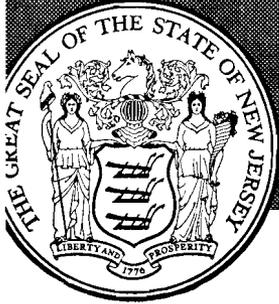


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director,
Office of Administrative Law

G. Duncan Fletcher, Assistant Director for
Administrative Publications and Filings

Norman Olsson, Editor

Richard Dana Krebs, Rules Analyst

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ALL RULES APPEARING IN THIS REGISTER WERE PROPOSED PRIOR TO MARCH 11, 1981.

(a)

LEGISLATURE

Joint Rules of the Legislature Concerning The Administrative Procedure Act

The following Joint Rules of the Senate and General Assembly have been adopted by the Legislature in implementation of P.L. 1981, c. 27. In light of their special nature and their unavailability in any other generally published source, these Joint Rules are being published in the Register.

Full text of the joint rules follows.

SENATE CONCURRENT RESOLUTION No. 3018

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1981
By Senators ORECHIO, PARKER and ZANE
(Without Reference)

A Concurrent Resolution establishing Joint Rules of the Senate and General Assembly concerning procedures for the implementation of P.L. 1981, c. 27 (C. 52:14B-4.1 et seq.) and creating a Joint Legislative Oversight Committee and prescribing its membership and procedures for its operation.

Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

1. The Joint Rules of the Senate and General Assembly are supplemented by sections 2 through 12 of this concurrent resolution.

2. For the purposes of P.L. 1981, c. 27 (C. 52:14B-4.1 et seq.), a proposed rule by a State agency shall be accepted by the Senate and General Assembly when the proposed rule has been accepted by the Director of the Office of Administrative Law for publication in the New Jersey Register in accordance with the Administrative Procedure Act, P.L. 1968, c. 410 (C. 52:14B-1 et seq.). A proposed rule shall be submitted by delivery of two copies to the Office of the President of the Senate and two copies to the Office of the Speaker of the General Assembly on

a day when their respective Houses are meeting, or on any other business day, during a regular or special session of the Legislature. The President and the Speaker shall cause a list of proposed rules submitted and the dates of their submission to be entered on the Senate Journal and the Minutes of the General Assembly, respectively.

3. Upon receipt of a proposed rule, the President and the Speaker shall immediately refer it to an appropriate standing reference committee in their respective Houses. Within 45 days, including the day of referral, of the date on which it is referred to committee, a standing reference committee may report its approval or disapproval of the proposed rule or its recommendation that the effective date of the proposed rule be further delayed. The rules of the respective Houses governing standing reference committee operations with respect to notices and open meetings shall be applicable to standing reference committee consideration of a proposed rule. The report of the committee shall be transmitted to the Office of the President or the Office of the Speaker on a day when the House is meeting, or on any other business day, and the report shall be entered on the Senate Journal or the Minutes of the General Assembly, as appropriate.

4. The Senate and General Assembly may approve or disapprove, in whole or in part, a proposed rule, or further delay the effective date of a proposed rule for 60 days after they so resolve, by the adoption of a concurrent resolution to that effect within 60 days of the date the proposed rule is submitted. The 60-day review period provided for in P.L. 1981, c. 27 shall begin to run on the day after a proposed rule is submitted to both Houses or to the second House if it is submitted on different days. A proposed rule which is not disapproved or for which the effective date is not further delayed is deemed effective. The 60-day period of further delay in the effective date of a proposed rule shall begin to run on the day after the date the resolution is adopted. During this period, the Senate and General Assembly may approve or disapprove, in whole or in part, a proposed rule by adoption of a concurrent resolution to that effect. A House may not act on a proposed rule until after 1 calendar day from the date of the standing reference committee's report.

5. With respect to an emergency rule adopted without

NEW JERSEY REGISTER

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

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legislative review because of an imminent peril to the public health, safety or welfare, there shall be submitted two copies to the Office of the President and two copies to the Office of the Speaker of a written notice of the nature of the imminent peril and the reason for the adoption of the rule which shall include a copy of the rule and the Governor's written concurrence that an imminent peril exists. The notice may be submitted on any business day. The President and the Speaker shall forward copies of the notice to an appropriate standing reference committee in their respective Houses. The Legislature may extend the effective period for an emergency rule for not more than 60 additional days by adoption of a concurrent resolution to that effect.

6. There is created a joint committee of the Legislature to be known as the Joint Legislative Oversight Committee. The committee shall consist of 10 members, five members of the Senate appointed by the President and five members of the General Assembly appointed by the Speaker. A member may be removed from the committee at any time by the appointing officer. The joint committee shall choose a chairman and a vice chairman from among its members.

7. The committee may adopt rules for its own operation and the conduct of its business, provided the rules are not inconsistent with these joint rules or P.L. 1981, c. 27.

8. The chairman shall cause 6 days' notice of the time, place and agenda of each committee meeting to be given to the members of the Legislature and the public. No matter shall be considered at a committee meeting unless it is listed on the agenda for the meeting and the required notice has been given for it, except upon special order by the President and the Speaker.

9. Meetings of the committee at which official action is to be taken shall be open to the public. The committee may convene in closed or executive session, upon the majority vote of its authorized membership at an open meeting, for the purpose of discussing any matter before the committee or for meeting with or taking the testimony of any person, but all matters shall be fully discussed and considered and all official actions shall be taken in public session.

10. The committee shall have the powers and duties prescribed in P.L. 1981, c. 27. The committee, by a majority vote of its authorized membership, may report its recommendation for suspension of a rule to the President and the Speaker, who may refer the report to a standing reference committee or the House.

11. The Senate and General Assembly may suspend for 60 days a rule proposed and adopted after the effective date of P.L. 1981, c. 27 by adoption of a concurrent resolution to that effect, after 1 calendar day from the date of the committee's report. The 60-day period of suspension shall begin to run on the day after the resolution is adopted.

12. A vote by the Senate and General Assembly on a concurrent resolution on any action authorized by these joint rules or P.L. 1981, c. 27 shall be a recorded vote.

13. The Secretary and the Clerk shall include the provisions of sections 2 through 12 of this concurrent resolution as part of the joint rules in the rules of their respective Houses and shall number them so as to make their numbering consistent with that for the joint rules previously adopted.

STATEMENT

The purpose of this resolution is expressed in its title.

(a)

OFFICE OF ADMINISTRATIVE LAW

Emergency Amendments of Rules For Agency Rulemaking

Proposed Amendments of Rules For Agency Rulemaking

Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14B-7(g) and 52:14F-5f, adopted emergency amendments to N.J.A.C. 15:15 concerning rules for agency rulemaking and recodified it as N.J.A.C. 1:30, effective March 11, 1981. Concurrently these same rules are proposed for readoption on a non-emergent basis.

These amendments replace the proposal announced in 13 N.J.R. 54, February 5, 1981. Substantial revision of that proposal was required by the enactment of Senate Bill 1560, P.L. 1981, c.27, on February 9, 1981, to be effective on March 11, 1981. The new law significantly amended and supplemented the Administrative Procedure Act (APA) (N.J.S.A. 52:14B-1 et seq).

The new law (see the statement to Senate Bill 1560) and these amendments were inspired by:

1. the critical analysis of the Administrative Procedure Act and the Division of Administrative Procedure contained in the 1977 report, *Eye on the Executive*, issued by the Legislative Oversight Committee of the General Assembly;

2. changes in the Administrative Procedure Act and in the enforcement mechanisms brought about by P.L. 1978, c. 67;

3. a recently issued recommendation on rule-making requirements by the National Conference of Commissioners on Uniform State Laws.

Over the last 45 years, administrative rulemaking has become a major governmental activity. Where, once, occasional rules were promulgated to aid in the implementation of statutes, the New Jersey Administrative Code now rivals the New Jersey Statutes in size. Legislative and public concern over the growth of the size and scope of agency rulemaking has resulted in the enactment of the APA, and in the recent enactment of Senate Bill 1560, providing for legislative oversight of agency rulemaking.

The Office of Administrative Law has been entrusted with the obligation to oversee agency compliance with the APA. (N.J.S.A. 52:14F-5f). The primary mode of public participation in the rulemaking process established by the APA is through "notice" of proposed rulemaking and an "opportunity to be heard" (52:14B-4). With specific, limited exceptions, the public must be afforded reasonable notice of a proposed rulemaking, and reasonable opportunity to comment on the proposed rules. Any such comments must be considered fully by the rulemaking agency. These amendments are designed to enforce these statutory obligations in the light of developing practices in the field.

In general these amendments:

A. adjust the rules to implement the new rulemaking provisions of the APA;

B. adjust the rules to correspond with the establishment of the Office of Administrative Law (OAL) and to related changes in the enforcement of the APA;

C. crystallize, with greater clarity and precision some of the notice and hearing requirements of the APA;

D. consolidate various provisions and repeal certain rules which either repeat statutory language or should

more appropriately appear either as prefatory material in the Administrative Code or as inter-agency statements.

Authority for these proposed amendments is based on the Administrative Procedure Act, as amended in 1978 and 1981. The 1978 amendments transferred "all the functions, powers and duties" of the former Division of Administrative Procedure to the Office of Administrative Law. The 1978 amendments also broadened the enforcement powers of the OAL in the area of agency rulemaking and gave OAL a more active oversight and regulatory role than the Division possessed.

Specifically, the 1978 law repealed N.J.S.A. 52:14B-6, which defined the powers and duties of the Division of Administrative Procedure. Simultaneously OAL was given the same duties, with augmented powers. N.J.S.A. 52:14F-5. For example, where the Division was charged to "advise" agencies on the "consideration, publication and interpretation" of their rules, 52:14B-6(e)(2), the OAL is more imperatively required to "assist" them on these matters. 52:14F-5i. Where the Division was given access to agency information which might generally "assure the proper promulgation" of rules, 52:14B-6(e)(7), the OAL is more specifically directed to use agencies' information to ensure that "they promulgate all rules required by law." 52:14F-5k. Where the Division was directed to formulate rules "for the prompt, proper and coordinated promulgation" of agency rules, 52:14B-6(e)(6), the OAL is required to promulgate rules to ensure the broader goal of "prompt implementation and co-ordinated administration" of the APA. 52:14F-5f. And, where the Division was given authority to promulgate rulemaking rules. 52:14B-6, the OAL is also specifically given the authority to "enforce" its rulemaking rules. 52:14F-5f.

The 1981 amendments to the APA were designed "to ensure agency accountability to the public in rulemaking actions and to promote public participation in rule-making proceedings." (Statement to Senate Bill 1560.) The new law remodels the process of promulgating rules. It includes enhanced notice and opportunity to be heard provisions in the rulemaking area. It assigns to the Office of Administrative Law the obligation to implement the new standards and provisions.

Specifically, the 1981 law creates new requirements for agency rulemaking and new varieties of rulemaking activities. It includes requirements that the public be given at least 30 days notice of a proposed rule through publication in the New Jersey Register, that the Legislature be given at least 60 days special notice of a proposed rule, and that an agency must respond to comments and objections to proposed rules. The law, as implemented by these rules, also remodels the process of rule promulgation, which can now be divided into four main stages. The first stage is the pre-proposal stage which may involve a pre-proposal proceeding initiated by the agency or a petition for a rule initiated by an interested person. The second stage, the proposed rule stage, requires notice and opportunity for hearing, which may take various forms. The third stage, the adoption stage, requires formal agency action on the proposed rule. The fourth stage, the promulgation stage, requires the filing and publication of the adopted rule, which renders the rule effective.

Implementation of that part of the new law which requires transmission of rules to the Legislature has been accomplished in cooperation with the Legislature. These amendments comport with the Joint Rules adopted by the Senate and Assembly in Senate Concurrent Resolution No. 3018.

A discussion of the specific amendments to the rules for agency rulemaking follows.

SUBCHAPTER 1. GENERAL PROVISIONS

The amendment to N.J.A.C. 1:30-1.1 (Short title) and some of the amendments to N.J.A.C. 1:30-1.2 (Definitions) are technical adjustments required by P.L. 1978, c. 67. For example, documents which were formerly directed to the Division of Administrative Procedure should be directed to Administrative Publications and Filings, Office of Administrative Law.

The amendments to N.J.A.C. 1:30-1.2 (Definitions) also revise some of the existing definitions and introduce some new definitions required by P.L. 1981, c. 27. In particular, the definitions for the various notices and for the stages of the rulemaking process should be noted.

The amendments to N.J.A.C. 1:30-1.3, 1.4, 1.5, 1.7, and 1.8 are technical. N.J.A.C. 1:30-1.3 contains the current address for Administrative Publications and Filings.

The new rule, N.J.A.C. 1:30-1.6 recognizes that common usage does not always follow formal legal requirements.

The amendment to N.J.A.C. 1:30-1.9 implements P.L. 1978, c. 67, in keying the fees for copies of documents kept in OAL files to the Right to Know Law, N.J.S.A. 47:1A-2, rather than, as previously, to the fees for the Secretary of State's Office in N.J.S.A. 22A:4-1.

The new rule, N.J.A.C. 1:30-1.10, is for informational purposes only.

The new rule N.J.A.C. 1:30-1.11 (Compliance) implements the requirement of N.J.S.A. 52:14F-5f and 52:14B-7 (g) that OAL enforce the APA as well as the requirement of N.J.S.A. 52:14B-4(d) that rules must comport with the APA in order to be valid. The standard of "substantial compliance" is taken from N.J.S.A. 52:14B-4(d). The notice requirements of N.J.S.A. 52:14B-4(a) are not deemed satisfied unless the notice of proposed rule is published by the OAL in the New Jersey Register. Under N.J.S.A. 52:14B-7(b), the Director is required to accept for publication only "such notices as have been submitted pursuant to this act."

Likewise, the New Jersey Constitution (Article V, Section IV, Paragraph 6) requires that a rule to be effective, must be "filed with the Secretary of State or in such other manner as may be provided by law." The law, N.J.S.A. 52:14B-5(c), provides that the Director may accept for filing and publication only such rules which are "duly adopted and submitted by any agency pursuant to this act."

Thus, unacceptable documents will not be filed or published and will be returned to the agencies for compliance with the law. (N.J.S.A. 52:14B-7(f), 52:14F-5h and 52:14B-5i.)

The new rule 1:30-1.12 (Invalidation of rule) explains that, when a rule is invalidated, the OAL will perform its statutory function as a conduit for information on rules.

SUBCHAPTER 2. RULEMAKING GENERALLY

As one important way of promoting the fair notice requirements of the statute, the new rule under N.J.A.C. 1:30-2.1 requires that rules and notices be written in plain language. This rule does not prohibit the use of technical language or words of art where the use is appropriate. In unusual cases, it may be necessary to phrase a rule in language comprehensible only to a specialist in the field. In such cases, the notice of proposed and adopted rule must contain a simple explanation comprehensible to a layperson.

The amendments to N.J.A.C. 1:30-2.2 are technical and are framed for reasons of clarity.

The new rule N.J.A.C. 1:30-2.3 adopts for rulemaking a well-established principle of lawmaking. The rationale

for this rule is that intermixing in one rule various things that have no proper relation to each other vitiates the public's notice and opportunity to comment on the rule.

SUBCHAPTER 3. PROPOSAL PROCEDURE

The amendment to N.J.A.C. 1:30-3.1 implements the notice requirements of N.J.S.A. 52:14B-4 and 4.1. It clarifies former provisions N.J.A.C. 15:15-4.2 and 4.3, which are repealed.

The cornerstone of the statutory notice requirement and of the previous rule, is the publication of a proposed rule in the New Jersey Register. N.J.S.A. 52:14B-4(a)(1). The amended rule retains this provision. The amended rule also requires that the statutory notice which is sent by the agencies to interested persons and to the Legislature be identical to that accepted by the OAL for publication in the Register. This is an extension of past practice, and is the only way to assure that all members of the public receive the same notice of proposed rule whether through the Register or from agency correspondence. This procedure is also consistent with Section 2 of Senate Concurrent Resolution No. 3018.

The OAL will submit the notice to the Legislature on any business day immediately upon acceptance of the document as a proposed rule for publication, thus commencing the 60 day legislative notice period. Since the 30 day public notice period does not begin to run until the Register is published, and since it is currently published four weeks after the deadline for submissions for publication, the end of the public notice period, will ordinarily, correspond roughly with that of the legislative notice period.

The amendment to N.J.A.C. 1:30-3.1 also specifies what must be included in a notice of intention before the notice may be considered adequate, or acceptable under N.J.S.A. 52:14B-4(a)(1) as amended P.L. 1981, c. 27. The central changes in the rule are the requirements that there be a specific explanation of a proposed rule, that specific statutory authority be cited, and that its subject matter, practical applications and expected socio-economic impact on the public be clearly articulated. Such information is necessary to a proper notice enabling "interested persons" to "present their views thereon." (N.J.S.A. 52:14B-4(a)(1).)

The new rule N.J.A.C. 1:30-3.2 implements the new law's provision of a pre-proposal procedure, under N.J.S.A. 52:14B-4(e). It requires that if an agency chooses to make use of the pre-proposal mechanism, the agency must follow procedures which ensure effective public participation in the process. Thus, the required notice must contain information adequate to alert the public of the substance of the pre-proposal and of the procedure to be followed. In order to give the interested public time to respond to and participate in the proceeding, the required notice must be published at least 30 days in advance of any proposed rule which results from the pre-proposal proceeding. As part of the full notice and open participation requirements, the notice should include any committees appointed to advise the agency as part of the proceeding.

The amendments to N.J.A.C. 1:30-3.3 and 3.4 implement the "opportunity to be heard" requirement of N.J.S.A. 52:14B-4, and clarify, elaborate and consolidate the repealed N.J.A.C. 15:15-4.6. The new provisions of N.J.A.C. 1:30-3.3 also clarify the required methods of notice for the various types of "opportunity to be heard" which may be afforded.

Two key changes are made in N.J.A.C. 1:30-3.4. One is the requirement that, for two years and in all instances,

agencies retain a record of the public comments. The other is the obligation of the agency to establish a record of the reasons for accepting or rejecting the public comments. The purpose of the retention rule is to preserve the statutory rights of persons to contest a rule, whether on the ground of non-compliance with the procedural requirements of the APA or some other basis. N.J.S.A. 52:14B-4(a). Requiring agencies to explicitly respond on the record to public comments, implements as a matter of record the statutory requirement that agencies fully consider and respond to public comments. (N.J.S.A. 52:14B-4(a)(4).)

The amendments also make provision for the new public hearing requirements of N.J.S.A. 52:14B-4(a)(3).

The amendment to N.J.A.C. 1:30-3.5 addresses the effect of agency changes in a proposed rule prior to adoption. The central consideration is whether the changes are so substantial as to destroy the notice requirement of N.J.S.A. 52:14B-4(a)(1) and 4.1. If so, a new notice and opportunity to be heard are required by N.J.S.A. 52:14B-4(a)(1) and 4.1. The criteria for making this determination focus on whether the changes are likely to stimulate public or legislative interest in new features of the proposed rule.

New rule N.J.A.C. 1:30-3.6 implements the new statutory provision N.J.S.A. 52:14B-4(f), establishing an interested person's right of petition for a rule. The rule outlines the notice requirements of the statute.

New rule N.J.A.C. 1:30-3.7 implements the provision of N.J.S.A. 52:14B-4.4, which exempts rules required by the federal government from submission to the Legislature. In accordance with the intent of the statute the rule clarifies the nature of the federal requirement which will justify an exemption. For example, a federal requirement that "reasonable rules" or "rules consistent with the provisions" be adopted would not justify an exemption. Federally required rules are not exempted from the public notice and comment requirements of N.J.S.A. 52:14B-4.

SUBCHAPTER 4. PROCEDURE UPON ADOPTION

The amendment to N.J.A.C. 1:30-4.1 consolidates the various requirements for filing an adopted rule with OAL. It includes a requirement to specify any changes between the rule as proposed and as adopted and to explain the rule in a manner similar to that required by N.J.A.C. 1:30-3.1(b)(4). It also specifies that the expiration date of the rule, or exemption therefrom, must be included on the filing certificate as part of the rule, pursuant to Executive Order No. 66. Note the distinction between the "operative" date and the "promulgation" date of the rule. (See N.J.A.C. 1:30-1.2, Definitions.)

