services Manual	R.1980 d.139	12 N.J.R. 278(a)
10:52-1.16	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:52-1.16	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:52-2.12	Assessment of interest on overpayments	R.1980 d.47	12 N.J.R. 126(a)
10:53-1.6	Special Hospital Services Manual	R.1980 d.392	12 N.J.R. 600(c)
10:53-1.14	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:53-1.14	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:53-2.17	Assessment of interest on overpayments	R.1980 d.217	12 N.J.R. 323(c)
10:54-1.1	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.5(b)	Amend Physician's Services Manual	R.1980 d.138	12 N.J.R. 277(c)
10:54-1.9	Amend Physicians Services Manual	R.1980 d.91	12 N.J.R. 193(c)
10:54-1.19	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.23	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:54-1.23	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:55-1.5(b)3.	Amend Prosthetic and Orthotic Services Manual	R.1980 d.89	12 N.J.R. 193(a)
10:58	Repeal of Independent Clinic Services Manual	R.1980 d.351	12 N.J.R. 536(d)
10:60-2.5	Assessment of interest on overpayments	R.1980 d.46	12 N.J.R. 125(d)
10:63-1.4	Amend consultations in Long Term Care Manual	R.1980 d.340	12 N.J.R. 536(c)
10:63-1.4	Amend LTCM: Prior authorization for occupational therapy services	R.1980 d.477	12 N.J.R. 704(e)
10:63-1.14	Nurses' notes in long term care facilities	R.1980 d.393	12 N.J.R. 600(d)
10:63-3	Amend longterm care facilities rate review guidelines	R.1979 d.482	12 N.J.R. 42(b)
10:63-3.1	Amend penalties for delinquent cost studies	R.1980 d.211	12 N.J.R. 323(b)
10:63-3.5	Amend long-term care manual rate review guidelines	R.1980 d.42	12 N.J.R. 125(b)
10:63-3.18, 3.19	Long term care rate review guidelines	R.1980 d.377	12 N.J.R. 586(d)
10:63-3.21	Long-term care per diem rates	R.1980 d.341	12 N.J.R. 536(b)
10:66	Amend Independent Clinic Manual	R.1980 d.249	12 N.J.R. 418(f)
10:66-1.2	Amend Independent Clinic Manual: Specialist payments	R.1980 d.478	12 N.J.R. 704(f)
10:66-1.15	Amend changes of reimbursement for independent clinics	R.1980 d.248	12 N.J.R. 418(e)
10:66-4.18	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:67-1.8	Amend Psychologists Service Manual regarding prior authorization	R.1980 d.137	12 N.J.R. 277(b)
10:81-2.7	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.2, 3.3	Amend determination of presumptive eligibility	R.1980 d.77	12 N.J.R. 126(b)
10:81-3.8	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.17	Amend ways by which continued absence from the home may be established	R.1980 d.222	12 N.J.R. 324(a)

10:81-3.21	Amend residence requirement and support rights	R.1980 d.119	12 N.J.R. 194(d)
10:81-3.27	Amend documentation in AFDC transfers	R.1980 d.330	12 N.J.R. 483(f)
10:81-3.27, 3.28	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-3.32, 3.33, 3.34	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.37, 3.38	Amend PAM: Identification of resources	R.1980 d.450	12 N.J.R. 664(b)
10:81-3.38	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.38, 3.40	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.41(a)	Amend recovery of assistance granted on behalf of a child pending settlement of a claim	R.1980 d.80	12 N.J.R. 126(e)
10:81-3.42	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-7.1	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-7.13	Amend retention and destruction of case records	R.1980 d.81	12 N.J.R. 127(a)
10:81-7.22, 7.26	Amend payment of burial and funeral costs	R.1980 d.244	12 N.J.R. 518(a)
10:81-7.32	Amend subpoena notification	R.1980 d.329	12 N.J.R. 483(e)
10:81-8.20	Amend exemption of an institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:81-App.D.	Amend residence requirements and assignment of support rights	R.1980 d.119	12 N.J.R. 194(d)
10:82-1.2	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-1.4	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-1.6	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.3	Amend grant effective date	R.1980 d.331	12 N.J.R. 484(a)
10:82-2.6	Amend institutionalized child, homemaker service, travel expenses and emergency assistance	R.1980 d.28	12 N.J.R. 86(c)
10:82-2.9	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.13	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.14	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-2.14(f)	Amend the determination of monthly income of AFDC clients employed on a contractual basis	R.1980 d.82	12 N.J.R. 127(b)
10:82-2.20	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-3.1	Repeal ASH: Rules on resources	R.1980 d.451	12 N.J.R. 664(c)
10:82-3.2	Inclusion of burial plots as exempt resource	R.1980 d.383	12 N.J.R. 599(b)
10:82-3.2	Amend ASH: Savings	R.1980 d.442	12 N.J.R. 663(d)
10:82-3.7	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-4.6	Disregard of certain allowances and payments in AFDC	R.1980 d.384	12 N.J.R. 599(c)
10:82-4.9	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-4.9(c)	Amend increase in monthly rates for foster care as established by DYFS	R.1980 d.83	12 N.J.R. 127(c)
10:82-4.13	Contributions of support by legally responsible relative	R.1980 d.389	12 N.J.R. 600(a)
10:82-5.4, 5.5	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10(d)	Amend emergency assistance and victims of domestic violence	R.1980 d.166	12 N.J.R. 278(f)
10:85	Amend forms and references to forms in the general assistance program	R.1980 d.11	12 N.J.R. 86(a)
10:85-3.1, 3.2	Amend general assistance procedures for persons released from State psychiatric institutions	R.1980 d.116	12 N.J.R. 194(a)
10:85-3.2	Amendments on fair hearings and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-3.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-3.2	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.2	Amend application on behalf of a critically ill or hospitalized client by an authorized agent	R.1980 d.152	12 N.J.R. 278(b)
10:85-3.2	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-3.2	Amend out-of-State individuals entering New Jersey medical facilities	R.1980 d.245	12 N.J.R. 418(b)
10:85-3.2	Amend GAM	R.1980 d.252	12 N.J.R. 419(a)
10:85-3.3	Allowance schedule	R.1980 d.310	12 N.J.R. 483(a)
10:85-3.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.3	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.3	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-3.3	Amend GAM: "Immediate need"	R.1980 d.486	12 N.J.R. 724(a)
10:85-3.3(c)	Amend determination of monthly income for persons employed on a contractual basis	R.1980 d.84	12 N.J.R. 127(d)
10:85-3.3(g)	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-3.4	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.4	Amend GAM: Savings	R.1980 d.452	12 N.J.R. 664(d)