An adopted rule henceforth may be effective no sooner than promulgation, which is effected by notice in the Register. This is consistent with the recent amendments to N.J.S.A. 52:14B-5(b) and suggested practices nationally. A large majority of states do not allow an ordinary rule to become effective immediately upon adoption and filing. (See State Administrative Law, Frank E. Cooper, Bobbs-Merrill, pp 214-217.) By statute and regulation, the effective date of a rule is deferred for a period after adoption, either by delaying the filing of the rule, by the effectiveness of the rule, by requiring publication of the rule, or by some combination of these. The purpose of providing this period and/or requiring publication before a rule can be effective is to allow the affected public to gain notice of the adopted rule. States which require publication after filing and prior to effectiveness, include: Connecticut, Tennessee, Colorado (adopted rule effective 20 days after publication) and Wisconsin (adopted rule effective one month after publication). States which postpone effective-

ness for 20 to 30 days following adoption and/or filing include: Alaska (30 days), Michigan (25 days), California (30 days), Iowa (35 days), Kentucky (30 days), Texas (30 days), Virginia (30 days), Washington (30 days), West Virginia (30 days), Georgia (30 days), Oklahoma (20 days), Florida (20 days), and Rhode Island (20 days). Other states have various other delay periods and notice requirements for adopted rules. (Ibid State Administrative Law.)

Prior to the enactment of P.L. 1981, c. 27, the New Jersey APA required that State agencies "promulgate" rules (N.J.S.A. 52:14B-2(a)) and that the OAL "assure that they properly promulgate" rules (N.J.S.A. 52:14F-k). By definition, "promulgation" is that point at which a rule is published and becomes effective. (See Webster's New World Dictionary.) Persons may not fairly and reasonably be subject to the strictures and penalties of a rule until they have notice of the rule's adoption and effectiveness. To this end, The Revised Model State Administrative Procedure Act (1980) provides in Section 3-115 that, with emergency and other narrow exceptions, a rule does not become effective until after it is filed and published.

Prior to P.L. 1981, c. 27, the New Jersey APA specifically provided that "Each rule hereafter adopted is effective upon filing with the director" of the OAL. Under this provision rules became effective without the knowledge of the affected public. Notice of the adoption would appear in the Register several weeks after the rule went into effect. This shortcoming was compounded by the fact that agencies did not ordinarily adopt rules immediately upon conclusion of the notice and comment period. Under N.J.A.C. 1:30-4.2(c), an agency can adopt a proposed rule within one year, a flexibility of which agencies often, for good reasons, take advantage. This practice generated numerous complaints, and in P.L. 1981, c. 27, the offending provision has been removed. With the removal of the provision a rule is not effective until promulgated. This result is consistent with N.J.S.A. 52:14B-4(d), since it would be neither fair nor reasonable for a time of limitation to begin to run before an interested person can learn of its eventuality. This position is also consistent with N.J.S.A. 52:14B-5(e), which establishes a rebuttable presumption of a rule's validity when it is published. Thus, consistent with the provisions and the intent the statute, this amendment, along with the new rule N.J.A.C. 1:30-4.5, establishes the principle of effectiveness upon promulgation.

The amendment to N.J.A.C. 1:30-4.2 relates the 60 day legislative notice requirement of the statute with the 30 day public notice requirement of the statute. Other than the specified exemptions, a rule shall not be accepted for filing until both notice periods have concluded.

The amendment to N.J.A.C. 1:30-4.3 is technical and non-substantive.

The amendment to N.J.A.C. 1:30-4.4 implements the waiver of notice and hearing requirements for emergency rules in N.J.S.A. 52:14B-4(c) and 52:14B-4.4. Agencies have used the emergency rulemaking powers too frequently in the past where circumstances have not warranted.

It is essential that agencies retain the ability to act in furtherance of the public interest as necessary. Yet it must be recognized that members of the public have irrefutable, legislatively granted rights to participate in the rulemaking process. Every exercise of the emergency rulemaking power impairs these rights. Yet, there are

times when such a result is required by an overriding public interest. A balanced approach must be achieved which will permit the agencies to act appropriately, but only where clearly warranted by genuinely emergent circumstances. The amendments require an agency to justify with specificity the use of the emergency rule exception. The agency must demonstrate either that immediate rulemaking action is necessary to deter public harm or that public harm would result from the delay caused by a normal rulemaking proceeding. Public harm could include, in appropriate cases, the conflict between rules and statutory requirements. The certificate of emergency required by statute must cite operative facts to justify the use of this exception not merely conclusory statements or statutory language. It must be signed by the Governor. Thus a proper record will be established for purposes of N.J.S.A. 52:14B-4(d) and N.J.S.A. 52:14B-4.4.

Pursuant to the OAL's role as coordinator and conduit for rulemaking activities, requests for legislative extensions of the 60 day emergency rule period shall be submitted through the OAL.

It is expected that acceptable agency practice will be to submit a notice of proposed rule along with a certificate of emergency, thus enabling the OAL to submit the notice and the certificate to the Legislature simultaneously. This practice would enable the agency to complete substantially or entirely the rulemaking requirements for a proposed rule during the 60 day emergency rule period. It is not required that a notice of the re-adoption of the provisions of an emergency rule be published before the re-adoption can be effective. Notice of the provisions of the emergency rule and of the agency's intent to make them permanent will have been published during the emergency period. Thus, the effectiveness upon filing of the re-adopted provisions should not cause any unfairness or surprise to the affected public. Thus, if a permanent rule is necessary, it should be possible to maintain continuity of operation between the emergency rule and the permanent rule.

The new rule N.J.A.C. 1:30-4.5 elaborates on the principle that, with specific exceptions, a rule is not effective until it is promulgated. (See the discussion of N.J.A.C. 1:30-4.1(a)4. above.)

The social impact of these rules will be to lengthen the rulemaking process and to provide greater scrutiny of rulemaking by interested parties. In theory, it could take two to three weeks longer to promulgate a rule. In reality, based on current agency practices, most rulemaking proceedings will not be affected in their length.

The economic impact on agencies of these rules should be minimal. Agencies will have to prepare and submit additional documents and hold some additional public hearings that were not previously required. However, some agencies have already, as a matter of practice, been preparing these documents and holding these public hearings.

The main fiscal impact of these rules will be on the Office of Administrative Law, which will be required to process and monitor additional papers and proceedings. It is expected that the current professional staff of the Office will be adequate to handle the new obligations, but that the addition of one new clerical position and some filing cabinets will be required.

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

TITLE 15

[CHAPTER 15 ADMINISTRATIVE PROCEDURE]

TITLE 1

CHAPTER 30

RULES FOR AGENCY RULEMAKING

The following rules in N.J.A.C. 15:15 are proposed for repeal:

15:15-1.3 through 1.7
15:15-2.1 through 2.4
15:15-3.1 through 3.6
15:15-4.2; 4.3; 4.6; 4.9; 4.10; 4.13; 4.16; 4.17; 4.18;
4.20; 4.21; 4.22
15:15-5.1; 5.2; 5.4 through 5.15 and 5.17
15:15-6
15:15-7
15:15-9

SUBCHAPTER 1. GENERAL PROVISIONS

[15:15-1.1] 1:30-1.1 Short title

The provisions of this [C]chapter shall be known as "The rules [of the Division of Administrative Procedure] for agency rulemaking."

[15:15-1.2] 1:30-1.2 Definitions

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

"Act" means the Administrative Procedure Act of 1968, P.L. 1968, c. 410, as amended and supplemented by P.L. 1978, [C]c. 67 (N.J.S.A. 52:14B-1 et seq. and 52:14F-1, et seq.) and P.L. 1981, c. 27 (52:14B-4.1 et seq.).

"Administrative Publications and Filings" means that section of the Office of Administrative Law to which documents shall be submitted, formerly the Division of Administrative Procedure of the Department of State.

"Adopt" means the action whereby a rule is established by an [authorized] adopting agency, [or officer] as part of a rulemaking proceeding. [Each rule adopted is effective upon filing with the Division of Administrative Procedure.]

"Adopting agency" [or "authorized adopting agency"] means that agency [or] and officer [designated by statute as] authorized by law to [promulgate rules] conduct a rule-making proceeding.

["Adopting officer" or "authorized adopting officer" means that person either designated by statute as authorized to promulgate rules or the principal executive officer of an authorized adopting agency.]

"Agency" or "State agency" is defined in N.J.S.A. 52:14B-2(a). [means each of the principle departments in the executive branch of the State Government, and all boards, divisions, commissions, agencies, departments, councils, authorities, offices or officers within any such departments now existing or hereafter established and authorized by statute to make, adopt or promulgate rules or adjudicate contested cases, except the office of the Governor, the Division of Workmen's Compensation in the Department of Labor and Industry, the Department of Defense, and any boards, divisions, commissions, councils, agencies, departments, authorities, offices or officers therein, and all agencies the primary responsibility of which is the management or operation of a State educational, medical, mental, rehabilitative, custodial, penal or correctional institution or program, insofar as the acts of such agency relate to the internal affairs of such institution or program.]

"Amend" means [to modify, alter or revise a] to adopt a rule which modifies, alters or revises a previously adopted rule.

"Code" means the New Jersey Administrative Code, published pursuant to N.J.S.A. 52:14B-7(a).

"Codify" means to devise, pursuant to N.J.S.A. 52:14B-7(f), the form in which rules are published to achieve a logical and consistent arrangement of their provisions. [The substantive provisions of any rule.]

"Director" means the Director of the [Division of Administrative Procedure] Office of Administrative Law.

["Division" means the Division of Administrative Procedure of the Department of State, established pursuant to N.J.S.A. 52:14B-6(a).]

"Document" means any writing submitted to the [Division] Office of Administrative Law by an agency for the purpose of filing, publishing, or other processing pursuant to law. The singular of this term refers to the entirety of each writing although such writing establishes or affects more than one rule or subject matter, or consists of more than one page or part.

"Effective" means that a rule, pursuant to the Constitution, the Act and this chapter, has been duly adopted, accepted for filing by the Office of Administrative Law, and promulgated in the New Jersey Register.

"Exempt [A]gency" means any agency exempt under the definition of "agency" in [this Section] N.J.S.A. 52:14B-2(a).

"Exempt rule" means any rule of an exempt agency [, any statement which concerns the internal management or discipline of any agency, any interagency or intra-agency statement, any decision or finding in a contested case and any rule required to be adopted or specifically authorized to be adopted by judicial decision, opinion or order, by legislative act, or by order of the Governor].

"File" means the action whereby a certified [copies] copy of a [document] document [adopted rules are] [presented to the Division] is submitted to Administrative Publications and Filings and accepted by the director to be stamped with the date and time of acceptance and entry into the registry.

["Formal hearing" means that proceeding of an agency conducted only after publication of the time and date, and during which participants are subject to previously established rules of practice.]

["Informal hearing" means that proceeding conducted by an agency without a prior publication of its time and date, and at which participants are not subject to the rules of practice applicable to formal hearings.]

"Notice of petition for a rule" means that document described in N.J.A.C. 1:30-3.6 which must be submitted to the Office of Administrative Law for publication in the Register when a request for agency rulemaking action is made by an interested person, pursuant to N.J.S.A. 52:14B-4(f).

"Propose" means the action whereby an adopting agency submits a notice of proposed rule to the Office of Administrative Law which is accepted for filing and publication by the Director, as part of a rulemaking proceeding.

["Quasi-judicial hearing" means that proceeding conducted by an administrative agency the objective of which is to determine the status, rights or obligations of a known person in accordance with the law and rule administered by the agency or to resolve a dispute among known persons pursuant to the law or rules administered by the agency.]

["Quasi-legislative hearing" means that proceeding conducted by an administrative agency the principal objective

of which is the eliciting of information deemed by the agency to be of assistance in the establishment of a rule.]

"Register" means the "New Jersey Register" published pursuant to N.J.S.A. 52:14B-7(b).

"Registry" means the serial list of documents which are accepted for filing by the [Division] Director.

"Repeal" means to declare void a rule, the effect of which is to terminate the legal effect of such rule prospectively only. Any rule so terminated shall continue thereafter to be enforced in and applied to all proceedings, formal or otherwise, initiated pursuant to rule or to law, prior to the effective date of such repeal.

"Rescind" means to declare void a rule, the effect of which is to terminate the legal effect of a rule both prospectively and retroactively as if the rule had never existed for any purpose.

"Rule" or "administrative rule" is defined in N.J.S.A. 52:14B-2(e). [when not otherwise modified, means each agency statement of general applicability and continuing effect that implements or interprets law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes the amendment or repeal of any rule, but does not include: statements concerning the internal management or discipline of any agency; intraagency statements; and agency decisions and findings in contested cases. The singular of this term refers to the provisions of the Code, as provided in Sections 5.10 (Section) of this Chapter.]

"Rulemaking proceeding" means those steps which shall be followed, pursuant to the Act and this chapter, for a rule to be valid, and which include the procedures for proposal of a rule, N.J.A.C. 1:30-3.1 et seq., the proper adoption of a rule, and the procedures upon adoption of a rule, N.J.A.C. 1:30-4.1 et seq.

"Secretary" means the Secretary of State of New Jersey.]

"Suspend" means to render a rule inoperative for a definite period of time.

[15:15-1.9] 1:30-1.3 Offices

(a) [The offices of the Division of Administrative Procedure located at 10 North Stockton Street, Trenton, New Jersey 08608] Administrative Publications and Filings, Office of Administrative Law, is located at 88 East State Street, Trenton, New Jersey 08625.

(b) Hours during which documents may be submitted [filed] or reviewed [within the Division's offices] are from 9:00 A.M. to 4:00 P.M., Monday through Friday, holidays excepted.

[15:15-2.5] 1:30-1.4 Citations to the Code

(a) The New Jersey Administrative Code shall be cited as N.J.A.C.

(b) The citation of a particular section of the New Jersey Administrative Code shall include the numerical designations of the title, chapter, subchapter and section referred to, preceded by the initials N.J.A.C. Thus, this [S]section should be cited as N.J.A.C. [15:15-2.5] 1:30-1.4.

[15:15-2.6] 1:30-1.5 Citations to the Register

(a) The New Jersey Register shall be cited as N.J.R.

(b) The citation to material appearing in the New Jersey Register shall include the volume number, page number and item letter, the volume and page numbers being separated by the initials "N.J.R." Thus, the third item on page 27 of the first volume of the Register would be cited as: 1 N.J.R. 27(c).

1:30-1.6 Citations in the Code

Statutory citations will be "N.J.S.A.," the New Jersey Statutes Annotated. This is for the convenience of the public, but the official copy of any statute will be found in the State's unpublished compilation of statutes or in the published yearly pamphlet laws.

[15:15-1.8] 1:30-1.7 Headings not to be used in construing

Title, [S]subtitle, [C]chapter, [S]subchapter, [S]section, article, group, part and division headings contained in the Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of any provision of the Code.

[15:15-4.14] 1:30-1.8 Access to documents

(a) Every document accepted [for filing] by the [Division] Office of Administrative Law shall be maintained [in a file] on record [in the order of its filing] by [the Division] Administrative Publications and Filings.

(b) Any person shall, upon request, be afforded opportunity to examine any document so maintained.

[15:15-4.15] 1:30-1.9 Copies of documents; fees

(a) [Except as provided at Section 3.6 (Judicial notice) of this Chapter] Any person shall be provided copies of filed documents [at a cost of \$1.00 per page.] pursuant to N.J.S.A. 47:1A-2.

(b) [Such copies will be certified upon payment of a fee of \$1.00 per document] The original of a filed document shall not be released from the custody of the Office of Administrative Law.

[(c) Under no circumstance will any filed document be released from the custody of the Division except upon court order or at the direction of the Secretary of State or the Governor.]

1:30-1.10 Forms

From time to time the Office of Administrative Law may adopt as interagency statements the forms and formats which shall be used in the submission of proposed and adopted rules, proposals for rules, and notices therefor.

1:30-1.11 Computation of time

In computing any period of time fixed by a rule or judicial order, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

1:30-1.12 Compliance

The Office of Administrative Law may refuse to accept for publication or for filing any proposed or adopted rule, any pre-proposal for a rule or any notice which is not in substantial compliance with N.J.S.A. 52:14B-1 et seq. and the rules contained in this chapter. The Office shall return the document to the agency with recommendations for compliance. The Office of Administrative Law will provide its good offices and technical assistance to assist any agency in complying with the law.

1:30-1.13 Invalidation of rule

In the event that a proposed or adopted rule is suspended or otherwise rendered inoperative or ineffective by Court rule or ruling, by legislative action or by Executive Order, the Office of Administrative Law shall, upon receipt of notice of the event, file the notice and publish the notice in the Register and the Code, as appropriate.

SUBCHAPTER 2. RULEMAKING GENERALLY

1:30-2.1 Clarity of rules

In order to be accepted for publication or for filing, a proposed or adopted rule, a preproposal for a rule or any notice shall be written in a reasonably simple, clear, understandable and easily readable way so as to offer affected persons and other interested persons fair notice of the provisions of the rule.

[15:15-5.3] 1:30-2.2 Incorporation by reference

(a) [No document shall] Specifically designated sections of the following sources may be incorporated into [the Code] a rule by reference: [except by order of the Director. Any agency will be authorized to incorporate by reference as an official rule adopted pursuant to statute, which rule shall be binding on every person and enforceable without recitation of the text in the Register or the Code, text adopted from any of the following kinds of publications:]

1. New Jersey Statutes Annotated;
2. United States Code;
3. New Jersey Session Laws;
4. Code of Federal Regulations;
5. Federal Register;
6. Any uniform system of accounts published by the National Association of Regulatory Utility Commissioners;
7. Any generally available standard published by any of the standardizing organizations listed in the [United States Department of Commerce Miscellaneous Publication 288, issued August 1, 1967] National Bureau of Standards Special Publication 417, Director of United States Standardization Activities or supplements thereto or reissues thereof; or
8. Any other generally available publication approved by the [Division] director.

(b) Any [document] section of a source incorporated by reference [must] shall be made available for public inspection by the adopting agency and [must, in addition] shall be available in printed [or processed] form [either] from the adopting agency or [from] the original source [or both, either without charge or] for a reasonable fee.

(c) Any agency [requesting the incorporation of] incorporating any [document] section of a source by reference shall [prepare and submit at the time of such request the text of a notice to appear in the Code in lieu of the text or the document pursuant to Section 5.1(b)5 (Documents subject to codification) of this Chapter.] adopt and file as a rule appropriate language indicating:

1. What is incorporated including either:
 - i. The specific date or issue of the section of the source incorporated; or
 - ii. A statement indicating that the section incorporated includes future supplements and amendments.
2. Where a copy of the section may be obtained pursuant to (b) above, and, except with respect to a section of a source indicated in (a)1 through (a)5 above, file with the Office of Administrative Law a copy of the section.

1:30-2.3 Single subject for each rule

Each proposed or adopted rule, pre-proposal for a rule, or notice shall embrace but one subject, and that shall be expressed in the title.

SUBCHAPTER 3. PROPOSAL PROCEDURE

[15-15-4.1] 1:30-3.1 Notice of [I][intention] proposed rule

[Each agency shall, prior to the adoption or change of a rule, request publication of a notice of its intention to so act in the Register. Such notice shall be prepared and presented by the adopting agency to the Division of Ad-

ministrative Procedure in the form prescribed at Section 4.3 (Contents of notice) of this Chapter.]

(a) Where the law requires that an agency give notice of [intended rulemaking action or] rulemaking proceedings, notification shall include [, at least 20 days prior to the proposed action or proceeding]:

1. The publication of the notice of [intention] proposed rule in the New Jersey Register, subject [however,] to N.J.S.A. 52:14B-7(c), at least 30 days prior to adoption;

2. The submission of the notice of [intention, as accepted by the Director for publication, to those standing reference committees of both houses of the State Legislature to which the legislation authorizing the proposed rulemaking action was referred and which have subject matter jurisdiction over the area of the proposed rulemaking action] proposed rule other than a Federally required rule (see N.J.A.C. 1:30-3.7) by the Office of Administrative Law to the Senate and General Assembly, upon acceptance by the Director for publication;

3. The mailing of the notice of [intention] proposed rule, as accepted by the Director for publication, to those persons who have made timely request of the agency for notice of its rulemaking actions.

(b) In order to be accepted by the Director for publication, the notice of [intention] proposed rule shall include:

1. The name of the adopting officer and agency.
2. a citation of the specific legal authority authorizing the proposed rulemaking action. The citation shall identify the section or sections of law which particularly authorize this particular action. The citation shall not merely be the agency's enabling statute unless the agency is relying upon its residual or other general powers, and so states in the notice.]

[3.] 2. The text of the proposed rule, or a [summary] description of the proposed rulemaking action detailed and specific enough to identify: who and what will be affected by the proposed action: how, when and where the affect will occur; what is being prescribed, proscribed or otherwise mandated; what enforcement mechanisms and sanctions may be involved; any other key provisions. The notice shall include the text of any existing rule that is being amended, specifically indicating additions and deletions, and the denomination of any rule being repealed or renumbered.

[4.] 3. A brief statement for the proposed rule, which shall include:

- i. A summary of its subject matter and a clear and concise explanation of its purpose and effect;
- ii. [how it implements its authorizing statute] A citation of the specific legal authority authorizing the proposed rulemaking action and how the proposed rule implements the authorizing statute. The citation shall identify the section or sections of law which particularly authorize this particular action. The citation shall not merely be the agency's enabling statute unless the agency is relying upon its residual or other general powers, and so states in the notice;
- iii. Its expected social impact on the public, particularly any segments of the public proposed to be regulated, and including any proposed or unexpected differential impact on different segments of the public, and the justification therefor;
- iv. Its expected costs, revenues and other economic impact upon governmental bodies of the State, particularly the adopting agency, and upon the public, particularly any segments of the public proposed to be regulated;
- v. A proposed code citation for it, according to a format proposed and distributed by Administrative Publications

and Filings, or the Code citation of any rule affected, amended or repealed by it; and

vi. The agency through which the methods by which it would be implemented.

4. A notice of the opportunity to be heard regarding the proposed rule, which shall include:

i. When, where and how persons may present their views orally or in writing (see N.J.A.C. [15:15-4.4] 1:30-3.3, Opportunity to be heard); and

ii. Upon, where, how, and if persons may attend any formal adoption proceeding.

(c) Upon acceptance by the director, a copy of the notice shall be transmitted by the Office of Administrative Law each to the Senate and General Assembly, and to the adopting agency.

1:30-3.2 Notice of pre-proposal for a rule

(a) Where pursuant to N.J.S.A. 52:14B-4(e), an agency determines to conduct a preliminary, deliberative proceeding with respect to initiation of a contemplated rule-making proceeding, notification shall include the publication of the notice of pre-proposal for a rule in the New Jersey Register at least 30 days prior to submission of any notice of proposed rule on the same subject.

(b) In order to be accepted by the Director for publication, the notice of pre-proposal for a rule shall include:

1. The name of the adopting officer and agency.

2. The subject matter, problem and purpose which the agency contemplates addressing.

3. A citation of the legal authority authorizing possible agency action of the type and in the area contemplated.

4. A notice of the opportunity to be heard regarding the proposal, which shall include:

i. Where, when and how persons may present their views orally or in writing (see N.J.A.C. 1:30-3.3 Opportunity to be heard); and

ii. When, where, how, and if persons may attend an informal conference or consultation.

5. The title and nature of any committee, and, where appropriate, the names and affiliations of any committee members, appointed to advise the agency with respect to any contemplated rule-making.

[15:15-4.4] 1:30-3.3 Opportunity to be heard

[(a) No rule, except an exempt rule shall be adopted without first affording to all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing.

(b) The nature and manner of such opportunity shall be at the election of the adopting agency.

(c) Such opportunity must, in any case, be preceded by notice in the Register pursuant to Section 4.3 (Contents of notice) of this Chapter and shall not be concluded before 20 days from the publication date of such notice.]

(a) Written submission:

1. Where law requires that an agency give interested persons opportunity to be heard prior to the submission of a proposed rule, (see N.J.A.C. 1:30-3.2) or prior to adoption of a rule, (see N.J.A.C. 1:30-3.1) this shall in all cases include the opportunity to submit written material to the agency and may also include, as required by law or at the discretion of the agency, the opportunity to make oral presentation or any other method of submission.

2. Notice of the opportunity to make written submissions shall be contained in the notice of proposed rule (see N.J.A.C. 1:30-3.1 or in any notice of pre-proposal for a rule (see N.J.A.C. 1:30-3.2).

(b) Oral or other submission:

1. Other than a public hearing pursuant to N.J.S.A. 52:14B-4(a)(3), where law requires that an agency give

interested persons opportunity to make oral presentations or other method of submission, notice thereof shall be contained in the notice of proposed rule (see N.J.A.C. 1:30-3.1).

2. Where a public hearing is required to be conducted, pursuant to N.J.S.A. 52:14B-4(a)(3) and N.J.S.A. 52:14B-4(g), or where opportunity to make oral presentation or other method of submission is at the discretion of the agency, the notice shall be given in a manner reasonably calculated to reach the interested public.

3. In both (b)1 and (b)2 above at least 15 days notice shall be given prior to the date any such opportunity is afforded.

4. Where a public hearing is requested pursuant to N.J.S.A. 52:14B-4(a)(3), the party making the request may submit a copy of the request to the Office of Administrative Law for inclusion in the record of the proposed rule.

[15:15-4.5] 1:30-3.4 Record of opportunity to be heard

(a) [Following termination of any proceeding according to the public an opportunity to be heard, and prior to adoption of the rule under consideration] Prior to either the submission of a proposed rule resulting from a pre-proposal proceeding (see N.J.A.C. 1:30-3.2) or the adoption of a proposed rule (see N.J.A.C. 1:30-3.1), the agency shall prepare a [Record of Proceeding] record of any written, oral, or other material submitted during the period affording interested persons opportunity to be heard. [Such] The record shall include [information sufficient to establish the fact of the proceeding such as] the following:

1. A copy of any notices issued concerning the proposed rule or pre-proposal for a rule and opportunity to be heard; [A description of the type of proceeding conducted;]

[2. The date, time and place of any public proceeding [at] which was held, the name and title of the person before whom the proceeding was conducted[;], and a description of the nature of the proceeding.]

[3.] 2. A description of the public response to the proposed rule or pre-proposal for a rule [such proceeding] including [if possible, the number or an estimate of the number]:

i. A list of the persons responding to the [N]notice of [intention] proposed rules or pre-proposal for a rule by letter, telephone, personal visit, attendance at any hearing, or oral presentation[;]

[4.] ii. The name, and if considered appropriate, the estimated membership, of any trade, craft or professional organization or association [participating in or represented at the proceeding;] making written or oral submissions;

[5.] iii. A copy of each [W]ritten submission[s] and a summary of each oral submission of any person [submitted] made in response to the [N]notice of [I][intention] proposed rule or pre-proposal for a rule, including any written answer of the agency [if feasible, and if not feasible, a statement to the effect that retention of written submissions is impractical and a suggestion of the reason therefore, and either a listing of the names of persons submitting views with some description of the view of each, or a statement estimating the number and sentiment of persons submitting view];

[6.] iv. The certificate of the adopting officer attesting that all submissions were examined and that due consideration was given their merits prior to the submission or adoption of the proposed rule[;], as the case may be;

[7.] v. A description of the principal points of controversy revealed during the proceeding;

[8.] vi. [If practicable and at the election of the agency, a] A statement of the reasons for adoption of the public views accepted [, or a statement] and for rejection of the public views rejected.

3. A description of any public hearing or other proceed-

ing which was held as a result of the proposed rule including:

- i. The date, time and place.
- ii. The name and title or position of the presiding person.
- iii. The nature of the proceeding.
- iv. The recommendations of the hearing officer, in the case of a public hearing conducted pursuant to N.J.S.A. 52:14B-4(g).

(b) Each agency shall maintain for each rule adopted by it the record of the opportunity to be heard for a period of not less than two years from the effective date of the subject rule.

(c) The record constitutes an official document of the administrative agency, is evidence of its compliance with the legislative mandate to provide opportunity to be heard, and shall be available for public inspection at the agency.

[15:15-4.7] 1:30-3.5 [Due consideration; republication]
Variance between the rule as proposed and as adopted

[(a) Following any proceeding according to the public opportunity to be heard, the adopting agency shall consider fully all written and oral submissions, respecting the proposed rule.

(b) If upon such consideration, the agency shall determine to leave the text of the proposed rule as previously published, unchanged or to effect inconsequential or non-substantive changes in such text, it shall proceed to adopt the rule.

(c) If, however, the agency shall determine to revise the text of a rule previously published, which revision has the effect of enlarging its original purpose or of increasing the burden upon any person, the adopting agency shall request publication of a new notice of intention to adopt or change a rule and shall accord to the public further opportunity to be heard.

(d) If, however, the substantive change effected by such revisions shall not have the effect as described in this Section, it shall not be republished pursuant to this Subchapter, but the agency may proceed to adopt the rule as modified.]

(a) Where, following the notice of a proposed rule, an agency determines to make changes in the proposed rule so substantial as to effectively destroy the value of the notice, and to effectively create a new proposed rule, the agency shall give a new notice of proposed rule and public opportunity to be heard.

(b) In determining whether the changes in the proposed rule are so substantial, consideration shall be given to the extent that the changes:

- 1. Enlarge or curtail who and what will be affected by the proposed rule;
- 2. Change what is being prescribed, proscribed or otherwise mandated by the rule;
- 3. Enlarge or curtail the scope of the proposed rule and its burden on those affected by it.

(c) Where the changes between the rule as proposed and as adopted are not substantial, the changes shall not prevent the adopted rule from being accepted for filing.

1:30-3.6 Notice of petition for a rule

(a) When a person petitions an agency to begin a rule-making proceeding, pursuant to N.J.S.A. 52:14B-4(f), the notice of petition required to be submitted to the Office of Administrative Law for publication in the Register shall include:

- 1. The name of the petitioner;
- 2. The substance or nature of the rulemaking action which is requested;
- 3. The problem or purpose which is the subject of the request; and

4. If, when, where and how interested persons may submit comments regarding the petition.

(b) When an agency acts upon a petition, the notice of action on the petition required to be submitted to the Office of Administrative Law for publication in the Register shall include:

- 1. The name of the petitioner;
- 2. The Register citation for the notice of petition, if that notice appeared in a previous Register;
- 3. Certification by the adopting agency head that the petition was duly considered pursuant to law;
- 4. The nature or substance of the agency action upon the petition; and
- 5. A brief statement of reason for the agency action.

1:30-3.7 Federally required rule

(a) Pursuant to N.J.S.A. 52:14B-4.4, a Federally required proposed rule is not required to be submitted to the Legislature.

(b) A proposed rule is a Federally required rule if the specific wording of the proposed rule is prescribed by Federal statute, rule or ruling.

(c) Where an agency claims that a proposed rule is Federally required, the agency shall submit as part of the notice of proposed rule a citation for the Federal statute, rule or ruling involved and an explanation of the requirement.

SUBCHAPTER 4. PROCEDURE
UPON ADOPTION

[15:15-4.8] 1:30-4.1 [Order of Adoption] Requirements for filing

[(a) A rule is adopted upon execution by an authorized adopting agency of an Order of Adoption pursuant to such formalities as may be prescribed for the adoption of rules by the adopting agency.

(b) An Order of Adoption shall be prepared by the agency and shall include:

- 1. The name of the adopting agency;
- 2. A reference to the statutory authority delegating to the authorized adopting agency the authority to adopt the rule;
- 3. Either:
 - i. The text of the rule being adopted;
 - ii. The text of the rule being changed, indicating insertions and deletions by underlining (or italics, as appropriate) and brackets respectively; or
 - iii. A statement of repealer, rescission or renumeration.
- 4. The original signature of the adopting officer, and the place and date of adoption, in the following form:

ORDERED, at Trenton, this.....day of, 19...

/s/ SIGNATURE

.....
Name and title of adopting officer

(c) Agencies shall use suggested forms or orders incorporating the information stated in this section as distributed by the Division of Administrative Procedure when submitting rules to the Division.

(d) Such forms or orders may be amended from time to time as the Division deems necessary.

(e) This order constitutes an official document of the adopting agency and is evidence of the occurrence of an administrative act.

(f) The order should conform to the manner in which the business of an administrative agency is conducted (that is, its recitation in the minutes of an official meeting of a board or commission would necessarily be in the

form different from that suggested here); the information itemized in this section is deemed to be the minimum information sufficient to render the act effective.]

(a) With each adopted rule submitted for filing there shall be included:

1. Certification by the adoption agency head that the rule was duly adopted according to law and in compliance with the requirements of the Administrative Procedure Act, P.L. 1968, c. 410, as amended by P.L. 1978, c. 67 and P.L. 1981, c. 21, and of this chapter.

2. In the case of a rule preceded by a notice of proposed rule containing the text of the proposed rule, the text of any changes between the rule as proposed and as adopted, specifically indicating insertions and deletions.

3. In the case of a rule not preceded by a notice of proposed rule or where the notice of proposed rule did not contain the text of the proposed rule, the text of the rule, including the text of any existing rule that is being amended, specifically indicating additions and deletions, and the denomination of any existing rule being repealed or renumbered.

4. The [effective] operative date of the rule, if later than the date of promulgation in the Register of the notice of adoption and filing [of filing].

[5.] [a brief statement for the rule, which shall include:

- i. its subject matter and purpose;
- ii. how it implements its authorizing statute;
- iii. its expected impact on the public, particularly any segments of the public proposed to be regulated;
- iv. a proposed Code citation for it or the Code citation of any rule affected, amended or repealed by it; and
- v. the agency through which it will be implemented.]

[6.] 5. A full and specific description of any changes between the rule as proposed and as adopted, and the reasons for the changes.

[7.] 6. A brief description of the opportunity to be heard, including:

- i. Type of opportunity to be heard afforded the public;
- ii. Type of notice afforded the public;
- iii. Where and how the record of the opportunity to be heard can be inspected, including a statement of the principle points of controversy revealed during the rule-making proceeding and the reasons for adoption of the public views accepted and for rejection of the public views rejected.

[8.] 7. Date and occasion of adoption.

8. Expiration date, pursuant to Executive Order No. 66 (1978), or exemption therefrom and reasons therefor.

[15:15-4.11] 1:30-4.2 Time of filing

(a) No rule, other than an emergency rule or a federally required rule, shall be accepted for filing until 60 days after the submission of the proposed rule by the Office of Administrative Law to the Senate and Assembly.

[(a)] (b) Any document submitted for filing shall be filed by the [Division] Office of Administrative Law or, in lieu thereof, notice of refusal to file shall be delivered by the [Division] Office of Administrative Law to the adopting agency, not more than three business days following the receipt of the presented document by the [Division] Office of Administrative Law.

[(b)] (c) If an agency has not adopted and submitted for filing a proposed rule [or rule change] within one year from the time such proposal was published in the New Jersey Register, the agency must thereafter resubmit [such] the proposal for republication in the Register[, subject if applicable and comply with [to] the [20 days' prior] notice and opportunity to be heard requirements of the Act, before the proposed rule [or rule change] can be adopted.

[15:15-4.12] 1:30-4.3 Filing of document

(a) Upon acceptance of a document for filing there shall be stamped on its face the following:

1. The hour and date of acceptance for filing;
2. The word "filed"; and
3. The facsimile signature of the [Secretary] Director.

(b) A document number assigned by [the Division] Administrative Publications and Filings shall be endorsed on the face of the document. The document shall be entered in a registry maintained by [the Division] Administrative Publications and Filings for that purpose.]

[15:15-4.19] 1:30-4.4 Certificate of [E]mergency

(a) Any agency adopting an emergency rule pursuant to [Section 4.20 (Ratification of emergency rule) of this Chapter] N.J.S.A. 52:14B-4(c) shall prepare and present to the [Division] Office of Administrative Law at the time of submitting the rule for filing, a certificate of emergency which shall include the following information:

1. The order adopting or changing the rule;
2. A written statement specifically describing the reasons for its finding that there is an imminent peril (necessitating) and that it necessitates emergency proceedings. The specific reasons shall include facts upon which a reasonable person could conclude the existence and nature of the harm to the public which necessitates immediate rulemaking action or which would result if normal rulemaking requirements were complied with, including the immediate need to conform rules to statutory requirements, and not merely conclusory statements or repetition of statutory language;
3. A written summary of the subject matter of the rule and the way it will respond to the imminent peril.
4. A certificate of the adopting officer attesting to the facts set forth in the statement[.];
5. The expiration date of the rule, pursuant to N.J.S.A. 52:14B-4(c);
6. A certificate of the Governor attesting to the existence of an imminent peril which justifies the emergency rule-making proceeding;
7. A written statement specifying the measures being taken to inform affected parties of the rule.

(b) An emergency rule is effective upon acceptance for filing.

(c) Upon acceptance of ruling by the Director, the Office of Administrative Law shall transmit a copy of the emergency rule and the certificate of emergency to the President of the Senate and the Speaker of the General Assembly.

(d) The provisions of an emergency rule shall be readopted in compliance with normal rulemaking requirements in order to continue in effect beyond the statutory limits of N.J.S.A. 52:14B-4(c), except that the readopted rule shall be effective upon acceptance for filing by the Director. The provisions of an emergency rule may not be readopted as an emergency rule.

(e) A request for legislative extension of the effective period for an emergency rule shall be submitted to the Office of Administrative Law for transmission to the Senate and General Assembly, and shall include a statement specifically describing the need for the extension.

(f) A request for legislative extension of the effective period for an emergency rule shall be submitted to the Office of Administrative Law for transmission to the Senate and General Assembly, and shall include a statement specifically describing the need for the extension.

(g) A request for legislative extension of the effective period for an emergency rule shall be submitted to the Office of Administrative Law for transmission to the Senate and General Assembly, and shall include a statement specifically describing the need for the extension.

(h) A request for legislative extension of the effective period for an emergency rule shall be submitted to the Office of Administrative Law for transmission to the Senate and General Assembly, and shall include a statement specifically describing the need for the extension.

(i) A request for legislative extension of the effective period for an emergency rule shall be submitted to the Office of Administrative Law for transmission to the Senate and General Assembly, and shall include a statement specifically describing the need for the extension.

(j) A request for legislative extension of the effective period for an emergency rule shall be submitted to the Office of Administrative Law for transmission to the Senate and General Assembly, and shall include a statement specifically describing the need for the extension.

1:30-4.5 Effective date; promulgation

Other than an emergency rule (see N.J.A.C. 1:30-4.4(b) and (d)), a rule is effective upon promulgation. To promulgate means to officially proclaim in the Register and thereby render effective a rule duly adopted and accepted for filing.

An order adopting these rules was filed with the Office of Administrative Law on March 6, 1981 to become effective March 11, 1981 as R.1981 d.83.

Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14B-7(g) and 52:14F-5f proposes to readopt the above rules on a non-emergent basis.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Burton Weltman, Esq.
Assistant Director
Office of Administrative Law
CN 049
Trenton, N.J. 08625

The Office of Administrative Law may thereafter adopt rules concerning this subject without further notice.

(a)

OFFICE OF ADMINISTRATIVE LAW

Proposed Amendments on Orders On Motion and Review by Agency Head

Howard H. Kestin, Director of the Office of Administrative Law, pursuant to authority of N.J.S.A. 52:14F-5f, proposes to amend N.J.A.C. 1:1-9.7 concerning orders on motion and review by agency heads.

The purpose of this amendment is to comport the time period and procedure for agency review of a substantive motion with the time period and procedure for a final decision in a case. In both situations, the judge's disposition, whether in an initial decision or in an order, will be immediately served on the parties and the agency head. On orders dealing with substantive matters, as in initial decisions, the record will be forwarded to the agency head within 10 days. The 45 day period for final agency determination or review will run from the date the agency head receives the order.

This amendment has no direct impact on the public, and should have no fiscal impact on any agency.

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

(a) On any substantive issue decided by motion, an order that changes the status quo at the time of hearing before the Office of Administrative Law shall by its terms, not be effective for 10 days from the entry of the order. On the day such an order is entered, the judge shall forward a copy to the parties and to the agency head. [who shall indicate in writing to the clerk, judge and all parties] [w]Within the specified 10 day period the agency head shall indicate in writing to the clerk, judge and all parties whether the order will be reviewed. If the order will be reviewed by the agency head, its effective date shall be stayed pending such review subject to the provisions of [subsection] (c) and (d) below [of this section]. If the agency head elects not to review the order, it shall be effective on the 11th day after its entry.

(b) On any substantive issue decided by motion, an order that preserves the status quo at the time of hearing before the Office of Administrative Law shall, by its terms, be effective immediately. On the day such an order is entered, the judge shall forward a copy to all parties and the agency head. [who shall indicate in writing to the clerk, judge and all parties] [w]Within 10 days from

the entry of the order the agency head shall indicate in writing to the clerk, judge and all parties whether the order will be reviewed. Within 10 days from the entry of the order and upon notice to all other parties, the judge and the clerk, any party may file a motion with the agency head seeking relief from the order unless such a motion is prohibited by the agency's rules or regulations.

(c) When an agency head indicates that an order decided by motion dealing with a substantive issue will be reviewed, the entire record in the case to the date of order, including such written memorandum as may be deemed necessary by the judge setting forth the basis of the order, shall be certified to the agency head. Within [thirty] 45 days after receiving the [record and memorandum] order the agency head shall affirm, reject or modify the judge's order. This time limit may be extended by the Director of the Office of Administrative Law and the agency head for good cause shown as defined in N.J. A.C. 1:1-16.6(b), (c) and (d).