10:85-3.5	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.5	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.6	GAM: Overpayments and underpayments	R.1980 d.391	12 N.J.R. 600(b)
10:85-4.6(b)	Amend emergency assistance and victims of domestic violence	R.1980 d.167	12 N.J.R. 279(a)
10:85-4.8	Amend payment of burial and funeral costs	R.1980 d.436	12 N.J.R. 663(c)
10:85-5.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-5.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-5.2, 5.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-5.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-5.3, 5.4	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-5.3, 5.5	Amendments on medical payments	R.1979 d.495	12 N.J.R. 43(a)
10:85-5.8, 5.9	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-6.3	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-6.8	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-7.1—7.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-7.3	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-7.6	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-8.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-10	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-App. C	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-App. C	Amend GAM: Income and allowance standards	R.1980 d.295	12 N.J.R. 482(a)
10:87-2.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-2.21, 2.29	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-3.18(b)	Amend criteria for student exemption from work registration	R.1980 d.30	12 N.J.R. 86(e)
10:87-3.18, 4.7	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-4.8	Amend exclusion of resources	R.1980 d.220	12 N.J.R. 323(d)
10:87-5.8	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-5.10	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-5.10	FSM: Shelter cost deductions	R.1980 d.387	12 N.J.R. 599(e)
10:87-6.9, 6.11 6.13, 6.15	Amend Food Stamp Manual	R.1980 d.459	12 N.J.R. 40(c)
10:87-6.16	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-7.18, 9.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-9.7	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-10	Amend Food Stamp Manual	R.1980 d.121	12 N.J.R. 195(a)
10:87-10.1	Amend retention period for source documents	R.1980 d.117	12 N.J.R. 194(b)
10:87-11.15, 11.20	Amend Food Stamp Manual	R.1979 d.422	12 N.J.R. 559(d)
10:87-12	Amend Tables in Food Stamp Manual	R.1979 d.477	12 N.J.R. 42(a)
10:87-12	Amend Food Stamp allotment and income	R.1980 d.296	12 N.J.R. 482(b)
10:87-12.1	Amend income deduction table	R.1980 d.154	12 N.J.R. 278(d)
10:87-12.1	Emergency amend FSM: Standard utility allowance	R.1980 d.418	12 N.J.R. 663(b)
10:89	Emerg. Home Energy Assistance	R.1980 d.497	12 N.J.R. 724(b)
10:90	Repeal Handbook for Home Services	R.1980 d.208	12 N.J.R. 323(a)
10:94-4.33	Amendments concerning Medicaid Only income eligibility levels	R.1980 d.223	12 N.J.R. 324(b)
10:94-5.8	Amend living allowance deductions	R.1980 d.187	12 N.J.R. 322(b)
10:94-5.8	Amend exemption of institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:94-5.8(a)	Amendments concerning living allowance deductions	R.1980 d.27	12 N.J.R. 86(b)
10:99	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:100-1.23	Amend SSI payments	R.1980 d.221	12 N.J.R. 323(e)
10:100-3.5, 3.6, 3.7	Amend payment of burial and funeral costs	R.1980 d.246	12 N.J.R. 418(c)
10:102	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:104-1.19	Pre-adoption home studies in cases of foreign born children	R.1979 d.457	12 N.J.R. 40(b)
10:105	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:107	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:108	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:109-App.I, II	Salary increases for county welfare agencies' employees	R.1980 d.386	12 N.J.R. 599(d)
10:120- Foreword	Amend DYFS administrative foreword	R.1980 d.308	12 N.J.R. 482(c)
10:122	Amend child care standards	R.1980 d.314	12 N.J.R. 483(d)
10:122A	Recodify AFDC Foster Care	R.1980 d.314	12 N.J.R. 483(d)
10:122B	Recodify Family Day Care	R.1980 d.314	12 N.J.R. 483(d)
10:123-2	Boarding homes	R.1980 d.371	12 N.J.R. 586(c)
10:123-3	Adopt personal needs allowance	R.1980 d.358	12 N.J.R. 536(e)
10:130	Dependent/neglected children's shelters	R.1980 d.446	12 N.J.R. 664(a)

(Title 10, Transmittal 13 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

CORRECTIONS — TITLE 10A

10A:32	Manual of standards for juvenile detention facilities	R.1980 d.14	12 N.J.R. 87(b)
10A:33	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:35	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:70-1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-1.11	Temporary postponements of certain provision of Parole Act of 1979	R.1980 d.174	12 N.J.R. 335(a)
10A:70-1.11	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-8.1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71-3	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-3.3, 3.4, 3.19	Amended Rules of State Parole Board	R.1980 d.226	12 N.J.R. 335(b)
10A:71-3.20—3.28	Amend State Parole Board rules	R.1980 d.488	12 N.J.R. 724(c)
10A:71-7.15	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-7.16	Amend State Parole Board rules	R.1980 d.226	12 N.J.R. 335(b)
10A:71-7.18	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)

(Title 10A, Transmittal 4 dated Nov. 13, 1979 includes all rules through Jan. 10, 1980 N.J. Register.)

INSURANCE — TITLE 11

11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-16	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-17.6, 17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-18	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-21	Life insurance policies—limited death benefit as alternative to underwriting	R.1980 d.265	12 N.J.R. 423(c)
11:5-1.15	Amend real estate business cards	R.1980 d.279	12 N.J.R. 494(d)
11:5-1.15(1)	Amend advertising	R.1980 d.52	12 N.J.R. 128(a)
11:5-1.15(m)	Amend advertising	R.1980 d.213	12 N.J.R. 343(a)
11:5-1.16	Amend listing agreements and contracts of sale	R.1980 d.408	12 N.J.R. 665(c)
11:5-1.16	Emergency amend contracts of sale and listing agreements	R.1980 d.409	12 N.J.R. 665(d)
11:5-1.16(c)	Amend advertising	R.1980 d.51	12 N.J.R. 127(e)
11:5-1.16(c)	Amend listing agreements and contracts	R.1980 d.214	12 N.J.R. 342(d)
11:5-1.16(c)	Amend contracts of sale and listing agreements	R.1980 d.274	12 N.J.R. 423(d)
11:5-1.28	Amend approved schools requirements	R.1980 d.441	12 N.J.R. 665(e)
11:5-1.32	Amend rental location operations	R.1980 d.447	12 N.J.R. 666(a)

(Title 11, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(c)
12:17-10	Refund of unemployment benefits	R.1980 d.468	12 N.J.R. 724(e)
12:35	Assignment of employable general assistance recipients to worksites	R.1980 d.162	12 N.J.R. 280(b)
12:57	Amend wage orders for minors	R.1980 d.431	12 N.J.R. 666(d)
12:56	Amend Wage and Hour Law	R.1980 d.430	12 N.J.R. 666(c)
12:58	Amend child labor rules	R.1980 d.432	12 N.J.R. 666(e)
12:60	Emergency amend prevailing wage rate determination	R.1980 d.410	12 N.J.R. 666(b)
12:105	Arbitration	R.1980 d.397	12 N.J.R. 605(a)
12:200	Amend liquefied petroleum gases	R.1980 d.143	12 N.J.R. 280(a)
12:235-1.5	Amend benefit rates	R.1980 d.357	12 N.J.R. 543(d)

(Title 12, Transmittal 12 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-4, -40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-20, -23, -24	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-26.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-33, 36	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:19-10.3	Amend driver improvement school fees	R.1980 d.494	12 N.J.R. 727(a)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:21-2.3	Amend motor licensing statutory interpretation	R.1980 d.495	12 N.J.R. 727(b)
13:21-4.1	Amend statements of origin	R.1980 d.112	12 N.J.R. 209(c)
13:21-8.2	Amend driver proof of identity and date of birth	R.1980 d.493	12 N.J.R. 726(e)