(d) (No change.)

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Burt Weltman, Esq.
Assistant Director
Office of Administrative Law
CN 049
Trenton, N.J. 08625

The Office of Administrative Law may thereafter adopt rules concerning this subject without further notice.

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Amendments on Use of Coupons in Milk Production

Woodson W. Moffet, 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., proposes to amend N.J.A.C. 2:48-5 concerning the use of coupons in milk promotion.

The proposed amendment removes a requirement that a coupon offer be made available to all licensees of the Division of Dairy Industry. Such a requirement would prevent an individual Division licensee from selling advertising space on its milk cartons and such restriction was not intended when the rule was promulgated.

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

2:48-5.1 Coupons on milk container restricted

(a) It shall be unlawful and a violation of these regulations for any licensee to sell or offer for sale milk and fluid milk products within the State of New Jersey in a container on which is printed or attached thereto a "cents off" or "refund" coupon except if all of the following conditions are met:

1. (No change.)

2. [Where the coupon offer is made available to all licensees of the Division of Dairy Industry authorized to process milk for sale in New Jersey on the same terms and conditions and an affidavit to this effect has been filed with the Division of Dairy Industry; and]

[3.] 2. Where the coupon and its redemption has no cost to any licensee of the Division of Dairy Industry either directly or indirectly through an entity associated in any way with the licensee, but the licensee may be paid for the space on the milk container.

(b) (No change.)

Interested persons may present, in writing, orally in person or by telephone, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Woodson W. Moffett, Jr.
Director, Division of Dairy Industry
Department of Agriculture
CN 332
Trenton, N.J. 08625
(Telephone: 609-292-5646)

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

(a)

BANKING

DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

Proposed Amendments on Procedural Rules

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to amend N.J. A.C. 3:1-2 concerning procedural rules.

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

CHAPTER 1 GENERAL PROVISIONS

SUBCHAPTER 2. PROCEDURAL RULES

3:1-2.1 Applications; acceptance

(a) (No change.)

1. - 2. (No change.)

3. [A certified] **An original certification** of a copy of the resolution authorizing the application;

4. Executed indicia of title to the property for the proposed office which can be an option to lease or purchase or binding letter of intent; and

Renumber 4. - 5. as 5. - 7.

(b) - (d) (No change.)

3:1-2.2 Notice; publication

(a) (No change.)

(b) Notice prescribed by [subsection] (a) above [of this Section] shall be published in the weekly applications' bulletins of the New Jersey Bankers Association, Savings Banks' Association of New Jersey, and New Jersey Savings League in the week following acceptance thereof. The publication of notice shall also include the following statement:

"You are hereby advised that an individual bank, savings bank or savings and loan association may object to any [of the aforesaid] full branch application[s] and request that [a formal hearing] **an oral presentation** be conducted if so requested in writing and if filed within ten business days of the date of this bulletin. Individuals or financial institutions interested in perfecting an objection or [hearing] request for oral presentation should immediately consult the Department's procedural rules for guidance."

3:1-2.3 Objection and request for [hearing] oral presentation; time for filing; content

(a) An objection to [an] a new charter, a full branch, section 25 or relocation application by a bank, savings bank or savings and loan association must be filed in the Department of Banking [either in person or by letter postmarked] within 10 business days of publication in the trade association bulletins, as required by N.J.A.C. 3:1-2.2. If an objector desires [a hearing to be held] oral presentation on a full branch application, a Section 25 [or Section 27 branch office application] or a relocation application, or desires to make an appearance at a charter hearing, the objection shall also contain a specific request [for a formal hearing] therefor or, in the case of charter applications, a request for permission to appear at the formal hearing.

(b) Every objection to a new charter, full branch, Section 25 or relocation application shall:

1. (No change.)

2. Disclose [in detail] the grounds therefor;

3. Disclose whether the objector intends to file a more comprehensive detailing of the factual and legal bases of objection (hereinafter referred to as comprehensive objection) within 35 calendar days of the date of publication in the applications' bulletins, or within 25 calendar days after receipt of copies of the application form and supportive data filed by an applicant, whichever occurs later; and

[4. If the objector is requesting a hearing on a full branch office, a section 25 or section 27 branch office, or a relocation of an existing office, it shall disclose an intent to file detailed, factual and legal bases for the need therefor within 35 calendar days of the date of publication of the notice in the bulletins, or within 25 days after receipt of copies of the application form and supportive data filed by an applicant, whichever occurs later; and]

[5.] 4. Be forwarded to the applicant as well as the Department.

(c) [If a hearing is requested, a] A [hearing] fee of [\$100.00] **\$750.00** payable to the Department of Banking shall accompany each request for [hearing] oral presentation [or]. A fee of **\$500.00** shall accompany a notice of intent to appear at a charter hearing. If it is later determined that [a hearing] **an oral presentation** will not be held pursuant to N.J.A.C. 3:1-2.5, the [hearing] fee will be returned to each of the objectors requesting [a hearing] **an oral presentation**.

(d) An objection to a minibranch or limited facility branch must be in the form of a comprehensive objection as set forth herein. The comprehensive objection must be filed in the Department within 45 calendar days of the date of publication in the applications bulletins.

(e) [(d)] Each comprehensive objection must set forth the following:

1. [A detailing of the factual and legal bases for objection, specifically referring to the portions of the application to which the objector objects and/or has reason to dispute, together with any factual or legal support therefor;] **A completed current objection form;**

2. Deposit totals (including a time/demand breakdown) for all offices of the objector which will be affected by the application. These deposit totals shall represent the year-end deposit aggregates for five preceding years, as well as for the most recent semiannual reporting period; and

3. Any [other factual, legal or judgmental matters which the objector deems necessary for the department to render an appropriate statutory finding.] **and all other documentation, including feasibility reports the objector wishes the Department to consider.**

[(e) If the objector requests a hearing and discloses an intent to file a subsequent memorandum in support thereof, said supplemental request shall contain a statement of all the reasons why the objector believes that a formal hearing is necessary and warranted with regard to the application.]

(f) The applicant shall have 10 days from receipt of the comprehensive objection to file and serve a reply. The reply must be limited to the data set forth in the comprehensive objection.

[(f)] (g) If the objector fails to comply with any of the provisions of [subsection] (b) or [(d)] (e) above [of this section], the Department shall dismiss the objection and/or the comprehensive objection.

3:1-2.4 Copies of application

Upon receipt of notice that an objection has been filed, an applicant shall immediately forward and deliver copies of the application and all supportive data submitted in conjunction therewith. Proof of delivery to and receipt by an objector shall be filed immediately with the Department. In the case of minibranches and limited facility branches, applications are to be provided within five days of request therefor by an objector.

3:1-2.5 [Hearing granted] Oral presentation granted or denied

(a) The Department may grant a [hearing] request for oral presentation on applications for a full branch, a section 25 [or section 27] association branch or relocation only if:

1. The objector requesting the [hearing] oral presentation has filed and perfected an objection, comprehensive objection and [hearing] oral presentation request; and

2. The objector requesting the [hearing] oral presentation has presented reasons which indicate that [a hearing] it is necessary and warranted and reasons why the matter cannot be resolved on the papers.

(b) A formal hearing, pursuant to the Administrative Procedure Act, shall be held on all charter applications. Only those objectors which comply with all of the rules relating to objections to charter applications shall be permitted to appear at the hearing.

(c) There shall be no [formal hearings] oral presentations on minibranch, communication terminal branch, auxiliary or limited facility branch offices. The applicant may reply to comprehensive objections to these branches if such reply is filed with the Department within 15 days of receipt of comprehensive objections. Rebuttals may be filed by objectors within five days of the applicant's reply.

[(d) If a formal hearing is denied, the Department shall give the objector a brief statement of the reasons therefor.]

[(e)] (d) Notwithstanding the foregoing, the Department may schedule a hearing or oral presentation on any application if deemed necessary or warranted under the circumstances.

3:1-2.6 Charter applications; publication of hearing dates

(a) Within 10 days after [the Department schedules] notification of the formal hearing dates for any charter application, the applicant shall publish notice of the application once a week for four successive weeks in one newspaper designated by the Commissioner, which is published and circulated in the municipality in which said charter is proposed to be established, or if there be no such newspaper, then in a newspaper of general circulation in the municipality.

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

3:1-2.7 Insufficiency of data in support of application; hearing

(a) In any matter where the Commissioner, deputy commissioner or [hearing] regulatory officer shall find that the applicant or objector has not filed sufficient data, information or material in support of or in opposition to the application, the applicant or objector may be required to file supplementary data, information or material, or be subject to dismissal of the application or objection.

(b) All papers required to be filed must be received in the Department of Banking by close of business on the date due. If the due date falls on a weekend or holiday then the filing must be effected by close of business on the very next business day. Upon good cause shown extensions of time within which to file must be considered if requested in writing with notice to all parties at least five days prior to due date.

(c) Only that data required by rules or required by the Department will be considered.

3:1-2.8 Notice of [hearing] oral presentation

[(a)] If [a hearing is to be held] there is to be oral presentation, the Commissioner, deputy commissioner or [hearing] regulatory officer shall notify the applicant and objector, if any, of the date, time, place and nature of the [hearing] proceeding; [of the legal authority and jurisdiction under which the hearing is to be held; of the particular sections of the statutes and rules involved;] and of the matters asserted or issues involved. [The notice of hearing may be combined with the notice granting the request for a hearing.]

[(b) Hearing will be scheduled soon after the receipt of the comprehensive objection and/or the request for hearing if the department deems hearing necessary and warranted.]

3:1-2.9 [Hearing officer; public hearings; conduct] Oral presentations

(a) Any [hearing] oral presentation pursuant to the Subchapter may be held before the Commissioner, or before any deputy commissioner, [hearing] regulatory officer or any employee of the Department authorized by the Commissioner.

(b) Every [hearing] oral presentation shall be open to the public unless the Commissioner shall determine that a private [hearing] presentation would be in the public interest.

(c) [Hearings] Oral presentations on all applications, [except an application for a new charter,] shall be strictly limited to a total of seven hours. The applicant shall be limited to three hours [for the presentation of affirmative and rebuttal testimony and the cross examination of objectors witnesses] to present information in support of its application. The objectors shall be limited to [four] two hours for the presentation of affirmative and rebuttal [testimony and the cross examination of applicants witnesses] information. A shorter or longer time may be prescribed by the Department with prior notice to all parties.

(d) (No change.)

3:1-2.10 Failure of party requesting [hearing] oral presentation to appear [at the hearing]

When the party requesting the [hearing] oral presentation or having notified the Department of an intent to appear at a charter hearing fails to appear at a scheduled [hearing] proceeding without sufficient reason therefor, such failure to appear shall be treated as a withdrawal of the objection and/or the request for [a hearing] an oral presentation. [The Commissioner, deputy commis-

sioner or hearing may dispense with the hearing or adjourn the hearing to a future date, or take such action as may be just and proper under the circumstances.]

3:1-2.12 Prehearing conference

(a) Prior to any hearing, or oral presentation, the [hearing] regulatory officer may, in his/her discretion, direct all parties and counsel to appear before him/her for a prehearing conference for any or all of the following purposes:

1. - 3. (No change.)

(b) Such conference, in the discretion of the [hearing] regulatory officer, need not be recorded, but the [hearing] regulatory officer enter in the record an order signed by the parties which recites the results of the conference. Such order, a copy of which shall be furnished to each party, shall include the [hearing] regulatory officer's rulings upon matters considered at the conference, together with appropriate directions, if any, to the parties; and such order shall control the subsequent course of the proceedings unless notified at the [hearing] oral presentation for good cause shown by appropriate order of the [hearing] regulatory officer.

3:1-2.13 [Hearing] Procedure for oral presentation

[(a) Applicants and objectors shall have the opportunity [to be heard, and to introduce exhibits in evidence and] to present [and cross-examine witnesses] their respective cases.]

(a) [(b)] Both applicant and objector may raise issues and present evidence only if same have been affirmatively raised in the application, the objection, or the comprehensive objection. All other matters will be excluded unless the person [conducting the hearing] presiding rules otherwise, and then only for good cause shown.

(b) [(c)] All studies, reports or the like may be [introduced] offered only if previously submitted to the Department and other interested persons pursuant to the [hearing officer's] presiding person's direction.

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

Delete in their entirety N.J.A.C. 3:1-2.15, 2.16, and 2.17.

Editor's Note: A proposed objection form was filed with the above rule, but is not reproduced herein and is not subject to codification.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Adrenee G. Freeman, Deputy Commissioner
Division of Consumer Complaints,
Legal and Economic Research
CN 040
Trenton, N.J. 08625

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

(a)

BANKING

DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

Proposed New Rules on Plain Language in Consumer Contracts

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of P.L. 1980, Chapter 125, Section 8, proposes

to adopt new rules to be cited as N.J.A.C. 3:2-2 concerning the use of plain language in consumer contracts.

Full text of the proposed new rules follows.

CHAPTER 2 ADVERTISING

SUBCHAPTER 2. PLAIN LANGUAGE

3:2-2.1 Authority and scope

(a) This subchapter is promulgated pursuant to the provisions of chapter 125, Public Laws of 1980.

(b) This subchapter applies to all creditors, sellers and lessors who write consumer contracts and are regulated by the Department of Banking. It also applies to any banking institution with a Federal charter which seeks a compliance opinion from the Department of Banking.

(c) This subchapter applies to all consumer contracts involving real estate or insurance. It does not apply to other consumer contracts involving amounts of more than \$50,000.

(d) No creditor, seller or lessor is required to submit consumer contracts for plain language compliance review.

3:2-2.2 Definitions

"Consumer contract" for purposes of this subchapter means a written agreement in which a natural person:

1. Obtains credit;
2. Borrows money;
3. Finances insurance premiums;
4. Pledges real or personal property as security for a loan or credit;
5. Contracts for services, including professional services, for cash or on credit and the money, property or services are obtained for personal, family or household purposes, including all writing required to complete the consumer transaction;
6. Contracts with a bank, savings bank, savings and loan or credit union for the deposit of money either on a demand, time or saving basis.

"Primary State Regulator" means the Department of Banking.

3:2-2.3 Compliance review requirements

(a) Consumer contracts may be submitted to the Department of Banking for a plain language compliance review by mailing to:

Deputy Commissioner
Division of Consumer Complaints,
Legal and Economic Research
CN 040
Trenton, N.J. 08625

(b) Consumer contracts submitted for compliance review shall be in the following format:

1. Typed, double-spaced;
2. 8½ x 11 inch common stock paper;
3. Every fifth line numbered;
4. Intended bold face or italicized copy should be underlined.

(c) A review fee of \$75.00 per consumer contract and \$2.50 per page is required at the time of filing.

(d) The Department of Banking will furnish written opinions. The Department will give explicit reasons for refusals to approve with suggestions for compliance when possible. Opinions shall be furnished within a reasonable period.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Adrenee G. Freeman, Deputy Commissioner
Division of Consumer Complaints,
Legal and Economic Research
CN 040
Trenton, N.J. 08625

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

(a)

BANKING

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Reserve Requirements

On March 4, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-48.17 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 3:30-2.1 concerning reserve requirements as proposed in the Notice published February 5, 1981 at 13 N.J.R. 61(c).

An order adopting this rule was filed and became effective on March 9, 1981 as R.1981 d.90.

(b)

BANKING

DIVISION OF BANKING

Savings Banks Participation in Credit Card Operations

On March 9, 1981, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-182.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 3:11-10.1 and 10.2 concerning savings banks participation in credit card operations as proposed in the Notice published February 5, 1981 at 13 N.J.R. 61(b).

An order adopting this rule was filed and became effective on March 10, 1981 as R.1981 d.91.

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

CSPM: Proposed Repeal Applications For Open Competitive Examinations (State Service)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:15-1, proposes to repeal Subpart 8-8.104 in the Civil Service Personnel Manual (State Service) concerning applications for open competitive examinations.

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

[Subpart 8-8.104 Applications For Open Competitive Examinations

8-8.104a Subject:

This subpart will deal with the filing of applications for examinations open to more than one governmental sub-division.

8-8.104b Limitations:

When an open competitive examination is announced under two or more symbols designating residence requirements, an applicant is eligible only for the examination open to his specific residence.

Example:

Safety Engineer II (S556A) State—Open to State
Safety Engineer II (S556B) State—Open to United
States

A New Jersey applicant shall file for S556A. Out-of-state residents shall file for S556B.]

Interested persons may present statements or arguments, in writing, relevant to the proposal on or before May 11, 1981 to:

Peter J. Calderone, Esq.
Acting Director of Administrative Practices
and Labor Relations
215 East State Street
CN 310
Trenton, New Jersey 08625

The Civil Service Commission may thereafter repeal the subpart concerning this subject without further notice.

(d)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

CSPM: Proposed Repeal Applications for Open Competitive Examinations (Local Jurisdictions)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to repeal Subpart 8-8.105 in the Civil Service Personnel Manual (Local Jurisdictions) concerning applications for open competitive examinations.

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

[Subpart 8-8.105 Applications For Open Competitive Examinations

8-8.105a Subject:

This subpart will deal with the filing of applications for examinations open to more than one governmental sub-division.

8-8.105b Limitations:

When an open competitive examination is announced under two or more symbols designating residence requirements, an applicant is eligible only for the examination open to his specific residence.

Example:

Junior Librarian (M2137A) Newark—Open to Newark
Junior Librarian (M2137B) Newark—Open to State
A Newark applicant shall file for M2137A. New Jersey applicants, who are non-residents of Newark, shall file for M2137B.]

Interested persons may present statements or arguments, in writing, relevant to the proposal on or before May 11, 1981 to:

Peter J. Calderone, Esq.
Acting Director of Administrative Practices
and Labor Relations
215 East State Street
CN 310
Trenton, New Jersey 08625

The Civil Service Commission may thereafter repeal the subpart concerning this subject without further notice.

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

CSPM: Proposed Repeal Applications for Examinations with Dual Requirements (State Service)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to repeal Subpart 8-8.105 in the Civil Service Personnel Manual (State Service) concerning applications for examinations with dual requirements.

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

[Subpart 8-8.105 Applications For Examinations With Dual Requirements

8-8.105a Subject:

This subpart will deal with the filing of applications for examinations having 2 sets of requirements.

8-8.105b Limitations:

When an examination is announced under two or more symbols having different requirements (higher and lower), an applicant possessing the higher requirements is eligible only for the examination containing the higher requirements. Likewise, an applicant possessing the lower requirements is eligible only for the examination having these lower requirements.

Example:

Business Manager, S111-A
Requirement—Master's Degree and 2 years of experience

Business Manager, S111-B
Requirement—B.S. and 4 years of experience
An applicant possessing a Master's Degree is eligible only for S111-A.]

Interested persons may present statements or arguments, in writing, relevant to the proposal on or before May 11, 1981 to:

Peter J. Calderone, Esq.
Acting Director of Administrative Practices
and Labor Relations
215 East State Street
CN 310
Trenton, New Jersey 08625

The Civil Service Commission may thereafter repeal the subpart concerning this subject without further notice.

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

SCPM: Proposed Repeal Applications for Examinations with Dual Requirements (Local Jurisdictions)

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to repeal Subpart 8-8.107 in the Civil Service Personnel Manual (Local Jurisdictions) concerning applications for examinations with dual requirements.

(CITE 13 N.J.R. 186)

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

[Subpart 8-8.107 Applications For Examinations With Dual Requirements

8-8.107a Subject:

This subpart will deal with the filing of applications for examinations having 2 sets of requirements.

8-8.107b Limitations:

When an examination is announced under two or more symbols having different requirements (higher and lower), an applicant possessing the higher requirements is eligible only for the examination containing the higher requirements. Likewise, an applicant possessing the lower requirements is eligible only for the examination having these lower requirements.

Example:

Business Manager, S111-A
Requirement—Master's Degree and 2 years of experience

Business Manager, S111-B
Requirement—B.S. and 4 years of experience

An applicant possessing a Master's Degree is eligible only for S111-A.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before May 11, 1981 to:

Peter J. Calderone, Esq.
Acting Director of Administrative Practices
and Labor Relations
215 East State Street
CN 310
Trenton, New Jersey 08625

The Civil Service Commission may thereafter repeal the subpart concerning this subject without further notice.

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Qualifications for Promotional Examinations

On March 10, 1981, Peter J. Calderone, Acting Director of Administrative Practices and Labor Relations, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 4:1-8.6 concerning qualifications for promotional examinations as proposed in the Notice published January 8, 1981 at 13 N.J.R. 6(b) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting this rule was filed and became effective on March 10, 1981 as R.1981 d.92.

(d)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amendments on Relocation Assistance Hearings

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:13B-10 and 20:4-10,

proposes to amend N.J.A.C. 5:11-9.2 concerning relocation assistance hearings.