13:21-14	Amend bus drivers	R.1980 d.114	12 N.J.R. 209(e)
13:21-20	Motor home title certificates	R.1980 d.474	12 N.J.R. 726(b)
13:22	Amend motor vehicle race tracks	R.1980 d.464	12 N.J.R. 726(a)
13:24-4.1	Amend emergency vehicle equipment	R.1980 d.485	12 N.J.R. 726(c)
13:25-8.5	Amend motorized bicycles	R.1980 d.113	12 N.J.R. 209(d)
13:28-1.54	Amend beauty culture notice requirements	R.1980 d.94	12 N.J.R. 208(b)
13:28-1.56	Beauty shop price posting	R.1980 d.229	12 N.J.R. 433(b)
13:28-2.6	Amend names of schools	R.1980 d.261	12 N.J.R. 434(c)
13:28-2.11	Amend non-English speaking student enrollment	R.1980 d.109	12 N.J.R. 209(a)
13:28-2.24	Amend student standards and requirements	R.1980 d.262	12 N.J.R. 434(d)
13:28-2.24	Repeal of part of rule exempting male beauty students from performing manicuring and facial work	R.1980 d.228	12 N.J.R. 433(a)
13:28-2.33	Amend beauty culture curriculum	R.1980 d.94	12 N.J.R. 208(b)
13:29-3.13	Repeal competitive bidding for services	R.1980 d.429	12 N.J.R. 672(c)
13:30-8.3	Amend general anesthesia rules	R.1980 d.423	12 N.J.R. 672(b)
13:30-8.4	Announcements of practice in special area of dentistry	R.1980 d.368	12 N.J.R. 609(a)
13:30-8.8	Amend emergency dental patient records	R.1980 d.457	12 N.J.R. 672(f)
13:33-1.11, 1.12 1.15, 1.16	Amend licensure requirements	R.1980 d.201	12 N.J.R. 348(c)
13:35-1.4	Amend approval of colleges of chiropractic	R.1980 d.492	12 N.J.R. 726(d)
13:35-6.16	Uses of amphetamines and sympathonimetic amines	R.1980 d.380	12 N.J.R. 609(c)
13:35-6.16(a)	Uses of amphetamines and sympathonimetic amines	R.1980 d.379	12 N.J.R. 609(b)
13:35-6.18	Provision of radiological services	R.1980 d.344	12 N.J.R. 551(b)
13:37-3.6, 4.1	Amend rules on foreign nurses and licensure by endorsement	R.1980 d.416	12 N.J.R. 671(a)
13:38-2.2	Amend examination equipment	R.1980 d.202	12 N.J.R. 348(d)
13:39-5.7, 5.11, 5.15	Amend reciprocal licensure	R.1980 d.259	12 N.J.R. 434(a)
13:39-6.9	Availability of records	R.1980 d.260	12 N.J.R. 434(b)
13:40-6.1	Repeal engineers' and surveyors' fee for transmittal of grades or certification	R.1980 d.417	12 N.J.R. 671(b)
13:41-1.2, 1.3	Amend rules governing use of seals	R.1980 d.445	12 N.J.R. 672(e)
13:41-3.2	Annual license fees and charges	R.1980 d.179	12 N.J.R. 348(a)
13:45A-9	Amend merchandise advertising	R.1980 d.200	12 N.J.R. 348(b)
13:45A-14.4, 14.5	Amend unit pricing of consumer commodities in retail establishments	R.1980 d.444	12 N.J.R. 672(d)
13:45A-16	Home improvement practices	R.1980 d.111	12 N.J.R. 209(b)
13:47A-25.3	Amend disclosure of material terms to wire services	R.1980 d.155	12 N.J.R. 284(a)
13:47C-1.1, 3.1	Amend firewood and cordwood rules	R.1980 d.421	12 N.J.R. 672(a)
13:47C-5	Precious metals sales	R.1980 d.420	12 N.J.R. 671(c)
13:70-12	Amend claiming requirements	R.1980 d.95	12 N.J.R. 208(c)
13:70-29.56	Pick-Six pool	R.1980 d.286	12 N.J.R. 494(a)

(Title 13, Transmittal 15 dated February 15, 1980 includes all rules through March 6, 1980 N.J. Register.)

PUBLIC UTILITIES — TITLE 14

ENERGY — TITLE 14A

14:3-7.9	Amend utility bill form	R.1980 d.299	12 N.J.R. 495(d)
14:3-7.9(b)	Estimated bills for residential customers	R.1980 d.44	12 N.J.R. 156(d)
14A:3-2.2, 2.11	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-4.2, 4.4	Repeal gas burning ignition	R.1980 d.280	12 N.J.R. 494(c)
14A:3-8.2, 8.4, 9.2, 9.3, 9.4	Amend energy conservation	R.1980 d.281	12 N.J.R. 495(a)
14A:3-10	Energy conservation certificate of compliance	R.1980 d.282	12 N.J.R. 495(b)
14A:3-11	Used oil	R.1980 d.283	12 N.J.R. 495(c)

(Title 14, Transmittal 13 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

(Title 14A, Transmittal 5 dated January 17, 1980 includes all rules through July 10, 1980 N.J. Register.)

STATE — TITLE 15

15:15-10	Amend Administrative hearings	R.1980 d.275	12 N.J.R. 362(a)
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(Title 15, Transmittal 11 dated May 17, 1979 includes all rules through June 5, 1980 N.J. Register.)

PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978 includes all rules to date.)

TRANSPORTATION — TITLE 16

16:19	Repeal Traffic Operations Program to Increase Capacity and Safety	R.1980 d.415	12 N.J.R. 675(c)
16:21	State aid to counties and municipalities	R.1980 d.127	12 N.J.R. 215(a)
16:22	Urban revitalization, special demonstration and emergency projects	R.1980 d.333	12 N.J.R. 553(b)
16:28-1.3	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28-1.11	Speed limits: Terrill Road	R.1980 d.145	12 N.J.R. 289(c)
16:28-1.72, 1.77	Speed zones on Routes U.S. 206, N.J. 29	R.1980 d.346	12 N.J.R. 553(d)
16:28-1.81	Speed zones on Route N.J. 49	R.1980 d.346	12 N.J.R. 553(d)
16:28A-1.2	Amend restricted parking on U.S. Routes 1 and 9	R.1980 d.413	12 N.J.R. 675(a)
16:28A-1.7	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:28A-1.9	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.19	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.19, 1.20	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.21	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.21	Restricted parking: Route 30	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.22	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.22, 1.25	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.26	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.26	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.29	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.32, 1.33	Amend restricted parking	R.1980 d.291	12 N.J.R. 496(c)
16:28A-1.33	Emerg. amend restricted parking on Route 47	R.1980 d.414	12 N.J.R. 675(b)
16:28A-1.33	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.34	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.35	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.46, 1.51	Restricted parking: Routes 130, 168	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.55	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.61	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.61	Restricted parking: Route 41	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61—1.63	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:30-3.1(c)	Amend lane usage on Route 35	R.1980 d.342	12 N.J.R. 553(c)
16:30-5.1	Amend traffic and parking at Metro Park Train Station	R.1980 d.128	12 N.J.R. 289(b)
16:31-1.4, 1.7	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31-1.15	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)

(Title 16, Transmittal 13 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

TREASURY-GENERAL — TITLE 17

17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-4.13	Amend pension cash purchase discounts	R.1980 d.302	12 N.J.R. 497(d)
17:1-8.3	Emergency rule on Social Security referendum	R.1980 d.467	12 N.J.R. 728(b)
17:1-8.7, 8.8, 8.12	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-11.9	Repeal dental insurance coverage for covered dependents	R.1980 d.487	12 N.J.R. 729(a)
17:3-1.4	Amend teachers' pension member-trustee election	R.1980 d.405	12 N.J.R. 678(a)
17:3-3.4	Amend contributory insurance rate of contribution	R.1980 d.175	12 N.J.R. 354(a)
17:4-1.8, 1.11 3.3, 4.10, 6.7, 6.8, 6.12, 6.14	Amend Police and Firemen's Retirement System	R.1980 d.135	12 N.J.R. 290(a)
17:5-1.7	Amend State Police Retirement System	R.1980 d.209	12 N.J.R. 355(d)
17:5-5.7, 5.8	Amend State Police Retirement	R.1980 d.209	12 N.J.R. 355(d)
17:8-2.10, 2.11	Repeal Supplemental Annuity reports and remittances	R.1980 d.419	12 N.J.R. 678(b)
17:9-2.15	Amend major medical reimbursement	R.1980 d.300	12 N.J.R. 497(b)
17:12-1.1, 2.4, 2.5, 2.7, 2.8, 3.3	Amend administrative procedures of Purchase Bureau	R.1980 d.142	12 N.J.R. 293(a)
17:12-7.2(a)	Amendments concerning debarment, suspension and disqualification of a person	R.1980 d.141	12 N.J.R. 292(a)
17:16-5.5	Amend fund classification	R.1980 d.315	12 N.J.R. 497(e)
17:16-31.7— 31.12	Amend common Treasury Fund A	R.1980 d.235	12 N.J.R. 436(a)
17:16-41	Amend Cash Management Fund	R.1980 d.443	12 N.J.R. 679(a)
17:20-5.10	Emergency amend agent's compensation	R.1980 d.460	12 N.J.R. 681(a)
17:21-1.4	3-Of-A-Kind Instant Lottery	R.1980 d.372	12 N.J.R. 619(b)
17:21-8.1	Emergency amend unclaimed prize money	R.1980 d.459	12 N.J.R. 680(b)
17:21-12.1, 13.1	Emergency amend Pick-It and Pick-4 Lotteries	R.1980 d.458	12 N.J.R. 680(a)
17:21-15	Pick-6 (Lotto) Lottery	R.1980 d.136	12 N.J.R. 290(b)
17:21-15	Emergency amend Pick-6 (Lotto) lottery	R.1980 d.496	12 N.J.R. 730(a)

(Title 17, Transmittal 14 dated March 20, 1980 includes all rules through April 10, 1980 N.J. Register.)

TREASURY-TAXATION — TITLE 18

18:5-6	Amend Cigarette Tax Act	R.1980 d.194	12 N.J.R. 354(b)
18:7-3.6	Amend Corporation Business Tax Act and method of company tax and net income base	R.1980 d.146	12 N.J.R. 293(b)
18:12-1.1	Amend categories of nonusable deed transactions	R.1980 d.62	12 N.J.R. 162(a)
18:12-6, -6A	Amend home improvement exemptions	R.1980 d.253	12 N.J.R. 436(b)
18:12-6A.6	Adoption on home improvement exemption	R.1980 d.335	12 N.J.R. 554(c)
18:12-9	Moratorium on taxation of mobile homes as real property	R.1980 d.147	12 N.J.R. 293(c)
18:12A	Amend county boards of taxation	R.1980 d.490	12 N.J.R. 731(a)
18:12A-1.7(c)	Amend filing fees and county boards of taxation	R.1980 d.148	12 N.J.R. 293(d)
18:18-12.5	Amend the Motor Fuels Tax Act	R.1980 d.195	12 N.J.R. 354(c)
18:24-7.18	Amend sales and use tax; commercial motor vehicles	R.1980 d.197	12 N.J.R. 355(a)
18:24-7.19	Taxation of mobile homes	R.1980 d.149	12 N.J.R. 293(e)
18:24-14.3	Deletion of part of rule on hospital sales of meals	R.1980 d.196	12 N.J.R. 354(d)
18:24-15.2, 15.3, 15.6	Amend Sales and Use Tax Act	R.1980 d.489	12 N.J.R. 729(b)
18:24-16.1, 16.2 16.5-16.7	Amend coin-operated vending machines and appropriate sales tax	R.1980 d.150	12 N.J.R. 293(f)
18:24-22.1, 22.3	Amend floor covering and the Sales and Use Tax Act	R.1980 d.102	12 N.J.R. 224(d)
18:25	Emergency rules on Atlantic City Luxury Tax	R.1980 d.437	12 N.J.R. 678(c)
18:26	Amend transfer inheritance tax	R.1980 d.198	12 N.J.R. 355(b)
18:26-3.10, 5.14, 5.15	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:26-8.9, 9.14, 10.5, 11.15, 12.9	Amend transfer inheritance	R.1980 d.287	12 N.J.R. 497(a)
18:37	Spill Compensation and Control Act	R.1980 d.199	12 N.J.R. 355(c)
18:37	Emergency amend spill compensation and control tax	R.1980 d.484	12 N.J.R. 728(c)

(Title 18, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

TITLE 19 SUBTITLES A-L — OTHER AGENCIES (Except Casino Control Commission)

19:4-6.28	Amend district zoning regulations	R.1980 d.43	12 N.J.R. 164(a)
19:8-2.11	Amend concerning Garden State Arts Center	R.1980 d.189	12 N.J.R. 355(e)
19:8-7.3(b)	Amendments concerning inspection and obtaining authority records regarding State Police reports	R.1980 d.131	12 N.J.R. 294(a)
19:8-8	Special permits for oversize vehicles	R.1980 d.476	12 N.J.R. 732(c)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-8	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(b)
19:25-16	Amend public financing of primary election for Governor	R.1980 d.491	12 N.J.R. 732(b)
19:25-19.1-19.6	Interim public financing of gubernatorial primary elections	R.1980 d.411	12 N.J.R. 681(b)

(Title 19, Transmittal 14 dated January 17, 1980 includes all rules through February 7, 1980 N.J. Register.)

TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

19:41-8.6	Amend withdrawal of applications	R.1980 d.159	12 N.J.R. 295(a)
19:41-8.8	Reapplication by natural persons	R.1980 d.160	12 N.J.R. 295(b)
19:41-9	Amend license fees	R.1980 d.483	12 N.J.R. 732(a)
19:45-1.11	Amend casino licensee's organization	R.1980 d.232	12 N.J.R. 447(c)
19:47	Amend rules of the games	R.1980 d.132	12 N.J.R. 294(c)
19:47	Corrected version of amendments to rules of the games	R.1980 d.186	12 N.J.R. 357(a)
19:47-5.7(d)	Amend minimum wagers on Big-Six Wheel	R.1980 d.133	12 N.J.R. 294(d)
19:54	Amendments concerning the gross revenue tax	R.1980 d.134	12 N.J.R. 294(e)

(Title 19 Subtitle K, Transmittal 1 dated January 17, 1980 includes all rules through April 10, 1980 N.J. Register.)

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(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

GAM: Defining "Immediate Need"

On October 31, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.3 concerning the definition of "immediate need" as proposed in the Notice published September 4, 1980 at 12 N.J.R. 534(b).

An order adopting this rule was filed November 5, 1980 to become effective on December 1, 1980 as R.1980 d.486.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Emergency New Rules on Home Energy Assistance

On November 10, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency new rules to be cited as N.J.A.C. 10:89 concerning the Home Energy Assistance Handbook.

An order adopting this rule was filed and became effective on November 10, 1980 as R.1980 d.497 (Exempt, Emergency Rule).

(c)

CORRECTIONS

PAROLE BOARD

State Parole Board Rules

On October 28, 1980, the State Parole Board, pursuant to authority of N.J.S.A. 30:4-123.48 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10A:71-3.20 through 3.28 concerning the Parole Board rules for juveniles as proposed in the Notice published September 4, 1980 at 12 N.J.R. 537(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.488.

(d)

INSURANCE

THE COMMISSIONER

List of Municipalities Requiring Insurance Companies to Pay Unpaid Liens

On October 23, 1980, James J. Sheeran, Commissioner

of Insurance, pursuant to authority of P.L. 1978, c. 184, as amended by P.L. 1979 c. 369, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the filed list follows.