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

5:11-9.2 Right of hearing and time for filing

(a) Any person aggrieved by a final determination by a displacing agency other than a State agency may appeal such determination to the Bureau of Housing Services, which shall thoroughly review the matter and make a decision as to the merits of the claim for relocation payments or benefits [may request a hearing before the Commissioner or his designee as provided by the Administrative Procedure Act, P.L. 1968 c. 410 (as amended)]. Such appeal [request] shall be made within 15 days of receipt of written notice of the determination.

(b) The Division of Housing shall provide an administrative hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., to any person aggrieved either by a final determination by a displacing agency which is a State Agency or by a decision made by the Bureau of Housing Services pursuant to (a) above. Such hearing shall be conducted under the auspices of the Office of Administrative Law and the final decision shall be made by the Director of the Division of Housing. Any request for a hearing shall be made within 15 days of receipt of written notice of the State Agency determination or decision of the Bureau of Housing Services, as the case may be.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Joseph G. Feinberg, Chief
Bureau of Housing Services
CN 804
Trenton, N.J. 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Repeal of Rules on State Aid for Urban Renewal Projects

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-44 et seq., proposes to repeal the current text of N.J.A.C. 5:12 regarding State Aid for Urban Renewal Projects. These regulations apply only to municipalities and other entities receiving State urban renewal financial aid and there are no longer any municipalities or other entities receiving such aid.

Full text of the rules proposed for repeal in the New Jersey Administrative Code.

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before May 11, 1981 to:

Joseph G. Feinberg, Chief
Bureau of Housing Services
CN 804
Trenton, New Jersey 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amendments on Uniform Construction Code

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-124, proposes to amend N.J.A.C. 5:23-2.6 concerning inspections under the Uniform Construction Code.

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

5:23-2.6 Inspections; special technical services; tests

(a) Rules concerning inspections are:

1.-6. (No change.)

7. The construction official shall serve as an agent of the Bureau of Housing Inspection of the Department of Community Affairs for the purpose of inspecting newly constructed and altered hotels and multiple dwellings in order to enforce the provisions of the regulations for the maintenance of hotels and multiple dwellings (N.J.A.C. 5:10-1). Responsibility for inspection may be delegated to the appropriate subcode official(s).

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

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

William M. Connolly, Deputy Director
Division of Housing
CN 804
Trenton, N.J. 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

(c)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amendments on New Home Warranties and Builders' Registration

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 46:38-1 et seq., proposes to amend N.J.A.C. 5:25-5.5 concerning new home warranties and builders' registration.

The proposed amendments provide for a formal determination by the Bureau of Construction Code Enforcement as to the merits of a claim under the State Plan prior to any administrative hearing.

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

5:25-5.5 Claims procedure

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

(c) (No change.)

1.-2. (No change.)

3. If all or any part of the dispute remains unresolved after conciliation, the Division shall provide one of the following options:

- i. (No change.)
- ii. Administrative hearing:

(1) Where both parties [cannot] do not agree to arbitration, the Bureau of Construction Code Enforcement shall thoroughly review the matter and shall make a decision as to the merits of the claim. This decision shall be binding on both parties, provided, however, that if either party files a notice of appeal of the decision with the Division within 15 days of service of notice of such decision, the Division shall provide an [A]administrative [H]hearing in accordance with the Administrative Procedure[s] Act, N.J.S.A. 52:14B-1 et seq.

(2) (No change.)

(d) (No change.)

(e) Final payment in event of builder default rules are:

1. If any builder shall, after receiving the decision of the arbitrator, the Bureau of Construction Code Enforcement or the Director, as the case may be, refuse to correct the defect within the time period specified in the decision, then the owner may file a request for payment with the Department. Upon verification of the right to payment, the Director shall certify the amount of the award to the Treasurer, who shall make payment from the fund.

2.-3. (No change.)

(f)-(g) (No change.)

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

William M. Connolly, Deputy Director
Division of Housing
CN 804
Trenton, N.J. 08625

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Proposed Rules on Filing Of Municipal Budget Amendments

The Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10, proposes to adopt new rules to be cited as N.J.A.C. 5:30-3.4 concerning the filing within five days after adoption of a municipal budget amendment with the Director of the Division of Local Government Services.

Full text of the proposed new rule follows.

5:30-3.4 Filing of municipal budget amendments

(a) All budget amendments submitted to the Director, Division of Local Government Services for approval per N.J.S.A. 40A:4-85 and N.J.S.A. 40A:4-87 shall be filed with the Director within five days after adoption.

(b) Any such budget amendment not filed within the prescribed time must be accompanied by a statement of reasons, satisfactory to the Director, for such delay.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Helen L. Mathews, Secretary
Local Finance Board
Division of Local Government Services
Department of Community Affairs
CN 803
Trenton, New Jersey 08625

The Local Finance Board may thereafter adopt rules concerning this subject without further notice.

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Issuance of Interpretation On Construction Code

Take notice that Philip B. Caton, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs has issued Interpretation No. 8 (Ordinary Repairs), being a plain language listing of work that can be accomplished without filing for a construction permit. This Interpretation is effective on April 1, 1981, and, pursuant to N.J.S.A. 52:27D-119 et seq., is binding upon all Code officials.

Full text of the Interpretation follows.
Interpretation No. 8

The Uniform Construction Code provides that ordinary repairs to a building may be without an application for a construction permit being filed and without any notice to the local enforcing agency that work will take place.

The definition of ordinary repairs found in the code (N.J.A.C. 5:23-2.3(e)) is of necessity technical and not easily understood by the layman. Since it is a layman who most frequently performs ordinary repairs, the Commissioner has found that a plain language listing of that work which is ordinary repairs is necessary.

The following items are ordinary repairs and are to be treated as such by every local enforcing agency. This is not an all inclusive listing of ordinary repairs.

A. Ordinary building repairs include:

1. Exterior and interior painting.
2. Installation, repair or replacement of any interior finish in a one or two family dwelling, such as vinyl wall covering, plastering, or drywall on an existing wall. Paneling is not to be included as ordinary repairs.

3. Wall papering at any location.

4. The replacement of glass in any window or door. However, the replacement glass shall be of the type and quality so as to comply with minimum requirements of the code.

5. The installation and replacement of any window or door, including garage doors, in the same opening without altering the dimensions or framing of the original opening. This shall include storm windows and storm doors. Any new door or window shall be of the same type and operation, as the existing and shall not reduce the minimum requirements of the code for means of egress and emergency escape.

6. The repair of any non-structural member such as a railing.

7. The repair or replacement of any interior or exterior trim, decoration or moldings.

8. The replacement or installation of any flooring material except carpeting, with a new material. However, installation of carpeting in one and two-family dwellings will be permitted under ordinary repairs.

9. The repair of existing roofing material with like material not exceeding 25% of the total roof area within any 12 month period.

10. The repair of existing siding with like material not exceeding 25% of the total building exterior wall area within any 12 month period.

11. The repair of any part of a porch or stoop which does not structurally support a roof above.

12. The replacement or installation of screens.

13. The installation of any roll or batt insulation when installed adjacent to or not more than one and one-half (1½) inches from an interior finish.

14. Replacement of exterior rain water gutters and leaders.

B. Ordinary plumbing repairs include:

1. Repairs involving only working parts of a faucet, valve or plumbing fixture.

2. The clearance of stoppages or the repair of leaks provided such repairs do not require any change in the piping arrangement.

3. Replacement of any faucet or valve provided no re-arrangement of the connecting piping system is required.

C. Ordinary electrical repairs shall include:

1. The replacement of any receptacle, switch, or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item.

2. Repairs to any installed electrically operated equipment such as doorbells, communication system, elevators and any motor operated device.

Note: Section 1700.3 of the 1981 BOCA Basic Building Code requires notification of the Fire Protection Sub-code Official when fire protection systems are interrupted for repairs.

D. Ordinary Fire Protection repairs shall mean and include:

1. The replacement of any sprinkler or smoke detector or heat detector head with a like device.

2. The repair or replacement of any component of a fire alarm or smoke and heat detection equipment.

E. Ordinary heating, ventilation and air-conditioning repairs shall include:

1. Replacement of motors, pumps and fans of the same capacity.

2. Repair and replacement of heating supply and return piping and radiation elements, which does not require re-arrangement of the piping system.

3. Repair and replacement of duct work.

4. Repair and replacement of packaged air-conditioning equipment and systems with a like capacity that are listed by a nationally recognized testing agency.

5. Repairs or replacement of control devices for heating and air-conditioning equipment.

No inspections of ordinary repairs are required by the Code and the Commissioner has further found that no inspections of ordinary repairs are authorized by the Code.

This Notice is published as a matter of public information.

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

State Housing Code (1980 Revision)

On February 26, 1981, James A. Sinclair, Deputy Commissioner, pursuant to authority of N.J.S.A. 2A:42-76 and in accordance with the applicable provisions of the Ad-

ministrative Procedure Act, adopted new rules to be cited concerning the State Housing Code (1980 Revision) as N.J.A.C. 5:28 concerning the State Housing Code (1980 Revision) as proposed in the Notice published at 13 N.J.R. 70(a).

An order adopting this rule was filed and became effective on March 3, 1981 as R.1981 d.68.

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Eviction and Relocation

On March 3, 1981, James A. Sinclair, Deputy Commissioner, pursuant to authority of N.J.S.A. 2A:18-61.1, 52:31B-10 and 20:4-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:11-7.1 through 7.5 concerning eviction and relocation as proposed in the Notice published February 5, 1981 at 13 N.J.R. 67(b).

An order adopting this rule was filed and became effective on March 3, 1981 as R.1981 d.69.

(c)

COMMUNITY AFFAIRS

THE COMMISSIONER

Readoption on Planned Real Estate Development Full Disclosure

On February 26, 1981, James A. Sinclair, Deputy Commissioner, pursuant to authority of N.J.S.A. 45:22A-21 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, readopted N.J.A.C. 5:26 concerning planned real estate development full disclosure as proposed in the Notice published February 5, 1981 at 13 N.J.A.C. 70(b).

An order adopting this rule was filed March 3, 1981 to become effective on April 1, 1981 as R.1981 d.70.

(d)

COMMUNITY AFFAIRS

DIVISION OF HOUSING

Maintenance of Hotels and Multiple Dwellings

On March 10, 1981, James A. Sinclair, Deputy Commissioner of the Department of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-6e and 7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:10 concerning hotels and multiple dwellings as proposed in the Notice published July 10, 1980 at 12 N.J.R. 383(d) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

An order adopting the rule was filed with the Office of Administrative Law on March 11, 1981 to become effective April 9, 1981 as R.1981 d.95.

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments on Controversies and Disputes (Format of Petition)

The State Board of Education, pursuant to authority of N.J.S.A. 18A:6-9, proposes to amend N.J.A.C. 6:24-1.3 concerning the format of petitions for controversies and disputes.

The purpose of these amendments is to facilitate the determination of jurisdiction over controversies which may arise simultaneously in more than a single forum. These changes would reduce the possibility of conflicting determinations by different State agencies and assist the Office of Administrative Law in carrying out its responsibilities of determining jurisdiction among State agencies.

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

6:24-1.3 Format of petition

(a) Any party to a controversy or dispute before the Commissioner of Education, who is a party to another action before any other administrative agency or court involving the same or similar issue, shall indicate the existence of such action or complaint within the petition of appeal to the commissioner. Failure to so certify may be deemed to be sufficient cause for dismissal of the petition of appeal, when in the judgment of the commissioner and/or the administrative law judge such failure results in the duplication of administrative procedures for the resolution of a controversy or dispute.

(b) Whenever such duplicate filing is discovered, the case will be transmitted to the Office of Administrative Law for initial determination of which agency, if any, has the predominant interest in the outcome of the case.

(c) The petition must include the name and address of each petitioner, the name and address of or a description sufficient to identify each party respondent, and a statement of the specific allegation(s) and essential facts supporting them which have given rise to a dispute under the school laws, and must be verified by oath. The petition should also cite, if known to petitioner, the section or sections of the school laws under which the controversy has arisen and should be presented in substantially the following form:

(NAME OF PETITIONER(S)), : BEFORE THE
PETITIONER(S), : COMMISSIONER OF
: EDUCATION OF
: NEW JERSEY
v.
(NAME OF RESPONDENT(S)), : PETITION
RESPONDENT(S). :

Petitioner, residing at, hereby requests the Commissioner of Education to consider a controversy which has arisen between petitioner and respondent whose address (or other identification) is, pursuant to the authority of the commissioner to hear and determine controversies under the school law (N.J.S.A. 18A:6-9), by reason of the following facts:

1. (Here set forth in appropriate paragraphs the specific allegation(s), and the facts supporting them, which constitute the basis of the controversy.)

WHEREFORE, petitioner requests that (here set forth prayer for the relief desired).

Signature of petitioner or his/her attorney

.....
Date

(Name of petitioner), of full age, being duly sworn upon his/her oath according to law deposes and says:

1. I am the petitioner in the foregoing matter.
2. I have read the petition and aver that the facts contained therein are true to the best of my knowledge and belief.

(Signature)

Sworn and subscribed to before me this

..... day of, 19....

(Signature)

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

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

(b)

EDUCATION

STATE RECORDS COMMITTEE

Proposed Amendments to Archives And History Records Management

Anthony W. Angelini, Chairman of the State Records Committee, pursuant to authority of N.J.S.A. 47:3 et seq., proposes to amend N.J.A.C. 6:66-1.1 through 2.17 concerning the retention and destruction of public records.

The purpose of the revision is to update and clarify the procedures by which State and local public agencies retain and dispose of their records and to provide concise, and technically accurate and current specification for the creation of microfilmed copies of public records.

Copies of the full text of the proposed amendments may be obtained by sending written requests to:

William C. Wright, Secretary
State Records Committee
New Jersey State Library
185 West State Street
Trenton, N.J. 08625

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

William C. Wright, Secretary
State Records Committee
New Jersey State Library
185 West State Street
Trenton, N.J. 08625

The State Records Committee may thereafter adopt rules concerning this subject without further notice.

(a)

EDUCATION

STATE BOARD OF EDUCATION

Teacher Certification Fees

On March 4, 1981, the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:11-3.3 concerning teacher certification fees as proposed in the Notice published January 8, 1981 at 13 N.J.R. 8(b).

An order adopting this rule was filed and became effective on March 5, 1981 as R.1981 d.82.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on Condemnation of Shellfish Beds

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 13:1B-5 et seq., and 58:24-1 et seq., proposes to amend N.J.A.C. 7:12-1.1, 1.3, 2.3, 2.6 and 2.11 and to adopt new rules to be cited as N.J.A.C. 7:12-2.13 and 2.4 concerning the condemnation of certain shellfish beds. This rulemaking action is known within the Department as Docket No. DEP 014-81-02.

The proposed revisions to the growing water classifications result from surveys conducted by the Bureau of Shellfish Control in the Division of Water Resources.

The investigatory work consists of the collection and analysis of water samples, the inventory of actual and potential sources of pollution and hydrographic studies of flow patterns which distribute pollution. These surveys are conducted in accordance with applicable State and Federal Food and Drug Administration (FDA) guidelines and regulations. The FDA further requires that each state appraise, every two years, the quality of those waters approved for the harvesting of shellfish. New Jersey conducts investigatory work and research and pursuant to N.J.S.A. 58:24-1 et seq., revises the regulations annually.

These proposed revisions will result in the reclassification of approximately 5,501 acres. The names of the waterways and the number of acres reclassified are listed below in general terms:

Chart No.	Area	Proposed	Acres
5	Atlantic Ocean	Condemned to Approved	2822
5	Manahawkin Bay - Mill Creek	Condemned to Seasonal	150
6	Landing Creek	Approved to Condemned	23
7	Steelman Bay - Obes Thorofare	Condemned to Seasonal	75
7	Reed Bay - Broad Creek	Seasonal to Approved	1333
7	Scull Bay - Broad Thorofare	Seasonal and Special Restricted to Approved	810

8	Great Egg Harbor Bay	Seasonal to Approved	163
10	Cohansey Cove	Approved to Condemned	75

The overall result of these proposed revisions will be a net gain of 5305 acres of shellfish growing waters upgraded. Approximately 98 acres will be downgraded and 5403 acres will be upgraded.

Additionally, administrative changes to Subchapter 2 (Special Permit) are necessary due to the passage of P.L. 1980 Chapter 132 (revised N.J.S.A. 50:1-1 et seq.). Most changes do not alter the purpose or the conditions of the special permits.

Copies of the full text of the proposed revisions are available from the person indicated below.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

William J. Eisele, Jr., Chief
Bureau of Shellfish Control
Department of Environmental Protection
CN 029
Trenton, New Jersey 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on Flood Plain Delineation

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11 concerning delineated floodways, by adding to it the floodway and flood hazard areas of:

1. The East Branch Rahway River from the Millburn Township-Maplewood Township boundary downstream from Millburn Avenue to downstream Forest Hill Road;
2. The West Branch Rahway River from the Maplewood Township-Town of West Orange boundary downstream from the Orange Reservoir Dam to upstream from Hooper Avenue;
3. The Crystal Lake Branch from its confluence with the West Branch Rahway River upstream to the Prospect Avenue-Interstate Route I-280 Ramp; and
4. The Peckman River from the Verona Lake Dam downstream from Prospect Avenue (Route 577).

The proposed amendment affects the City of Orange, Town of West Orange, Maplewood Township, South Orange Village Township and the Borough of Verona, all in the County of Essex, and is based upon studies undertaken by the Bureau of Flood Plain Management, Division of Water Resources. This proposal shall be known within the Department as Docket No. DEP 018-81-03.

A public hearing on this matter was held on Thursday, March 26, 1981 at 8:30 P.M. in the Orange City Hall, Council Chambers, Third Floor, 29 North Day Street, Orange, New Jersey. Interested parties were notified of this meeting by publication in newspapers of general circulation and by direct mailing.

The Department currently has regulations governing

land use in all delineated floodways, N.J.A.C. 7:13-1.1 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11(c). This list is amended from time-to-time as the Department delineates additional floodways or revokes, amends, alters or modifies previously delineated floodways. Following the close of the public notice period, this amended delineation shall be included in the list of delineated floodways in N.J.A.C. 7:13-1.11(c).

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, CN 029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements or comments on this proposal in writing on or before May 12, 1981 to:

Clark Gilman
Bureau of Flood Plain Management
Division of Water Resources
CN 029
1474 Prospect Street
Trenton, N.J. 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on Flood Control Bond Grants

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and P.L. 1978 c. 78, proposes to amend various rules concerning flood control bond grants under the Emergency Flood Control Bond Act of 1978, P.L. 1978 c. 78. This rule is known within the Department as Docket No. DEP 015-81-03.

The purpose of these technical amendments is to conform the regulations to the system currently utilized by the Department to distribute grant award funds, to revise the remedies sections, N.J.A.C. 7:23-2.29 through 2.35, and to adopt a new land acquisition and appraisal system for Flood Control Bond Grant projects, N.J.A.C. 7:23-2.14(b).

Copies of the full text of the proposed amendments are available from the person indicated below.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 25, 1981 to:

John O'Dowd, P.E.
Chief, Bureau of Flood Plain Management
Division of Water Resources
CN 029
1474 Prospect St.
Trenton, N.J. 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on Oyster Dredging Licenses

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 proposes to adopt new rules to be cited as N.J.A.C. 7:25A-1 and repeal N.J.A.C. 7:25A-1.1 (see 13 N.J.R. 195(a)) concerning limiting oyster vessel licenses to historical participants in the fishery. This proposal is known within the Department as Docket No. DEP 018-81-03.

Full text of the proposed new rules follows.

SUBCHAPTER 1. OYSTER DREDGING LICENSES

7:25A-1.1 Licenses

No new or 1981 oyster licenses authorized by N.J.S.A. 50:3-1 shall be issued except to those vessels validly licensed in either 1978, 1979, or 1980.

7:25A-1.2 Substitution of vessels

Any person who owns a vessel validly licensed in 1978, 1979, 1980, or 1981, pursuant to N.J.S.A. 50:3-1 may substitute a new vessel for the previously licensed vessel, except that no substituted vessel shall displace more gross tonnage than the previously licensed vessel.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Robert Santaloci
Division of Fish, Game and Wildlife
CN 400
Trenton, New Jersey 08625

A public hearing will be held on April 15, 1981, at 6:30 P.M. at the Port Norris Firehouse, Port Norris, New Jersey. Persons wishing to testify should contact Mr. Santaloci at (609) 292-9101.