The Borough of Red Bank 07701 (Monmouth County)	September 9, 1980
The Township of Princeton 08540 (Mercer County)	September 25, 1980
The Borough of South Plainfield 07080 (Middlesex County)	September 26, 1980
The Township of Maurice River 08332 (Cumberland County)	September 26, 1980
The Township of Byram 07860 (Sussex County)	October 9, 1980

This list was filed on October 23, 1980, as R.1980 d.465. Such list is not subject to codification, but will appear in Title 11 for informational purposes.

(e)

LABOR AND INDUSTRY

THE COMMISSIONER

Determination and Demand for Refund of Unemployment Benefits

On October 23, 1980, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 12:17-10 concerning the determination and demand for refund of unemployment benefits as proposed in the Notice published July 10, 1980 at 12 N.J.R. 426(a).

An order adopting this rule was filed and became effective on October 23, 1980 as R.1980 d.468.

(f)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amend Transportation Of Bulk Commodities

Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5E-1 et seq. proposes to amend N.J.A.C. 13:26-1.2 and 3.11 concerning transportation of bulk commodities.

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

13:26-1.2 Definitions

...
"Identification plate" means the plate issued to common

or contract carriers pursuant to N.J.S.A. 39:5E-19 and N.J.A.C. 13:26-3.11(a).

"Registered carrier" means a common or contract carrier to which operating authority has been granted under the "Bulk Commodities Transportation Act".

13:26-3.11 Vehicle identification and authorization

(a) [The Director shall issue proper and sufficient identification for each motor vehicle power unit operated under authority of the Director.]

Identification plates issued by the Director shall be displayed on a conspicuous location upon the front of the motor vehicle power unit not less than 12 inches nor more than 48 inches from the ground in a horizontal position.

(b) [Permanent vehicle identification and authorization rules are:

1. A metal identification plate issued by the Director shall be attached on a conspicuous location upon the front of the power unit and shall remain upon the vehicle for which issued until the vehicle is removed from service or sold.

i. Identification plates shall expire on March 31 of each year;

ii. Loss or destruction of a plate shall be reported to the Director;

iii. Plates shall be renewed annually at the statutory fee of \$10.00.

2. An identification card shall be issued annually for each power unit. Said card shall be in the possession of the driver when the vehicle is being operated upon any highway in this State and shall be exhibited upon demand to any person authorized to enforce the provisions of N.J.S.A. 39:5E-1 et seq.

3. An identification decal shall be issued annually for each power unit as evidence of the renewal of the identification plate. Said decal shall be securely affixed on the outside of the driver's door.

4. Identification plates, decals and identification cards issued by the Director shall be returned to the Division of Motor Vehicles upon termination, suspension or revocation of operating authority.

5. Upon the removal from service or sale of a bulk hauler vehicle, the permanent plates, decals and identification cards shall be removed from the vehicle and the Division shall be notified of such discontinued use. The permanent plates may be transferred for the unexpired term upon the hauler's surrender of the vehicle identification card of the Division and application for transfer of the plate.]

A motor vehicle power unit displaying an identification plate issued pursuant to (a) above shall be properly registered in New Jersey in accordance with N.J.S.A. 39:3-20 and display New Jersey registration plates.

(c) [Temporary Vehicle Identification and Authorization rules are:

1. Temporary Vehicle Authorization and Identification plates, decals and cards may be issued to bulk haulers holding operating authority to be used on vehicles employed:

i. As temporary replacement vehicles for inoperable equipment;

ii. As temporary supplemental vehicles used to meet the excessive demands of a carrier's authority;

iii. As temporary identification and authorization of permanently acquired supplemental vehicles (pending receipt of permanent identification and authorization).

2. Temporary identification plates shall be affixed in the same manner and shall be subject to the same provisions

as apply to permanent plates set forth at N.J.A.C. 13:26-3.11(a)1.

3. Temporary identification cards shall be marked "temporary" and shall be in the possession of the driver when the vehicle is being operated upon any highway in this State and shall be exhibited upon demand to any person authorized to enforce the provisions of N.J.S.A. 39:5E-1 et seq.

4. Temporary identification decals shall be issued for each power unit as evidence of validity of the identification plate. Said decal shall be temporarily taped to the driver's door window and shall be visible from the exterior of the vehicle.

5. Temporary Authorization and Vehicle Identification plates, decals and cards shall not be used for a period exceeding 30 days on any one vehicle employed pursuant to the provisions of section (b)1 of this section and shall be removed when the vehicle is removed from service. Carriers shall obtain permanent identification and authorization on vehicles to be used for a period exceeding 30 days. No bulk hauler shall be issued more than five temporary identification plates, decals or cards.

6. Holders of temporary vehicle identification and authorization under this section shall maintain accurate records, at the principal New Jersey office of said carrier, concerning the use of all temporary vehicle identification and authorization. Said records shall indicate the identity of the vehicles using temporary identification and authorization; the date said vehicle was first placed in use, and the date said vehicle was withdrawn from use.]

Identification plates shall be issued annually and shall expire on March 31 of each year.

(d) [Emergency-Temporary Identification and Authorization rules are:

1. Where a bulk hauler holding operating authority requires immediate authorization of an additional vehicle added to his fleet, the Director may issue emergency authorization in letter or telegraphic form upon application of the carrier by telephone or otherwise and upon payment of the vehicle identification plate fee. Such authorization and identification shall be valid for a period not greater than 15 days and shall authorize said vehicle to transport bulk commodities under the bulk hauler authority held by the applicant. Written authorization of emergency authority issued by this Division shall be in the possession of the driver when the vehicle is being operated upon any highway in this State and shall be exhibited upon demand to any person authorized to enforce the provisions of N.J.S.A. 39:5E-1 et seq.]

Identification plates shall be renewed at the statutory fee of \$10.00.

(e) Loss or destruction of identification plates shall be reported to the Director within seven calendar days.

(f) A registered carrier may display an identification plate on any motor vehicle power unit owned, leased or controlled by it, provided that said motor vehicle is operated in the performance of the registered carrier's operating authority.

(g) Identification certificates shall be issued annually by the Director to common or contract carriers renewing identification plates issued pursuant to (a) above.

(h) Original identification certificates shall be kept on file at the carrier's principal place of business in New Jersey. Photocopies of the carrier's identification certificate shall be in the possession of the driver when the vehicle is being operated upon any highway in this State and shall be exhibited upon demand to any person authorized to enforce the provisions of N.J.S.A. 39:5E-1 et seq.

(i) Identification certificates shall contain:

1. The carrier's name;
2. The address of the carrier's principal place of business in New Jersey;
3. The carrier's operating authority number;
4. The type of operating authority;
5. The carrier's routes;
6. Vehicle classifications;
7. Cargo classifications; and
8. Identification plate number series assigned to the carrier.

(j) Identification plates and certificates shall be surrendered to the Director upon termination, suspension or revocation of operating authority.

(k) Vehicles operating under temporary authority pursuant to N.J.S.A. 39:5E-16 may be operated without identification plates, provided that the drivers of said vehicles have in their possession and exhibit upon demand to any person authorized to enforce the provisions of N.J.S.A. 39:5E-1 et seq. official documentation issued by the Director in letter or telegraphic form as evidence of the granting of temporary authority.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 26, 1980 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Motor Vehicle Race Tracks

On September 11, 1980, Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:7-14 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:22 concerning motor vehicle race tracks as proposed in the Notice published May 8, 1980 at 12 N.J.R. 282(a).

An order adopting this rule was filed and became effective on October 22, 1980 as R.1980 d.464.