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Oyster Management in Delaware Bay

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, 50:1-23, and 50:1-27, proposes to adopt new rules to be cited as N.J.A.C. 7:25A-2 concerning the leasing of lands in Delaware Bay, in an area above the Southwest line known as Section E, as defined in N.J.S.A. 50:1-23, for the planting and cultivation of oysters. This proposal is known within the Department as Docket No. DEP 017-81-03.

Full text of the proposed new rules follows.

SUBCHAPTER 2. OYSTER MANAGEMENT IN DELAWARE BAY

7:25A-2.1 Division of section E

The Division of Fish, Game and Wildlife will divide sec-

tion E, as defined in N.J.S.A. 50:1-23 and consisting of approximately 7877.7 acres into 10 acre lots, and designate each either an "A" or "B" lot; an "A" lot being in the judgment of the division more suitable for the planting and cultivation of oysters. Each corner or each lot shall be marked by the division. All the remaining parcels will be "B" lots.

7:25A-2.2 Leasing of "A" lots

Any owner of a vessel which was licensed to dredge oysters pursuant to N.J.S.A. 50:3-1 in 1978, 1979, or 1980 may lease one "A" lot in section E at a fee of \$30.00 per year. The leaseholder of all "A" lots will be determined by a lottery conducted by the division. Each "A" lot leaseholder will record his lot number and license number of the vessel to work that lot with the division. A licensed vessel may only work one "A" lot, and no vessel may work an "A" lot except one with a license number corresponding to the number recorded for that lot with the division.

7:25A-2.3 Leasing of "B" lots

Any owner of a vessel which was licensed to dredge oysters pursuant to N.J.S.A. 50:3-1 in either 1978, 1979, or 1980 may lease one "B" lot of his choice for each year the section E lease plan continues. The lease fee for each "B" lot will be \$300.00 per year and each leaseholder shall register his lot number with the division.

7:25A-2.4 Expiration and renewal of "A" and "B" lot leases

Each "A" or "B" lot lease will expire at the end of the calendar year in which it is issued. Leaseholders will have the option to renew each year until 1985, provided the leased lot to be renewed has been, in the judgment of the division, actively worked by the recorded leaseholder. Any lot, the lease of which is not renewed will be classified as a "B" lot.

7:25A-2.5 Non-transferability of section E leases

No lease in section E may be sold, rented, assigned or in any manner conveyed or transferred. No lot in section E may be subleased.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Robert Santaloci
Division of Fish, Game and Wildlife
CN 400
Trenton, N.J. 08625

A public hearing will be held April 15, 1981, at 6:30 P.M., at the Port Norris Firehouse, Port Norris, New Jersey. Persons wishing to testify should contact Mr. Santaloci at (609) 292-9101.

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND WILDLIFE

Proposed Amendments on Oyster Seed Beds: Notice of Public Hearing

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5,

proposes to amend N.J.A.C. 7:25-7.2 concerning oyster seed beds and recodify it as N.J.A.C. 7:25A-3.1. This proposal is known within the Department of Environmental Protection as Docket No. DEP 019-81-03.

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

SUBCHAPTER 3. OYSTER SEED BEDS

[7:25-7.2] 7:25A-3.1 Oyster seed beds

(a) The season for the taking of seed oysters from the natural seed beds above the Southwest Line in Delaware Bay for [1980] **1981** shall be scheduled for a period of time beginning 7:00 a.m., [June 2, 1980] **May 11, 1981** and shall close as determined by [subsection] (b) below. [of this section.]

(b) Physical tests of all areas opened by this [regulation] section shall be made near the end of each week by an advisory committee appointed by the Director of the Division of Fish, Game and Wildlife. These tests will be the determining factor to close any or all beds opened by regulation. **No person shall take or catch oysters by any means in any beds or oyster grounds closed by the Advisory Committee.**

(c) (No change.)

(d) Nothing in this [regulation] section shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(e) Based upon the data and test referred to in [subsection] (b) above [of this section] and the recommendation of the advisory committee referred to in [section 3 of this subchapter] (c) above, the Council, pursuant to N.J.S.A. 50:1-5, may immediately close those beds as may be necessary for the preservation and improvement of the shellfish industry.

(f) The Bureau of Shellfisheries, shall, as practical, place marker buoys along any boundary line or lines established by the Advisory Committee. In the event that any buoys placed by the Bureau of Shellfisheries are found not to be on station on the demarcation line, no person shall take or catch or dredge for oysters more than one-half nautical mile of the demarcation line.

1. It shall be prima facie evidence of the violation of (f) above, if any vessel is observed by radar or other means within one-half nautical mile of said demarcation line if the marker buoys are not on station. It shall be the duty of the Bureau of Shellfisheries or the New Jersey Marine Police to determine whether such buoys are on station.

A public meeting on this and other proposals concerning oyster management will be held on April 15, 1981 at 6:30 P.M., at the Port Norris Firehouse, Port Norris, New Jersey. Persons wishing to comment may do so at the hearing, or in writing on or before ~~May~~ **Ma**y 11, 1981, to:

Robert Santaloci
Division of Fish, Game & Wildlife
CN 400
Trenton, New Jersey 08625
(609) 292-9101

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

(a)

ENVIRONMENTAL PROTECTION HEALTH

THE COMMISSIONERS

Hard Clam Depuration Pilot Plant Program

On February 13, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection and Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 13:1D-9, 24:2-1 et seq., 24:15-13 and 58:24-1 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. 7:17 concerning the establishment of a hard clam depuration pilot plant program as proposed in the Notice published May 8, 1980 at 12 N.J.R. 253(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Departments and with inconsequential structural or language changes.

The adopted changes are summarized as follows:

Subchapter 1: N.J.A.C. 7:17-1.4: A definition statement has been added.

Subchapter 2: N.J.A.C. 7:17-2.1(i): The phrase "designated enforcement units" is substituted for "Marine Police". This was referenced as N.J.A.C. 7:17-1.4(i) in the published proposal. This substitution is made throughout the chapter because of the Marine Police's reassignment to the Department of Law and Public Safety and the creation of a special shellfish enforcement unit within the Department of Environmental Protection. These entities will have joint responsibility for enforcing these rules.

N.J.A.C. 7:17-2.1(n): An anti-discrimination clause has been added.

Subchapter 3: N.J.A.C. 7:17-3.3(b)17: A requirement for reporting total daily catch to the enforcement units has been added to facilitate enforcement.

N.J.A.C. 7:17-3.3(e)7: The word "address" has been added to recording requirements to facilitate contacting harvesters.

N.J.A.C. 7:17-3.4: The bonding requirements have been eliminated in response to public comment and based upon an Attorney General opinion dated December 16, 1980. A determination has been made that such change will not be detrimental to the public.

Please note that the permit forms have been amended to reflect these changes.

An order adopting this rule was filed and became effective on February 19, 1981 as R.1981 d.56.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Water Quality Standards

On March 3, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., and in ac-

cordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:9-4 and new rules to be cited as N.J.A.C. 7:9-5 and 7:9-6 concerning water quality standards as proposed in the Notice published March 6, 1980 at 12 N.J.R. 108(c) 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 March 4, 1981 as R.1981 d.80.

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Pollutant Discharge and Waste Management

On March 6, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:10A-1 et seq., 58:10-23.11 et seq., 58:11-18.10 et seq., 58:11A-1 et seq., 58:11-49 et seq., 13:10-1 et seq. and 13:1B-3, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:14 and 7:26-1.1 and new rules to be cited as N.J.A.C. 7:14A concerning pollutant discharge and waste management as proposed in the Notice published October 9, 1980 at 12 N.J.R. 569(f) but with subsequent substantive changes not in violation of N.J.A.C. 15:15-4.7(c) in the opinion of the Department.

An order adopting this rule was filed and became effective on March 6, 1981 as R.1981 d.84.

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Flood Plain Delineation of the Great Egg Harbor River

On March 3, 1981, Jerry Fitzgerald English, Commissioner of Department of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq. and 13:1D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11 concerning the flood plain delineation of the Great Egg Harbor River as proposed in the Notice published September 4, 1980, at 12 N.J.R. 506(a).

An order adopting this rule was filed and became effective on March 9, 1981 as R.1981 d.88.

(e)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Flood Plain Delineation of the Mullica River and Tributaries

On March 3, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq. and 13:1D-1 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11 concerning the flood plain delineation

of the Mullica River and its tributaries as proposed in the Notice published September 4, 1980 at 12 N.J.R. 506(b).

An order adopting this rule was filed and became effective on March 9, 1981 as R.1981 d.89.

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Rule on Oyster Dredging License Moratorium

On March 6, 1981, Steven J. Picco, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and 13:1D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an emergency new rule to be cited as N.J.A.C. 7:25A-1.1 concerning an oyster dredging license moratorium. See 13 N.J.R. 192(b) for proposed rules on this subject.

Full text of the emergency new rule follows:

**CHAPTER 25A
OYSTERS**

SUBCHAPTER 1. OYSTER DREDGING LICENSE

7:25A-1.1 Oyster dredging license moratorium for Delaware Bay

In order to preserve and protect the oyster industry and resource no license for the dredging of oysters in Delaware Bay, as authorized by N.J.S.A. 50:3-1, shall be issued from the effective date of this emergency rule until the adoption of final regulations concerning oyster management, or until May 12, 1981 whichever is sooner.

An order adopting this rule was filed and became effective on March 11, 1981 as R.1981 d.94 (Exempt, Emergency Rule).

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Dam Restoration Grants

On March 12, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and P.L. 1980 c. 70 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:24 concerning dam restoration grants as proposed in the Notice published January 8, 1981 at 13 N.J.R. 9(a) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

Take notice that N.J.A.C. 7:26-11 concerning solid waste administration and the awarding of grants under the Natural Resources Bond Act of 1980, P.L. 1980 c. 70, which was originally proposed with N.J.A.C. 7:24 at 13 N.J.R. 9(a) is NOT adopted at this time, but is still pending.

An order adopting N.J.A.C. 7:24 was filed with the Office of Administrative Law on March 17, 1981 to become effective April 9, 1981 as R.1981 d.104.

(c)

ENVIRONMENTAL PROTECTION

DROUGHT COORDINATION OFFICE

STATE DROUGHT COORDINATOR

Emergency Rules on Drought Crisis

Section 11 of Executive Order No. 104 delegates to the Drought Coordinator, Paul Arbesman, for procedural purposes, the Governor's power to adopt orders, rules and regulations pursuant to the Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq.

On March 10, 1981, Donald T. Graham, Deputy Drought Coordinator in the Drought Coordination Office, pursuant to authority of N.J.S.A. App. A:9-45 and Executive Order No. 104 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency new rules to be cited as N.J.A.C. 7:1G concerning the criteria and procedures for applications for hardship exemptions in accordance with the terms and conditions of Executive Order No. 104, the policies adopted by the Water Emergency Task Force for the review of hardship exemptions, and orders issued by the Drought Coordinator pursuant to Executive Order No. 104.

Executive Order No. 104, signed by Governor Brendan Byrne on February 7, 1981, provides that hardship exemptions may be granted from provisions of the Executive Order and any orders, rules or regulations adopted by the Drought Coordinator. In order to qualify for a hardship exemption the following criteria must be met:

- a) extraordinary hardship would result,
- b) no reasonable alternative exists; and
- c) where such exemption or class of exemptions will not interfere with the achievement of the purposes of the Order.

No exemption or class of exemptions shall be permitted which will in anyway interfere with the purposes of Executive Order No. 104. The applicant has the burden of demonstrating that an exemption should be granted.

The following rules and regulations establish the procedures for applying for a hardship exemption, application forms, and procedures for appealing hardship exemption decisions; the policies applied in these cases and the orders issued by the Drought Coordinator pursuant to Executive Order No. 104.

The rules and regulations are being adopted as an emergency rule in order to enable the hardship exemption process to be initiated immediately, and to provide public notice of all orders issued by the Drought Coordinator, which orders require immediate implementation during the drought emergency.

Full text of the emergency new rules and Executive Order No. 104 with attachments follows.

CHAPTER 1G.

DROUGHT COORDINATION OFFICE

SUBCHAPTER 1. GENERAL PROVISIONS

7:1G-1.1 Scope and purpose

(a) This chapter governs the implementation and enforcement of Executive Order No. 104 and the application procedure and policies for hardship exemptions under Executive Order No. 104, signed by Governor Brendan Byrne on February 7, 1981.

(b) The purpose of this chapter is to set forth the poli-

cies implementing and enforcing Executive Order No. 104 and the procedural requirements which must be met by applicants seeking relief from Executive Order No. 104 through hardship exemptions and to set forth policies and procedures for specific water uses. Under Executive Order No. 104, hardship exemptions may be granted from the non-essential use ban, the Water Rationing Plan or from any order, rule or regulation adopted pursuant to Executive Order No. 104 when the applicant shows that:

1. Extraordinary hardship would result;
2. No reasonable alternative exists; and
3. Such exemption, or class of exemptions, would not significantly interfere with the purpose of Executive Order No. 104.

7:1G-1.2 Severability and construction

(a) This chapter shall be liberally construed to permit the Drought Coordinator to effectuate the purposes of Executive Order No. 104.

(b) If any section or portion of this chapter or its applications are held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provisions, and to this end the provisions of this chapter are declared to be severable.

7:1G-1.3 Reservation of right

The Drought Coordinator reserves the right to adopt further policies pursuant to Executive Order No. 104 and to implement same immediately. Said policies shall thereafter be published as supplements hereto as time permits.

7:1G-1.4 Definitions

The following words and terms when used in this chapter shall have the following meanings unless otherwise indicated.

"Base period consumption" means that volume of water used during a specified period, as determined by the water purveyor, following imposition of the non-essential use ban.

"Drought Coordinator" means the individual designated pursuant to Executive Order No. 104 responsible for the supervision of the administration and enforcement of the provisions of the Order.

"Executive Order" means Executive Order No. 104 signed by Governor Brendan Byrne on February 7, 1981, attached hereto as Exhibit 1.

"Fresh water" means non-saline water from ground or surface water sources in the area specified in the Executive Order, or as may be amended. Fresh water does not include collected rain water, used water such as dishwater, shower or bath water or used water from any commercial/industrial process.

"Non-essential use ban" means the prohibition of the uses of fresh water for non-essential uses as defined below.

"Non-essential water uses" means:

1. The watering of all plant growth except commercially grown crops.
2. The washing of vehicles, except by businesses engaged exclusively in car washing.
3. The washing of streets, driveways, sidewalks or paved areas.
4. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.
5. The use of water for flushing sewers by municipalities or any public or private entity except as deemed necessary and approved in the interest of public health or safety by municipal health officials.
6. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.

7. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire fighting or protection purposes.

8. All outdoor recreational purposes.

9. Any other uses of fresh water as may be designated by the Drought Coordinator as non-essential. Such designations shall be made by rule or order and shall be effective immediately upon adoption by the Drought Coordinator and shall be published in the New Jersey Register as soon thereafter as possible.

"Person" shall include any individual, corporation, company, partnership, firm, association, political subdivision or any state, interstate or federal agency.

"Water Emergency Task Force" means the Commissioner of Environmental Protection as Chair, the President of the Board of Public Utilities, the Commissioner of Labor and Industry, the Commissioner of Health, the Commissioner of Community Affairs, the Commissioner of Education and the Attorney General or their designated representatives.

"Water Rationing Plan" means water rationing programs requiring reduction of water use by residential and non-residential water users, as embodied in Attachment B of the Executive Order.

SUBCHAPTER 2. HARDSHIP EXEMPTION PROCEDURES

7:1G-2.1 Application procedures for hardship exemptions from non-essential use of water

(a) Any person wishing to be exempt wholly or partially from the restrictions on the non-essential use of water may apply for a hardship exemption according to the following procedures:

1. The applicant shall submit his request along with full documentation supporting the request to the Water Emergency Task Force at the following address:

Water Emergency Task Force
Department of Environmental Protection
CN 029
Trenton, New Jersey 08625

Attention: Hardship Exemption Review

2. After review of the application, the Task Force shall notify the applicant in writing of the results of its review and the reasons for its decision. Before making a decision, the Task Force may request the applicant to supply additional documentation. An exemption approval by the Task Force may be rescinded should public health, safety and welfare require further reduction in water use.

3. An exemption granted to an applicant for a specific property, purpose or person is not transferable to any other property, purpose or person without prior approval from the Task Force by making a request to the Task Force including full documentation.

7:1G-2.2 Application procedures for hardship exemptions from the requirements of the water rationing plan

(a) Any person wishing to be exempt from the requirements of the Water Rationing Plan shall file an application for a hardship exemption with the water purveyor on a form obtained from the purveyor according to the following procedures:

1. The applicant shall submit the request for exemption along with whatever documentation which would aid the purveyor in making its decision.

2. After review of the application, the water purveyor shall notify the applicant of the results of its review. Before making a decision, the water purveyor may request the applicant to supply additional documentation.

3. An exemption granted to an applicant for a specific

property, purpose or person is not transferable to any other property, purpose or person without prior approval from the water purveyor.

4. The denial of an application for exemption entitles the applicant to appeal to the Water Emergency Task Force.

5. The water purveyor is required to notify the Task Force of all approvals within seven days. The Task Force may, at its discretion, review any approval granted and decide whether to uphold or deny said approval. Such decisions shall constitute the final administrative action under the Executive Order.

6. An appeal to the Water Emergency Task Force shall contain the following documentation:

i. A copy of the original request for exemption with any documentation submitted to the water purveyor.

ii. A copy of the exemption decision by the water purveyor.

7. The Task Force shall review the request for appeal and all supporting documentation and shall notify the applicant in writing of the results of its review and the reasons for its decision. Before making a decision, the Task Force may request the applicant to supply additional documentation.

8. The decision by the Task Force on the appeal request shall constitute the final administration action under the Executive Order.

SUBCHAPTER 3. POLICIES AND PROCEDURES TO REGULATE NON-ESSENTIAL USE OF WATER

7:1G-3.1 Watering of non-commercial crops

The watering of non-commercial crops with fresh water is prohibited.

7:1G-3.2 Lawn irrigation system contractors

(a) Companies engaging in the installation or repair of lawn irrigation systems shall write to the Water Emergency Task Force for authorization to use fresh water to test a customer's newly installed or newly repaired sprinkler system.

(b) The Water Emergency Task Force may issue a letter authorizing the irrigation contractor to test the newly installed or newly repaired sprinkler system for a maximum of five minutes per job site.

(c) During the period of the test a sign shall be displayed on the front lawn which shall be at least four feet by four feet in size with lettering large enough to be clearly visible from the nearest road. The sign shall read:

AUTHORIZED LIMITED TESTING OF SPRINKLER SYSTEM

Company Name
Address
Telephone Number

1. The sign must also include a clearly posted copy of the letter of authorization from the Water Emergency Task Force.

7:1G-3.3 Car washing

(a) Non-commercial car washing with fresh water is prohibited except as provided in this chapter.

(b) The following requirements shall be met at all commercial car washing facilities:

1. Pre-rinses of vehicles shall be permitted only with recycled water.

2. Rinse cycles shall be 40 seconds or less per vehicle. This shall be accomplished by increasing conveyor speeds.

3. Additional measures shall be implemented such as

reducing the size of water nozzles where possible and plugging all unnecessary out-flows, further reducing consumption.

4. All fixtures and equipment shall be inspected for leaks on a daily basis. Necessary repairs shall be made immediately.

5. Water conservation consciousness shall be encouraged by the Car Wash Operators of New Jersey by the placement of posters and literature where customers and employees will have access to them.

6. These actions are in addition to the minimum 25 percent reduction required for each facility under the Water Rationing Plan in Executive Order No. 104.

(c) The provisions of (b) above are in accordance with Order No. 2 signed by the Drought Coordinator on February 27, 1981, and set forth in N.J.A.C. 7:1G-5.3.

(d) Although collected rain water or waste water is preferred for vehicle maintenance, to avoid costly repairs, buckets of fresh water and scrubbing brushes may be used to clean the car body, undercarriage, brake systems, windshields, lights and mirrors of vehicles. The use of a hose is strictly prohibited.

(e) Car/truck dealerships and transporters may wash vehicles only with collected rain water or waste water or at commercial car/truck washes. The use of a hose is strictly prohibited.

(f) Although collected rain water is preferred for automobile repair/repainting, the absolute minimum amount of fresh water may be used to wash those parts of the cars to be worked on prior to their repair and/or repainting at the place of business is permitted as necessary to perform the service. The total amount of water used, pursuant to the Water Rationing Plan where applicable, shall be reduced to 75 percent of that used during the base period.

7:1G-3.4 Washing of streets, driveways or sidewalks

(a) The use of fresh water for street washing is prohibited.

(b) In commercial asphalt driveway re-coating and sealing, the use of fresh water for washing of driveways is prohibited.