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Motor Home Title Certificates

On October 15, 1980, Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-4 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 13:21-20 concerning motor home title certificates as proposed in the Notice published July 10, 1980 at 12 N.J.R. 428(a).

An order adopting this rule was filed and became effective on October 30, 1980 as R.1980 d.474.

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Emergency Vehicle Equipment

On October 20, 1980, Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-43 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:24-4.1 concerning emergency vehicle equipment as proposed in the Notice published August 7, 1980 at 12 N.J.R. 490(b).

An order adopting this rule was filed and became effective on November 5, 1980 as R.1980 d.485.

(d)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

Approval of Colleges of Chiropractic

On August 13, 1980, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and 45:9-41.6 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-1.4 concerning approval of colleges of chiropractic as proposed in the Notice published July 10, 1980 at 12 N.J.R. 431(a).

An order adopting this rule was filed November 6, 1980 to become effective on November 6, 1983 as R.1980 d.492.

(e)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Driver Proof of Identity and Date of Birth

On September 11, 1980, Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10 and 39:3-11.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:21-8.2 concerning proof of identity and date of birth as proposed in the Notice published May 8, 1980 at 12 N.J.R. 281(a).

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.493.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Driver Improvement School Fees

On October 20, 1980, Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30.4 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:19-10.3 concerning driver improvement school fees as proposed in the Notice published September 4, 1980 at 12 N.J.R. 544(a).

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.494.

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Statutory Language Interpretation

On September 14, 1980, Joan H. Wiskowski, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:2-3 and 3-13 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:21-2.3 concerning statutory language interpretation as proposed in the Notice published February 7, 1980 at 12 N.J.R. 87(c).

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.495.

(c)

TRANSPORTATION

THE COMMISSIONER

**Proposed Rules on
"No Trespassing" Zones**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 et seq. proposes to adopt new rules to be cited as N.J.A.C. 16:30-8 concerning "No Trespassing" zones.

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

CHAPTER 28

MISCELLANEOUS TRAFFIC RULES

...

SUBCHAPTER 8. NO TRESPASSING ZONES

16:28-8.1 Route I-78

(a) The parts of Route I-78 described in 1 below are "No Trespassing" zones with operating hours for public safety during hours designated, and in accordance with the provisions of N.J.S.A. 39:4-198, permission is hereby granted to erect appropriate signs.

1. No trespassing along the Scenic Overlook area on

Route I-78 (westbound) at milepost 31.2 from 10:00 P.M. to 8:00 A.M. daily.

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before December 24, 1980 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The New Jersey Department of Transportation may thereafter adopt these regulations substantially as proposed without further notice.

(d)

TRANSPORTATION

THE COMMISSIONER

**Restricted Parking and Speed
Zones on State Highways**

On October 30, 1980, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 16:28-1.3 concerning speed zones along Morris Avenue Westbound by deleting the current text and substituting new text therefore, and amended various regulations concerning restricted parking along State highway Routes 49, 42, 47, 28, 31 and U.S. 202 as proposed in the Notice published October 9, 1980 at 12 N.J.R. 613(a).

An order adopting this rule was filed and became effective on October 31, 1980 as R.1980 d.475.

(e)

TREASURY

DIVISION OF PENSIONS

Proposed Repeal Director's Responsibility

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 70, Public Law 1955, proposes to repeal N.J.A.C. 17:1-8.1 concerning the responsibility of the Director.

Full text of the proposed repeal follows (deletions indicated in brackets [thus]).

17:1-8.1 [Director's responsibility] (Reserved)

[(a) Under terms of N.J.S.A. 43:22-1 et seq., the State Treasurer is designated as the "State Agency for Social Security".

(b) The responsibility for administering the work of the State Agency is that of the Director of the Division of Pensions.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 24, 1980 to:

William J. Joseph, Director
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Division of Pensions may thereafter adopt rules concerning this subject without further notice.

(a)

TREASURY

POLICE AND FIREMEN'S RETIREMENT SYSTEM BOARD OF TRUSTEES

Proposed Amend Enrollment Date

The Board of Trustees of the Police and Firemen's Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16A-13 et seq., proposes to amend N.J.A.C. 17:4-2.6 concerning enrollment dates.

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

17:4-2.6 Enrollment date

(a) An employee who is [permanently] appointed to a permanent position from a civil service list shall be considered as [beginning his service] having begun his eligibility for enrollment on the date of his regular appointment, and the compulsory enrollment date shall be fixed as the first of the month following [the completion of the equivalent of a working test period of four months.] a four-month period from such appointment.

(b) An employee in the unclassified service shall be considered as beginning service on the date of his original appointment and the compulsory enrollment date shall be fixed as of the first of the month following the completion of the [equivalent of a working test period of] employee's initial four months[.] of employment.

(c) The [permanent] regular appointment of an employee appointed by a local employer not covered by civil service shall constitute the date the employee originally accepted employment in a regular budgeted position. The date of compulsory enrollment shall be the first of the month following the completion of the [equivalent of a working test period of] employee's initial four months[.] of employment.

(d) (No change.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 24, 1980 to:

Anthony P. Ferrazza, Secretary
Police and Firemen's Retirement System
Board of Trustees
Division of Pensions
169 West Hanover Street
Trenton, New Jersey 08625

The Board of Trustees of the Police and Firemen's Retirement System may thereafter adopt rules concerning this subject without further notice.

(b)

TREASURY

DIVISION OF PENSIONS

Emergency Rule on Social Security Referendum

On October 20, 1980, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury,

pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 17:1-8.3 concerning the referendum on the issue of Social Security coverage for certain public employees.

Full text of the emergency adoption follows.

17:1-8.3 [Reserved] Social Security referendum

(a) As the provisions of P.L. 1956, c. 169, contemplate the termination of an entire pension fund and the transfer of its assets, liabilities and membership to the Public Employees' Retirement System upon a successful referendum on the issue of social security coverage by a majority vote, when the referendum involves the use of a divided system approach in accordance with the provisions of P.L. 1980, c. 86, all of the provisions of P.L. 1956, c. 169, shall apply except on a pro rata basis.

(b) Unless the pension fund is terminated in its entirety, the pensions and other benefits granted shall be continued by the pension fund. As the pension fund is not terminated in whole, the actuary shall calculate the liability of each employer only for persons becoming members of the Public Employees' Retirement System, taking into account the pro rata value of assets and liabilities which are transferred to the Public Employees' Retirement System.

(c) As the use of a divided system approach may not result in the termination of the pension fund, the members of the pension fund who are already covered by social security and who are not eligible to vote in the referendum shall also be permitted to enroll in the Public Employees' Retirement System on the same optional basis and to the same extent and with the same limitations as those who voted in favor of social security coverage.

An order adopting this rule was filed and became effective on October 23, 1980 as R.1980 d.467 (Exempt, Emergency Rule).

(c)

TREASURY

DIVISION OF TAXATION

Emergency Amend Spill Compensation and Control Tax

On November 3, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 50:10-23.11 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 18:37 concerning the spill compensation and control tax.

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

18:37-1.1(f) Effective on and after April 1, 1980, for purposes of [subsection] (a) above [of this section], in the case of the transfer of hazardous substances other than petroleum, [which are in mixtures containing any precious metal or metals, the tax shall be based on the predominant hazardous substance of the mixture. Precious metals means gold, silver, platinum, palladium, iridium, rhodium and ruthenium.] or petroleum products which are or contain any precious metals to be recycled, refined, or rerefinned in this State, or which are transferred into

this State subsequent to being recycled, refined or rerefined such precious metals shall mean gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium and copper.