7:1G-3.5 Testing fire apparatus and for fire department drills

(a) The use of fire hydrants by fire companies for testing fire apparatus is prohibited without the express approval of the municipal governing body which must determine if the proposed action is necessary in the interest of public safety.

1. The minimum amount of water from non-hydrant sources may be used as necessary to perform fire fighting apparatus tests and for recruiting and training exercises.

2. Non-potable well water may be used to replenish water levels in lakes which have been drained for fire protection.

7:1G-3.6 Non-fire fighting uses of fire hydrants

The use of fire hydrants by municipal road departments, contractors and all others is prohibited except as necessary for fire fighting or protection purposes. Because of the safety and health hazard proposed by building demolition, watering down of demolition and debris is permitted as necessary but shall be limited to short periods the total of which shall not exceed one hour per day for building.

7:1G-3.7 Outdoor recreation

(a) The uses of fresh water for outdoor recreation are prohibited, except as set forth below:

1. Watering of golf course greens for not more than one hour per day, between the hours of 3:00 A.M. and 5:00 A.M.;

2. Watering of outdoor tennis courts for not more than 10 minutes per court per day, between the hours of 3:00 A.M. and 5:00 A.M.

(b) In addition to recreation and employment implications, Emergency Response Plans under development recognize the potential of swimming pools as a water source for fire fighting and other emergencies. Therefore, the following procedures shall apply to swimming pools:

1. Do not drain a partially filled pool for maintenance.
2. Swimming pool covers should be removed during rains.
3. Roof drain pipes should be altered to divert drainage into the pool.
4. Collected rain water should be used to fill pool.
5. Water trucked in from outside the banned area may be used for pool filling if approved by the Task Force.
6. Fresh water may be used to fill swimming pools. When water from a purveyor is used, the customer shall notify the water purveyor to have the meter read no less than 48 hours before beginning to fill the pool and a second meter reading no later than 24 hours after completion of the filling so that an accurate excess use surcharge may be levied pursuant to the Water Rationing Plan, where applicable.
7. Shower facilities at non-residential pools shall not be used.

SUBCHAPTER 4. POLICIES AND PROCEDURES ON THE WATER RATIONING PLAN

7:1G-4.1 Horticultural industry: nurseries, flower shops, garden centers, landscapers and lawn and tree services, sod farms

(a) Daily watering above-ground and in-ground stock and greenhouses shall be reduced to 75 percent of the applicable base period consumption.

(b) Newly planted stock at the premises of customers (landscaping contracts) may be watered up to 90 days from the date of planting. The use of fresh water from the customer's supply shall be debited against the household allotment under the Water Rationing Plan.

(c) Fresh water may be used to commercially apply insecticides and fertilizers. The amount of water to be used shall be debited against the user's allotment.

7:1G-4.2 Painting contractors

Collected rain water may be used to wash off mildew and prepare the outside surface for painting. Fresh water in buckets may be used but only in minimal amounts. This shall be debited against the household allotment under the Water Rationing Plan. The use of a hose is strictly prohibited.

7:1G-4.3 Mobile cleaning units

Fresh water used from the customer's supply shall be debited against the customer's allotment under the Water Rationing Plan, or, if the mobile cleaning unit carries its own water, usage shall be reduced to 75 percent of the applicable base period consumption.

SUBCHAPTER 5. ORDERS ISSUED PURSUANT TO EXECUTIVE ORDER

7:1G-5.1 Permissible subject matter

(a) Orders issued by the Drought Coordinator pursuant to the Executive Order may include the following subject matter as necessary or appropriate to effectuate the purposes of the Executive Order:

1. Imposing further restrictions upon the non-essential use ban;
2. Requiring the use of water conservation devices;

making additions or modifications to the Water Rationing Plan;

3. Subjecting additional municipalities or purveyor service areas to the provisions of this Executive Order and any orders, rule and regulations adopted by him;

4. Requiring purveyors to make or continue any water interconnections, and to develop, obtain or use any sources of water supply as may be designated by him;

5. Otherwise allocating or re-allocating water supplies in order that they may be shared equitably;

6. Ordering temporary, part-time or full-time closures of non-residential users where necessary to avoid a system failure; and

7. Any orders, rules or regulations consistent with the purpose of the Executive Order.

7:1G-5.2 Order No. One, effective February 27, 1981

(a) All automatic flush sanitary systems in residential, educational, commercial and industrial facilities shall be immediately turned off and operated manually, or so adjusted to flush at minimum time intervals.

(b) All sanitary flush volume controls in residential, educational, commercial and industrial facilities on pressured toilets shall be reduced to a minimum.

7:1G-5.3 Order No. Two, effective February 27, 1981

See N.J.A.C. 7:1G-3.3(b).

EXECUTIVE ORDER No. 104

WHEREAS, Executive Orders No. 94, 96, 97, 98 and 103 declared a state of emergency in certain communities of New Jersey as a response to unusually dry weather conditions in 1980; and

WHEREAS, continued drought conditions in New Jersey have aggravated water shortages throughout the state and additional municipalities are now facing severe water shortages and must be placed under a Water Rationing Plan; and

WHEREAS, the conservation measures imposed by Executive Orders No. 94, 96, 97, 98 and 103 have not reduced water consumption at a rate adequate to preserve dwindling water supplies in the state; and

WHEREAS, the continued drought emergency presents the imminent threat of a disaster affecting the health, safety and welfare of the residents of this State as well as to the industries located herein, and in order to prevent such harm, immediate action must be taken; and

WHEREAS, the Delaware River Basin is experiencing severe water shortages and the Delaware River Basin Commission has adopted a resolution requesting the Governors of the member states to implement a program to restrict the non-essential consumption of water supplies in the Basin; and

WHEREAS, on January 15, 1981, the Delaware River Basin Commission restricted the quantities of water which could be exported out of the Delaware River Basin, thereby affecting the availability of water supplies in certain areas outside of the Basin; and

WHEREAS, as of this date major reservoirs in areas affected by this Order, excepting that of the Commonwealth Water Company (66%), have reached levels of only 22-28% of available capacity; and

WHEREAS, the management and control of the situation is beyond the capabilities of local authorities; and

WHEREAS, it is necessary for municipalities to activate local disaster control programs in order to plan for water system failure in the event drought conditions continue in the State, and that certain revisions in the Water Rationing Plan previously adopted are needed;

NOW, THEREFORE, I BRENDAN BYRNE, Governor

of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the laws of the State of New Jersey, do hereby declare and reaffirm a state emergency and order and direct as follows:

1. I DECLARE, that a state of emergency exists in the hereinafter designated municipalities in the portions of the Delaware River Basin and its tributaries thereto, the Passaic-Hackensack River Basin and the Raritan River Basin as described in Attachment A, by reason of the facts and circumstances set forth above.

2. I HEREBY PROHIBIT the following uses of fresh water in the areas described in Attachment A:

a. The watering of all plant growth except commercially-grown crops.

b. The washing of vehicles, except by businesses engaged exclusively in car washing (which shall be subject to the rationing plan).

c. The washing of streets, driveways, sidewalks or paved areas.

d. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.

e. The use of water for flushing sewers by municipalities or any public or private individual entity except as deemed necessary and approved in the interest of public health or safety by the municipal health officials.

f. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.

g. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire fighting or protection purposes.

h. All outdoor recreational purposes.

i. Applications for hardship exemptions from the above prohibitions or any further prohibitions which may hereafter be added by the Drought Coordinator appointed pursuant to this Order may be submitted to the Emergency Task Force. Exemptions may be considered where no reasonable alternatives exist and where extraordinary hardship would otherwise result. However, no exemption or class of exemption shall be permitted which will in any way interfere with the purposes of this Order. The applicant shall have the burden of demonstrating that an exemption should be granted.

3. Non-residential users within the geographical area described in Attachment B, with a rate of use of 250,000 gallons per day or more, are directed to:

a. Examine water needs to determine where conservation can be achieved and where non-potable water, well water and recycling systems can be used in place of existing water sources, and to report such determinations to the Drought Coordinator appointed pursuant hereto and the affected water purveyor within 20 days from the date hereof.

b. Submit to the Drought Coordinator within 20 days a report stating the measures which such user will be required to take in the event of an order requiring such user to cease operations on a partial or total basis, and setting forth the expected consequences to the public which might result from such a closure and the possible alternative sources of supply of any products produced by the user or services provided by the user.

4a. All users within the geographical area described in Attachment A shall repair leaks within their systems within 24 hours of notice thereof.

b. All purveyors within the area described in Attachment A shall repair all leaks as expeditiously as possible and shall immediately shut off all connections to abandoned buildings.

5. The Water Rationing Plan set forth in Attachment B hereto (hereinafter "Water Rationing Plan") shall apply within all those municipalities and portions of municipalities listed in said Attachment B. Attachment B is incorporated into and made a part of this Order.

6. All governmental water purveyors (e.g. municipal water departments, municipal utilities authorities, joint municipal commissions, etc.) serving one or more of the municipalities or portions of municipalities listed in Attachment B shall immediately take all actions within their statutory powers, including the adoption and issuance of ordinances, rules, regulations, rate schedules, and amendments thereto, inspection, enforcement and collection actions, and all other such actions as may be necessary to implement, administer and enforce the Water Rationing Plan, under the supervision of the Drought Coordinator appointed hereunder.

7. All such governmental water purveyors are further authorized to adopt and enforce supplements to said Water Rationing Plan, after written approval of the Drought Coordinator appointed hereunder, provided that such supplement will be possible under the Water Rationing Plan alone, and provided that such supplement will in no way interfere with the achievement of any of the purposes of this Order.

8. The Board of Public Utility Commissioners and the Department of Environmental Protection are directed to take such emergency and other measures, within their statutory power, as may be necessary to immediately authorize and direct the implementation, administration and enforcement of the Water Rationing Plan by all purveyors subject to their jurisdiction, in the area described in Attachment B, and to take all such other measures, consistent herewith, as may further the intent and purposes of this Order, after consultation with the Drought Coordinator.

9. All municipalities and counties wholly or partly within the areas described in Attachment B are hereby directed to allocate manpower and resources for the enforcement of the Water Rationing Plan and the prohibitions set forth in this Order, within their respective jurisdictions. Violations of such prohibitions and of the Water Rationing Plan, including failure to pay excess use charges or other charges imposed pursuant to the Plan, and refusal to permit access to purveyor personnel or otherwise to provide necessary billing information as required by the Water Rationing Plan, shall be prosecuted by municipal and county officials with information as to such violations. All such municipalities and counties shall submit a plan to the Emergency Task Force within 20 days, detailing what enforcement steps are being taken and what manpower has been allocated pursuant to this paragraph, and shall submit bi-weekly reports, commencing 15 days from the date hereof, setting forth the number of enforcement actions commenced and disposed of and the results thereof.

10. The governing body and chief executive of each municipality listed in Attachment B, and of each county wholly or partly within the area described in Attachment B, shall immediately take all steps necessary, including the activation of the local defense council, and direct local disaster control officers to take all steps necessary, to prepare for possible failure of water supply systems within their respective jurisdictions, and shall within 20 days submit to the Office of Emergency Management, Division of State Police, Department of Law and Public Safety, a detailed emergency plan setting forth the actions which will provide water supplies to its residents, how the municipality will provide water for firefighting

purposes and health care facilities, and what steps will be taken in order to keep businesses operating wherever possible.

11. Pursuant to N.J.S.A. App. A:9-33 et seq. and all amendments and supplements thereto, I hereby designate and appoint Paul H. Arbesman, Deputy Commissioner of the New Jersey Department of Environmental Protection, as Drought Coordinator for the State of New Jersey to supervise the administration and enforcement of the provisions of this Order in the areas of the State described in Attachments A and B. Further, I hereby delegate to the Drought Coordinator, pursuant to said laws, the power to adopt orders, rules and regulations for the purposes of implementing and enforcing the provisions of this Order; imposing further restrictions upon the non-essential use of water; requiring the use of water conservation devices; making additions or modifications to the Water Rationing Plan; subjecting additional municipalities or purveyor service areas to the provisions of this Order and any orders, rules and regulations adopted by him; requiring purveyors to make or continue any water interconnections, and to develop, obtain or use any sources of water supply as may be designated by him; otherwise allocating or re-allocating water supplies in order that they may be shared equitably; ordering temporary, part-time or full time closures of non-residential users where necessary to avoid a system failure; and any other orders, rules or regulations consistent with the purposes of this Order; all as may be necessary or appropriate in order to effectuate the purposes of this Emergency Order. The Drought Coordinator may provide for such exemptions or exclusions from any such order, rule or regulation adopted pursuant hereto in any case where: a) extraordinary hardship would otherwise result; b) no reasonable alternative exists; and c) where such exemption, or class of exemptions, will not interfere with the achievement of the purposes of this Order. I hereby further delegate to the Drought Coordinator all powers and authority in App. A:9-34 and App. A:9-51 to utilize and employ all the available resources of State Government and of each and every political subdivision of this State, whether of men, properties or instrumentalities, and to command and utilize any personal services and any privately-owned property necessary to avoid or protect against the water supply emergency.

12. The Emergency Task Force, comprising the Commissioner of Environmental Protection as Chair, the President of the Board of Public Utilities, the Commissioner of Labor and Industry, the Commissioner of Health, the Commissioner of Community Affairs and the Attorney General or their designated representatives, established by Executive Order 98, is hereby continued and shall act under the supervision of, and shall report to, the Drought Coordinator.

13. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agency or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate in all matters concerning this emergency. No municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order or any of the orders, rules or regulations adopted pursuant to this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

14. All citizens in non-emergency areas are urged to

comply with water use restrictions imposed by the water companies servicing their area.

15. Any person who shall violate any of the provisions of this Order or any rules, regulations or orders issued pursuant hereto, or who shall impede or interfere with the implementation of this Order, or any rules, regulations or orders issued pursuant hereto, shall be subject to the penalties provided by law under N.J.S.A. App. A:9-49, which may include imprisonment for a term not exceeding one year, or a fine not exceeding \$175.00, or both.

16. This Order shall remain in effect until terminated by action of the Governor.

17. Executive Orders No. 94, 96, 97, 98 and 103 are hereby merged into this Order, except as inconsistent herewith however all changes due and owing pursuant to the Water Rationing Plan adopted pursuant to Executive Order 98 shall continue to be due and owing and may be collected as if imposed pursuant to this Order. Similarly, all money collected by purveyors pursuant to the Water Rationing Plan of Executive Order 98 shall be treated as if collected pursuant to this Order.

18. This Order shall take effect immediately and shall be posted by the municipal clerks of all affected municipalities in a public place with the municipal building, immediately upon receipt.

EXECUTIVE ORDER NO.

ATTACHMENT A

LIST OF MUNICIPALITIES UNDER THE BAN OF NON-ESSENTIAL WATER USE

- | | |
|---|---|
| BERGEN COUNTY
All municipalities | CAMDEN COUNTY
Audubon Borough
Audubon Park Borough
Barrington Borough
Bellmawr Borough
Berlin Township
Brooklawn Borough
Camden City
Cherry Hill Township
Clementon Borough
Collingswood Borough
Gibbsboro Borough
Gloucester City
Gloucester Township
Haddon Township
Haddonfield Borough
Haddon Heights Borough
Hi Nella Borough
Laurel Springs Borough
Lawnside Borough
Lindenwold Borough
Magnolia Borough
Merchantville Borough
Mount Ephraim Borough
Oaklyn Borough
Pennsauken Township
Pine Hill
Pine Valley
Runnemede Borough
Somerdale Borough
Stratford Borough
Tavistock Borough
Voorhees Township
Woodlynne Borough |
| BURLINGTON COUNTY
Beverly City
Bordentown City
Bordentown Township
Burlington City
Burlington Township
Chesterfield Township
Cinnaminson Township
Delanco Township
Delran Township
Easthampton Township
Edgewater Park Township
Evesham Township
Fieldsboro Borough
Florence Township
Hainesport Township
Lumberton Township
Mansfield Township
Maple Shade Township
Medford Township
Medford Lakes Township
Moorestown Township
Mount Holly
Mount Laurel Township
New Hanover Township
North Hanover Township
Palmyra Borough
Pemberton Borough
Pemberton Township
Riverside Township
Riverton Borough
Southampton Township
Springfield Township
Westampton Township
Willingboro
Wrightstown Borough | ESSEX COUNTY
All municipalities |

- GLOUCESTER COUNTY**
 - Deptford Township
 - East Greenwich Township
 - Glassboro Borough
 - Greenwich Township
 - Harrison Township
 - Logan Township
 - Mantua Township
 - National Park Borough
 - Paulsboro Borough
 - Pitman Borough
 - South Harrison Township
 - Swedesboro Borough
 - Washington Township
 - Wenonah Borough
 - West Deptford Township
 - Westville Borough
 - Woodbury City
 - Woodbury Heights
 - Woolwich Township
- HUDSON COUNTY**
 - All municipalities
- HUNTERDON COUNTY**
 - Alexandria Township
 - Bethlehem Township
 - Bloomsbury Borough
 - Delaware Township
 - Franklin Township
 - Frenchtown Borough
 - Hampton Borough
 - Holland Township
 - Kingwood Township
 - Lambertville City
 - Milford Borough
 - Stockton Borough
 - West Amwell Township
- MERCER COUNTY**
 - Ewing Township
 - Hamilton Township
 - Hopewell Borough
 - Hopewell Township
 - Lawrence Township
 - Pennington Borough
 - Princeton Borough
 - Princeton Township
 - Trenton City
 - Washington Township
 - West Windsor Township
- MIDDLESEX COUNTY**
 - Carteret
 - Dunellen
- East Brunswick**
- Edison**
- Highland Park**
- Metuchen**
- Middlesex**
- Milltown**
- New Brunswick**
- North Brunswick**
- Perth Amboy**
- Piscataway**
- Plainsboro**
- Sayreville**
- South Amboy**
- South Plainfield**
- South River**
- Woodbridge**
- MONMOUTH COUNTY**
 - Allentown Borough
 - Upper Freehold Township
- MORRIS COUNTY**
 - All municipalities
- OCEAN COUNTY**
 - Plumstead Township
- PASSAIC COUNTY**
 - All municipalities
- SOMERSET COUNTY**
 - All municipalities
- SUSSEX COUNTY**
 - Andover Borough
 - Andover Township
 - Branchville Borough
 - Byram Township
 - Frankford Township
 - Fredon Township
 - Green Township
 - Hampton Township
 - Hopatcong Borough
 - Lafayette Township
 - Montague Township
 - Newton Town
 - Sandyston Township
 - Stanhope Borough
 - Stillwater Township
 - Walpack Township
- UNION COUNTY**
 - All municipalities
- WARREN COUNTY**
 - All municipalities

EXECUTIVE ORDER NO.

ATTACHMENT B

**STATE OF NEW JERSEY
EMERGENCY WATER RATIONING PLAN**

This emergency Water Rationing Plan (hereinafter "Plan") is necessary at this time to conserve our remaining stored water supplies and to reduce the daily demands of the several water supply systems in the emergency area described herein in order to forestall the imminent disaster of water system failures due to the drastically insufficient rainfall being experienced in the State.

It is imperative that water customers within the emergency area achieve an immediate and further reduction in their water use in order to extend existing water sup-

plies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation, and provide fire protection service.

In response to this need, the following measures shall be implemented by each and every water customer and water user, regardless of whether residential, commercial, industrial, municipal, or other type of water customer, who is hereby mandated to achieve an additional, immediate 25% reduction in water usage and to sustain this level of reduced usage until further notice. Should drought conditions continue, further reductions in usage may be required including the shutdown of non-residential uses. It must be emphasized that the 25% usage reduction in the emergency area is a valid and attainable figure reflective of the conditions which currently exist.

The 25% level of reduction has been determined to be necessary after studying the reports of the available supplies and requirements of each purveyor in the emergency area. The Plan provides for a uniform reduction in water usage and for an equal sacrifice on the part of each customer.

The success of this Plan depends upon the cooperation of all water customers in the emergency area. Although the Drought Coordinator appointed pursuant to Executive Order No. 104 will retain overall authority for the supervision and administration of the Plan, the primary monitoring and threshold enforcement function will be the responsibility of the individual purveyor and the municipal and county governments, as set forth in said Executive Order.

RESIDENTIAL SERVICES

To effectively monitor the residential conservation efforts, usage for this category is divided into per person and dwelling unit basis.

Each resident in the emergency area is assigned a fixed per person usage figure. Since several individuals usually reside in individually metered dwelling units (households), the number of permanent residents in each dwelling unit will determine the amount of water that each household will be allowed to use pursuant to the Plan. Each dwelling unit (household) shall be allocated 50 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allowance of 65 gallons.