18:37-2.1(b) In the event of a major discharge or series of discharges of petroleum or petroleum products resulting in claims against the Spill Compensation Fund which exceed the existing balance of the fund, a tax rate of \$0.04 per barrel on transfers of petroleum or petroleum products shall be levied until the [balance in the Spill Compensation Fund equals 150 percent of the pending claims against the fund.] revenue produced by such increased rate equals 150 percent of the total dollar amount of all pending reasonable claims resulting from the discharge of petroleum or petroleum products. The tax rate as herein set forth may be less than \$0.04 per barrel transferred if, as provided by the Spill Compensation Law, the revenue produced by such lower rate shall be sufficient to pay outstanding claims against the fund within one year of such levy.

18:37-2.2(a)2. On transfers occurring on and after April 1, 1980, but prior to November 1, 1980, the greater of \$0.01 per barrel or 0.4 percent of the fair market value of the hazardous substance provided, however, that with respect to transfers of hazardous substances other than petroleum or petroleum products which are [in mixtures containing any precious metal or metals, the tax shall be the greater of \$0.01 per barrel or 0.4 percent of the fair market value of the predominant hazardous substance in the mixture] or contain any precious metals to be recycled, refined, or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined, or rerefined, the tax shall be \$0.01 per barrel of the hazardous substance; or

3. On transfers occurring on or after November 1, 1980, the greater of \$0.04 per barrel or 0.8 percent of the fair market value of the hazardous substance provided, however, that with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined, or rerefined, the tax shall be \$0.04 per barrel of the hazardous substance. The tax rates specified herein were adopted pursuant to the determination of the Administrator of the Spill Compensation Fund that the condition stated for a tax increase in (c) below existed as of October 17, 1980.

(b) (No change.)

(c) In the event of a major discharge or series of discharges of hazardous substances other than petroleum or petroleum products resulting in claims against the Spill Compensation Fund which exceed the existing balance of the fund, a tax rate of the greater of \$0.04 per barrel transferred, or 0.8 percent of the fair market value of such hazardous substance shall be levied until the [balance in the Spill Compensation Fund equals 150 percent of the pending claims against the fund.] revenue produced by such increased rate equals 150 percent of the total dollar amount of all pending reasonable claims resulting from the discharge of hazardous substances other than petroleum or petroleum products; provided, however, that with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined, or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined, or rerefined, the tax bill shall be \$0.04 per barrel of the hazardous substances. The tax rate as herein set forth may be less than \$0.04 per barrel transferred or 0.08 percent of the fair market

value of such hazardous substance if, as provided by the Spill Compensation Law, the revenue produced by such lower rate shall be sufficient to pay outstanding claims against the fund within one year of such levy.

(d) If under the Spill Compensation Law it is determined:

1. (No change.)

2. That the sum of the claims paid by the fund on behalf of discharges or removals of hazardous substances other than petroleum plus pending, reasonable claims against the fund on behalf of discharges of hazardous substances other than petroleum is equal to or greater than 70 percent of all claims paid by the fund plus all pending, reasonable claims against the fund, the State Treasurer may order the Director of the Division of Taxation to levy the tax on all hazardous substances other than petroleum at a specified rate greater than \$0.01 per barrel or 0.4 percent of the fair market value of the product, [which ever is greater, but in no event to exceed the greater of \$0.04 per barrel or 0.6 percent of the fair market value of the product.] as the case may be, but in no event to exceed \$0.04 per barrel with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined or rerefined, or the greater of \$0.04 per barrel or 0.6 percent of the fair market value of the product with respect to transfers of any other hazardous substances other than petroleum or petroleum products. However, such levy of tax shall not preclude the imposition of the tax at the higher rate set forth under [subsection (c) of this section] (c) above.

An order adopting this rule was filed and became effective on November 3, 1980 as R.1980 d.484 (Exempt, Emergency Rule).

(a)

TREASURY

DIVISION OF PENSIONS

Repeal Dental Insurance Coverage for Covered Dependents

On October 30, 1980, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 70, Public Law 1955 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 17:1-11.9 concerning dental insurance coverage for covered dependents as proposed in the Notice published October 9, 1980 at 12 N.J.R. 614(a).

An order adopting this rule was filed and became effective on November 5, 1980 as R.1980 d.487.

(b)

TREASURY

DIVISION OF TAXATION

Sales and Use Tax Act

On November 6, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with the applicable provisions of the Admin-

Administrative Procedure Act, adopted amendments to N.J.A.C. 18:24-15.2, 15.3 and 15.6 concerning the Sales and Use Tax Act as proposed in the Notice published October 9, 1980 at 12 N.J.R. 619(a).

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.489.

(a)

TREASURY

STATE LOTTERY COMMISSION

Emergency Amend Pick-6 (Lotto) Lottery

On November 6, 1980, Gloria A. Decker, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 17:21-15 concerning the Pick-6 (Lotto) lottery.

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

17:21-15.6(b) The amount of money in the prize pool shall be divided among the winners in accordance with a pari-mutuel formula so that 6/6 winners will equally share [five] 42 percent of the total prize pool, 5/6 winners will equally share [10] 15 percent of the total prize pool, 4/6 winners will equally share 40 percent of the total prize pool. [Forty-two (42) percent of the total prize pool will be allotted for prizes in the 3/6 category, with the prizes in this category being fixed at \$5.00 per \$1.00 bet.] The remaining three percent shall be allotted to the awarding of prizes for the five digit bonus number. Bonus prize winners shall gain eligibility to a Grand Prize Drawing and shall receive a guaranteed minimum prize of \$250.

(c) - (e) (No change.)

(f) The amount of breakage (amount received as a result of rounding down to \$1.00) will be set aside in a separate reserve fund which will be used to augment [the 3/6 prize pool whenever fixed prize liabilities exceed prize allocation dollars] the bonus prize pool.

[(g) Any amounts in the Bonus Pool (three percent of total prize pool in excess of the amounts required to hold grand prize bonus drawings, may be used to cover prize liabilities in the 3/6 fixed prize portion of the pool.)]

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

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

**EXAMPLE 6/36 LOTTO GAME
BASIC PRIZE PAYOUT CALCULATION BY PERCENTAGE⁽¹⁾**

No. of Winning Numbers in Customer's Selection	Probability of Winning	Distribution of the Payout Pool (%)	Distribution of \$1,000,000 Weekly Payout Pool in \$	Avg. No. of Winning Selections per week	Avg. No. of Winning Selections per year	Avg. Prize Amt. in \$ per Customer Selection 2
6/6	1 out of 1,947,792	[5.0] 42.0	[50,000] 420,000	1.03	53.56	[48,543.00] 407,767.00
5/6	1 out of 10,821	[10.0] 15.0	[100,000] 150,000	185	9,620	[540.00] 810.00
4/6	1 out of 298	40.0	400,000	6,700	348,400	59.00
[3/6]	[1 out of] [24]	[42.0]	[420,000]	[83,333]	[4,333,316]	[5.00] [(Fixed)]
Bonus	1 out of 100,000	3.0	30,000 ⁽⁴⁾	20 ⁽⁵⁾	1,040 ⁽⁵⁾ 12 ⁽⁶⁾	250.00 100,000.00

(1) Based on 2,000,000 selections, [\$2.0 million] \$2,000,000 net sales, and a 50 percent distribution of the sales to the payout pool per week; or 104 million selections, \$104 million net sales per year.

(2) Dollar breakage assumed.

(3) If no top winner is selected in a drawing, the entire prize is added to succeeding 6/6 pools, with no maximum.

(4) Plus breakage from other prize classes.

(5) Weekly winners.

(6) [Special Bonus winners (chosen from eligible group of weekly bonus prize winners).] Chosen from an eligible group of weekly bonus prize winners; with 4.33 weeks per month, an average of 108,250 would be available each month for the special bonus prize pool.

SAMPLE LIABILITIES CALCULATION

(based on assumptions in example)

Total Pool — State Takeout (50%)	=	Payout Distribution Pool (PDP) =
\$2,000,000 — \$1,000,000	=	\$1,000,000
Bonus Pool (A)	=	3% of the PDP
	=	\$30,000
6/6 Pool	=	[5% of the PDP] 42% of the PDP
	=	[\$50,000] \$420,000
5/6 Pool	=	[10% of the PDP] 15% of the PDP
	=	[\$100,000] \$150,000
4/6 Pool	=	40% of the PDP
	=	\$400,000

[3/6 Pool	=	42% of the PDF
	=	\$420,000]
6/6 Price	=	6/6 Pool divided by # 6/6 winners
	=	[\$50,000] \$420,000 divided by [*] = [\$50,000] \$420,000
Breakage 6/6	=	[\$50,000 — \$50,000] =[\$0]
	=	\$420,000 — \$420,000 = \$0
5/6 Price	=	5/6 Pool divided by # 5/6 Winners
	=	[\$100,000] \$150,000 divided by 185 =[\$540] \$810
Breakage 5/6	=	5/6 Pool — 5/6 Liability (185 x [540] 810)
	=	[\$100,000 — 99,900 = \$100]
	=	\$150,000 — \$149,850 = \$150
4/6 Price	=	4/6 Pool divided by No. 4/6 Winners
	=	\$400,000 divided by [6700] 6711 = \$59
Breakage 4/6	=	4/6 Pool — 4/6 Liability (6700 x \$59)
	=	\$400,000 — 395,300 = \$4,700
[Interim] Bonus Reserve Pool	=	Previous Reserve Pool
	=	+ sum of 6/6, 5/6, 4/6 Breakage
	=	0 + [\$100] \$150 + \$4,700 = [\$4,800] \$4,850
[3/6 Price	=	fixed at \$5.00
3/6 Liability	=	\$416,665 (83,333 Winners x \$5)
3/6 Pool - 3/6 Liability	=	\$420,000 — \$416,665
	=	\$3,335 excess to Reserve Pool
Automatic transfer from State Takeout to cover 3/6 Liability	=	\$0 (See Note A below)
New Reserve Pool	=	Interim Reserve Pool
	=	+ (3/6 Pool — 3/6 Liability)
	=	\$4,800 + \$3,335 = \$8,135]
Bonus Pool (A)	=	\$30,000
[Bonus Pool (B)	=	Excess of Reserve Pool Over \$20,000]
Weekly Bonus Prize	=	Fixed at \$250.00
Weekly Bonus Prize Liability	=	\$5,000 (20 winners x \$250)
Bonus Pool [(C)] (B)	=	Automatic transfer of breakage funds [from] to bonus
	=	Reserve Pool to cover Weekly Bonus Prize Liability
	=	[\$0] \$4,850
Total Bonus Pool	=	Bonus Pools (A) + (B) [+ (C)]
	=	\$30,000 + [\$0 + \$0] \$4,850
Remainder of Bonus Pool transferred to state for Special Bonus Prizes	=	Total Bonus Pool + Breakage
	=	— Weekly Bonus Prize Liability
	=	\$30,000 + \$4,850 — \$5,000 = [\$29,850] \$29,850

[Note A:

* If 3/6 Liability is less than 3/6 Pool, then the difference goes into the Reserve Pool.

* If 3/6 Liability exceeds 3/6 Pool, the difference is drawn from the Reserve Pool.

* In the event that the Reserve Pool does not cover the

3/6 Liability, the Lottery must add money to the Reserve Pool until it can be re-established.]

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.496.

(a)

TREASURY

DIVISION OF TAXATION

County Boards of Taxation

On November 6, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:12A concerning county boards of taxation as proposed in the Notice published October 9, 1980 at 12 N.J.R. 614(c) but with inconsequential structural or language changes in the opinion of the Department.

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

18:12A-1.3(1) The assessor shall maintain predetermined

and specific hours during which time he or a member of his staff will be available to the general public. Thereafter, at the request of a taxpayer or any member of the public, the assessor shall within five working days thereof, meet, by personal appointment, with said taxpayer or member of the public or their representatives.

1. The assessor shall furnish his respective County Tax Administrator with a schedule of these hours together with the fact of his availability for appointment, and also have the same posted in a municipal building in a conspicuous place on or before January 25 of each year.

2. The County Tax Administrator shall summarize these schedules and furnish the Director of the Division of Taxation with this summary on or before February 1 of each year.

3. It should be noted that these hours are not to be construed to be the full working period for the assessor, but it is intended to assure that the assessor or a member of his staff will be available to the general public during predetermined and specific hours.

4. Nothing herein shall be construed to supersede any

agreement between the assessor and the municipality with regard to hours of work.

18:12A-1.6(e) Petitioner who alleges discrimination, except where discrimination is claimed pursuant to P.L. 1973, c. 123, as amended, and uses [the assessments and/or] comparable sales on other properties as comparisons must affix a schedule to the petition of appeal and to the copy of said petition, giving the name of the owner, block and lot number, assessed valuation as shown in the current tax list and sales price. This rule may be waived in individual cases at the discretion of the board.

18:12A-1.11 [Stenographic services] Record of proceedings [In any hearing before the board, the board or presiding commissioner, upon request of either party, shall designate a certified shorthand reporter to transcribe the proceedings. Such request for a reporter must be made to the board in writing not less than three days before the date set for the hearing, but any party may make his own arrangements for the presence of a certified shorthand reporter. All such certified shorthand reporter services shall be furnished at the expense of the requesting party.] The board may record all proceedings before it involving tax appeals, and, if recorded, shall furnish a transcript of the record of any appeal to any party to that appeal upon request, and upon payment of a reasonable fee to be fixed by the board.

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.490.

(a)

CASINO CONTROL COMMISSION

Amend License Fees

On November 3, 1980, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:41-9 concerning fees as proposed in the Notice published April 10, 1980 at 12 N.J.R. 228(a) but with inconsequential structural or language changes in the opinion of the Commission.

This adoption does not include proposed material cited as N.J.A.C. 19:41-9.1(d), 19:41-9.4(f), and 19:41-9.19(b), concerning the gross receipts tax, the adoption of which is still pending.

An order adopting this rule was filed and became effective on November 3, 1980 as R.1980 d.483.

(b)

ELECTION LAW ENFORCEMENT COMMISSION

Public Financing of Primary Election for Office of Governor

On November 5, 1980, Sidney Goldmann, Chairman of the New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 and 38 and in accordance with the applicable provisions of the Adminis-

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trative Procedure Act, adopted amendments to N.J.A.C. 19:25-16 concerning public financing of the primary election for the Office of Governor as proposed in the Notice published October 9, 1980 at 12 N.J.R. 621(a) but with inconsequential structural or language changes and subsequent substantive changes not detrimental to the public in the opinion of the Commission.

An order adopting this rule was filed and became effective on November 6, 1980 as R.1980 d.491.

(c)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Special Permits for Oversize Vehicles

On October 30, 1980, F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 19:8-8 concerning special permits for oversize vehicles as proposed in the Notice published October 9, 1980 at 12 N.J.R. 619(c).

An order adopting this rule was filed and became effective on October 31, 1980 as R.1980 d.476.