The individual water purveyors shall have the responsibility of determining the water allocation for each dwelling unit (household). This can be accomplished through the use of postcard census, bill analysis, spot checks, or other verification procedures. Each purveyor shall have the authority to alter its meter reading schedules to assure compliance.

Customers are required to provide purveyor personnel with access to read meters in order to properly establish allocations. In the event a customer does not allow purveyor personnel entry to read the meter, or to verify the number of household residents, the household allotment will be reduced to 65 gallons per day. Purveyors who have been unable to obtain access to read the meter shall provide immediate written notice to the customer requiring the customer either to read the meter and submit written certification of its accuracy to the purveyor within five (5) days or to contact the purveyor within five (5) days to make an appointment for purposes of meter reading. If there is no reply from the customer, or if the purveyor is thereafter denied entry to read the meter, or to verify the number of household residents, the purveyor is hereby authorized and directed to assess the customer a service charge which shall be at a minimum \$50.00 for

each time that the purveyor is denied entry, and the customer shall be obliged to pay said service charge.

The owner of any building or complex with multiple dwellings without water meters for each dwelling unit shall be responsible for achieving a 25% reduction in water use and is hereby authorized and directed to take all actions necessary in order to achieve said reduction, including but not limited to the repair of all leaks, and the taking of measures to reduce pressure or reduce flow, whether throughout the multiple dwelling, in portions thereof, or in individual fixtures, provided that such measures will not adversely affect the public health and safety. The owner shall advise the Emergency Task Force in writing of all steps taken pursuant hereto, and shall supplement such written report on a monthly basis. Upon receiving a written approval from the Emergency Task Force approving the steps taken by the owner, the owner may thereafter pass through to the residents of the individual dwelling units any excess use charge or service charge imposed pursuant to this Plan, notwithstanding any contrary provision in any lease or other contract, and no political subdivision of this state shall enact or enforce any ordinance, rule, regulation or order which shall prevent such pass through. Such owners of multiple dwellings shall be obliged to pay any such charges to the purveyor, and all occupants of the individual dwelling units shall be obliged to pay their pro rata share of said charges to the owner of the multiple dwelling. Charges passed through pursuant hereto shall be pro rated in proportion to the number of bedrooms in each building, complex, or unit thereof served by a water meter. The owner's permission to pass through charges pursuant hereto may be revoked upon written order of the Emergency Task Force upon a finding that the owner has failed to continue the measures required by this paragraph.

In order to assist residential customers in achieving their water allotment and in addition to the prohibitions on non-essential use, all residential water customers will be required to reduce their water use in every manner possible. Some examples are:

1. Locate and repair all leaks in faucets, toilets and water using appliances.
2. Adjust all water-using appliances to use the minimum amount of water in order to achieve the appliance's purpose. Use automatic washing machines and dishwashers only with full loads. Preferably, wash dishes by hand.
3. Take shorter showers and shallower baths. Turn off shower whole soaping; turn off faucet while brushing teeth, etc. Install flow restrictors in showerheads and faucets.
4. Reduce the number of toilet flushes by two persons per day. Each flush uses about 5 gallons. Reduce water used per flush.
5. Use sink and tub stoppers to avoid wasting water.
6. Keep bottle of chilled drinking water in refrigerator.
7. Read the meter to determine the household's daily water use.

NONRESIDENTIAL CUSTOMERS

Nonresidential customers in the municipalities and portions of municipalities listed herein are hereby mandated to reduce their water usage by a minimum of 25%. This is consistent with the reduction goals imposed upon residential customers. Where a customer fails to provide access to meter readers, the purveyor shall set the allocation for such customers and such customer shall be subject to the \$50.00 service charge described above, if the purveyor is denied access.

In addition to the prohibitions on non-essential water usage, each nonresidential user shall take the following steps, when appropriate, to reduce usage levels:

1. Identify and repair all leaky fixtures and water-using equipment. Special attention is to be given to equipment connected directly to the water line, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners and furnaces. Assure that the valves and solenoids which control water flows are shut off completely when the water-using cycle is not engaged.
2. Water-using equipment should be adjusted to use the minimum amount of water required to achieve its stated purpose.
3. Rinse cycles for laundry machines should be shortened as much as possible; lower water levels should be implemented wherever possible.
4. Temperature settings of hot water for showers should be set down at least 10 degrees to discourage lengthy shower taking.
5. Where plumbing fixtures can accommodate them, flow restricting or other water-saving devices should be installed.
6. Review usage patterns to see where other savings can be made.
7. Use nonpotable water for processing and cooling and other uses where possible.
8. Advise employees, students, patients, customers, etc., not to flush toilets after every use. Adjust float of tank-type toilets to reduce flushing volume; place flow restrictors in showerheads and faucets; close down automatic flushes overnight.
9. Adjust flushometers and automatic flushing valves to use as little water as possible or to cycle at greater intervals.
10. Encourage water-consciousness by placing water-saving posters and literature where employees, students, patients and customers, etc. will have access to them.
11. Customers should read water meters on a frequent basis to determine consumption patterns.

HARDSHIP EXEMPTION

Customers and water users affected by the above provisions may apply to the purveyor for a hardship exemption from this Plan. The purveyor shall conduct an investigation to determine what measures can be taken by the applicant to reduce water use, what alternatives may be available to the applicant, the extent of applicant's hardship and such other factors as may be relevant. The granting of exemptions may be considered where extraordinary hardship will otherwise result, where no reasonable alternatives exist, and where the granting of the exemption, or the class of exemptions, will not interfere with the purposes of this Plan. The applicant shall have the burden of demonstrating that an exemption should be granted.

Any customer denied an exemption by the purveyor may submit a copy of the denial, together with copies of all documents considered by the purveyor in connection with the exemption request, to the Emergency Task Force for administrative review and final decision.

GENERAL

Purveyors shall assess and collect an excess use charge on all customers computed as follows:

Excess Usage	Charge for Excess
First 300 cubic feet (2,250 gallons) or portion thereof	\$5.00 per 100 cubic feet or portion thereof
Each 100 cubic feet (750 gallons) or portion thereof thereafter	\$10.00 per 100 cubic feet or portion thereof

Any monies collected through excess use charges shall not be accounted for as income, but shall be placed in a reserve account for disposition as directed by the Drought Coordinator, in the discharge of duties and responsibilities under this Order.

In addition to the excess use charge, non-compliance with the rationing program will result in the following:

1. First excess usage—a warning issued to the customer by the purveyor.
2. Second excess usage—installation of a flow restrictor in the customer's service line by the purveyor for a 15-day period, thereafter to be removed only upon payment of the following fee:

Meter Size	Fee
5/8" to 1"	\$50.00
1 1/2" to 2"	\$75.00
3" or larger	Actual Cost

3. Third and subsequent excess usage—installation of a flow restrictor in the customer's service line for a period to be determined by the Drought Coordinator. Removal will require payment of a fee not to exceed \$500.

All persons, corporations, or other entities who fail to comply with any aspect of this Plan shall be subject to a fine of up to \$175.00 or imprisonment not exceeding a year or both as provided in N.J.S.A. App. A:9-49.

EMERGENCY AREA

This Water Rationing Plan shall apply within all the municipalities and portions of municipalities included on the annexed list, and hereafter to such additional municipalities, or purveyor service areas, as may be designated by the Drought Coordinator.

EXECUTIVE ORDER NO. 104

WATER USERS IN THE FOLLOWING MUNICIPALITIES WHO ARE SERVED BY ANY OF THE PURVEYORS LISTED ARE COVERED BY THE RATIONING PROGRAM

COUNTY: Bergen

MUNICIPALITY PURVEYOR

ALL MUNICIPALITIES

- Allendale Water Department
- Elmwood Park Water Department
- Fairlawn Water Department
- Garfield Water Department
- Hackensack Water Company
- Hawthorne Water Department
- Ho-Ho-Kus Water Department
- Lodi Water Department
- Lyndhurst Water Department
- Mahwah Water Department
- North Arlington Water Department
- Oakland Water Department
- Park Ridge Water Department
- Ramsey Water Department
- Ridgewood Water Department
- Saddle Brook Water Department

Waldwick Water Department
Wallington Water Department

COUNTY: Essex

MUNICIPALITY PURVEYOR

ALL MUNICIPALITIES

- Belleville Water Department
- Bloomfield Water Department
- Caldwell Water Department
- Cedar Grove Water Department
- Commonwealth Water Department
- East Orange Water Department
- Essex Fells Water Department
- Glen Ridge Water Department
- Jersey City Water Department
- Livingston Twp. Div. of Water
- Montclair Water Bureau
- Newark Water Department
- North Caldwell Water Department
- Nutley Water Department
- Orange Water Department
- Roseland Water Department
- South Orange Water Department
- Verona Municipal Utilities Authority
- West Caldwell Water Department

COUNTY: Hudson

MUNICIPALITY PURVEYOR

ALL MUNICIPALITIES

- Bayonne Water Department
- E. Newark Water Department
- Hackensack Water Company
- Harrison Water Department
- Hoboken Water Department
- Jersey City Water Department
- Kearny Water Department

COUNTY: Hunterdon

MUNICIPALITY PURVEYOR

- Tewksbury
- Lambertville
- West Amwell
- Elizabethtown Water Company
- Lambertville Water Company

COUNTY: Mercer

MUNICIPALITY PURVEYOR

- Lawrence Twp.
- Princeton Borough
- Princeton Twp.
- West Windsor Twp.
- Elizabethtown Water Company

COUNTY: Passaic

MUNICIPALITY PURVEYOR

- Bloomington
- Clifton City
- Haledon
- Hawthorne
- Little Falls
- North Haledon
- Passaic City
- Paterson
- Pompton Lakes
- Butler Water Department
- Commonwealth Water Company
- Haledon Water Department
- Hawthorne Water Department
- Passaic Valley Water Commission
- Pompton Lakes M.U.A.
- Totowa Water Department
- Wayne Twp., Div. of Water
- West Paterson Water Department

Prospect Park
Totowa
Wayne
West Milford
West Paterson

COUNTY: Somerset

MUNICIPALITY PURVEYOR

ALL MUNICIPALITIES

Commonwealth Water Company
Elizabethtown Water Company
Franklin Twp. Department of
Public Works
Manville Water Department
North Brunswick Water
Department
Peapack-Gladstone Water
Department
Rocky Hill Water Department

COUNTY: Union

MUNICIPALITY PURVEYOR

ALL MUNICIPALITIES

City of Elizabeth Water
Department
Commonwealth Water Company
Elizabethtown Water Company
Rahway Water Department
Winfield Mutual Housing
Corporation

COUNTY: Middlesex

MUNICIPALITY PURVEYOR

Carteret Borough
Dunellen Borough
East Brunswick Twp.
Edison Twp.
Highland Park Boro.
Metuchen Borough
Middlesex Borough
Milltown Borough
New Brunswick City
North Brunswick Twp.
Perth Amboy City
Piscataway Twp.
Plainsboro Twp.
S. Plainfield Borough
Woodbridge Twp.

E. Brunswick Water Department
Edison Twp. Water Department
Elizabethtown Water Company
Highland Park Water Department
Middlesex Water Company
Milltown Water Department
New Brunswick Water
Department
N. Brunswick Water Department
Perth Amboy Water Department
Woodbridge Township Water
Department

COUNTY: Morris

MUNICIPALITY PURVEYOR

Butler
Chatham Borough
Chatham Twp.
Chester Twp.
Harding
Kinnelon
Lincoln Park
Passaic Twp.
Pequannock
Riverdale

Butler Water Department
Chatham Water Department
Commonwealth Water Company
Lincoln Park Water Department
Peapack-Gladstone Water
Department
Pequannock Water Department
Riverdale Water Department

These rules were adopted by the Office of the Drought Coordinator, in implementation of Executive Order No. 104, on March 10, 1981, to be effective beginning March 10, 1981. Pursuant to N.J.S.A. App. A:9-33 et seq. and

N.J.S.A. 52:14B-2(a) these rules, which were filed with the Office of Administrative Law on March 10, 1981 as R.1981 d.93, are exempt from the notice, comment, and other ordinary rule-making provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(a)

ENVIRONMENTAL PROTECTION

DROUGHT COORDINATION OFFICE

STATE DROUGHT COORDINATOR

Emergency Amendments on Drought Emergency

Section 11 of Executive Order No. 104 delegates to the Drought Coordinator, Paul Arbesman, for procedural purposes, the Governor's power to adopt orders, rules and regulations pursuant to the Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq.

Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to authority of Executive Order No. 104 and N.J.S.A. App. A:9-45, adopted emergency amendments to N.J.A.C. 7:1G-3.3(a) and (d) which were adopted and filed as emergency rules on March 10, 1981 and which appear in this issue of the New Jersey Register.

Subsection (d) as adopted was intended to permit the use of fresh water, in buckets only, for vehicle maintenance. The term "car body" has led to confusion on this provision as to whether fresh water for car washing is permitted. This was not the intention of the adopted rule; and to eliminate this confusion, the phrase "car body" is being deleted from N.J.A.C. 7:1G-33(d). The amendment to N.J.A.C. 7:1G-3.3(a) is being made to specifically provide that vehicles may be washed with rain water and/or waste water, which was the intention of the rule.

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

7:1G-3.3 Car washing

(a) Non-commercial car washing with fresh water is prohibited except as provided in this chapter. **Vehicles may be washed with collected rain water or waste water. The use of a hose is strictly prohibited.**

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

(d) Although collected rain water or waste water is preferred for vehicle maintenance, to avoid costly repairs, buckets of fresh water and scrubbing brushes may be used to clean the [car body,] undercarriage, brake systems, windshields, lights and mirrors of vehicles. **The use of a hose is strictly prohibited.**

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

These amendments were adopted by the Office of the Drought Coordinator, in implementation of Executive Order No. 104, on March 16, 1981, to be effective beginning March 16, 1981. Pursuant to N.J.S.A. App. A:9-33 et seq. and N.J.S.A. 52:14B-2(a) these amendments, which were filed with the Office of Administrative Law on March 18, 1981 as R.1981 d.105, are exempt from the notice, comment, and other ordinary rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(Notices continued on Page 217)

INDEX OF RULES SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

The New Jersey Register supplements the New Jersey Administrative Code. All rules adopted subsequent to the most recent update to the New Jersey Administrative Code are listed below. In many cases the full text is available in the New Jersey Register. If not, it is available for a fee from:

Administrative Publications and Filings
CN 301
Trenton, N.J. 08625

The adoption notice, listed below, will indicate the citation of the proposal and whether the adopted rule has been changed from the proposal.

If you know the N.J.A.C. citation of the rule you are

interested in, any amendments not yet included in the New Jersey Administrative Code will be listed in order of code citation. If the citation is unknown, it will be necessary to read through the description of the rules in the list below.

The New Jersey Register beginning with March 10, 1979 should be retained as a supplement to the New Jersey Administrative Code—to be used in the same way as a pocket part—updating the New Jersey Administrative Code with all rules filed between the latest update for each title and the date indicated on the cover of this New Jersey Register.

The date of the current update for each title is listed below at the end of each title.

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

ADMINISTRATIVE LAW — TITLE 1

1:1	Rules on administrative hearings	R.1980 d.275	12 N.J.R. 362(a)
1:1-9.7, 11.2, 11.3, 12.4, 14.3, 15.2	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 144(a)
1:30	Rules of agency rulemaking (Title 1, Transmittal 1 dated July 17, 1980)	R.1981 d.83	13 N.J.R. 171(a)

AGRICULTURE — TITLE 2

2:2-2.4	Amend conformity of brucellosis tests and federal standards	R.1980 d.237	12 N.J.R. 377(c)
2:2-2.4	Amend conformity of brucellosis tests with Federal standards	R.1980 d.422	12 N.J.R. 627(b)
2:2-2.16	Slaughtering of market cattle and goats	R.1981 d.40	13 N.J.R. 115(b)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	R.1981 d.39	13 N.J.R. 115(a)
2:3-4.1	Amend movement of livestock	R.1981 d.41	13 N.J.R. 115(c)
2:5-1	Repeal hog cholera quarantines	R.1981 d.42	13 N.J.R. 115(d)
2:6-1.3, 1.4	Amend biologic product licensing	R.1980 d.306	12 N.J.R. 451(b)
2:16	Amend seed certification requirements	R.1980 d.210	12 N.J.R. 302(a)
2:48-5	Restrictions on coupons in milk promotion	R.1980 d.519	13 N.J.R. 6(a)
2:52-2.1, 2.2, 3.1, 3.2, 4.1	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:53-1, 3.1	Repeal minimum prices on fluid whole milk and amend sales below cost	R.1980 d.472	12 N.J.R. 686(b)
2:53-4.1	Amend notice of intent to change source of supply	R.1980 d.473	12 N.J.R. 686(c)
2:53-4.1, 4.2	Amend notices by milk dealers, processors and stores	R.1980 d.284	12 N.J.R. 450(c)
2:54	Amend milk marketing	R.1980 d.285	12 N.J.R. 450(d)
2:69-1.11	Amend commercial values of primary plant nutrients	R.1980 d.238	12 N.J.R. 378(a)
2:70-1.1, 1.8	Amend agricultural liming materials	R.1980 d.239	12 N.J.R. 378(b)
2:71-2.28—2.31	Amend fruit and vegetable inspection and grading	R.1980 d.140	12 N.J.R. 248(b)
2:72-1.1	Amend bond requirements	R.1980 d.57	12 N.J.R. 103(a)
2:90-1.3	Amend soil erosion and sediment control	R.1980 d.305	12 N.J.R. 451(a)

(Title 2, Transmittal 16 dated January 17, 1980)

BANKING — TITLE 3

3:1-1.1	Amend interest rates	R.1980 d.151	12 N.J.R. 249(b)
3:1-12	Multiple-party deposit accounts	R.1980 d.480	12 N.J.R. 686(d)
3:2	Advertising by financial institutions	R.1980 d.125	12 N.J.R. 170(a)
3:6-1	Repeal reporting of ten year dormant accounts	R.1980 d.435	12 N.J.R. 627(c)
3:6-8.1	Savings banks' deposits	R.1980 d.144	12 N.J.R. 249(a)
3:6-8.2	Escrow account limitations	R.1980 d.298	12 N.J.R. 451(c)
3:6-9.1	Maximum interest rate on small business loans	R.1980 d.204	12 N.J.R. 302(d)
3:6-10	Sale of unsecured days funds by savings banks	R.1980 d.559	13 N.J.R. 62(c)
3:6-11	Asset valuation of common trust fund	R.1980 d.560	13 N.J.R. 62(d)
3:8-3.1	Amend required reserve	R.1980 d.481	12 N.J.R. 688(a)
3:8-5	Repeal savings banks reserves	R.1980 d.482	12 N.J.R. 688(b)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

3:11-2.1	Amend approved subsidiaries	R.1980 d.240	12 N.J.R. 383(a)
3:11-10.1, 10.2	Savings banks participation in credit card operations	R.1981 d.91	13 N.J.R. 185(b)
3:19-1.6	Amend required use of home repair contractor's license number	R.1980 d.556	13 N.J.R. 62(b)
3:19-2	Energy rules on home repair financing	R.1981 d.29	13 N.J.R. 116(a)
3:21-1.8	Loan interest rate; credit union law	R.1980 d.207	12 N.J.R. 303(a)
3:21-1.8	Emergency amend loan interest rates	R.1981 d.12	13 N.J.R. 62(e)
3:22	Insurance Premium Finance Company Act	R.1980 d.203	12 N.J.R. 302(c)
3:30-2.1	Reserve requirements	R.1981 d.90	13 N.J.R. 185(a)
3:41	Cemetery rules	R.1980 d.449	12 N.J.R. 628(a)

(Title 3, Transmittal 15 dated January 17, 1980)

CIVIL SERVICE — TITLE 4

4:1-8.6	Amend qualifications for promotional examinations	R.1981 d.92	13 N.J.R. 186(c)
4:1-9.1	Amend review of scoring key	R.1980 d.236	12 N.J.R. 383(c)
4:1-11.7	Amend employment lists	R.1980 d.406	12 N.J.R. 628(b)
4:1-17.9	Amend disability leave and sick leave injury	R.1980 d.231	12 N.J.R. 383(b)
4:1-17.24	Unused sick leave payments	R.1980 d.398	12 N.J.R. 566(c)

(Title 4, Transmittal 14 dated May 17, 1980)

COMMUNITY AFFAIRS — TITLE 5

5:10	Amend maintenance of hotels and multiple dwellings	R.1981 d.95	13 N.J.R. 189(d)
5:10-19.11	Amend maintenance of hotels and multiple dwellings	R.1980 d.500	13 N.J.R. 7(c)
5:11-7.1-7.5	Amend eviction and relocation	R.1981 d.69	13 N.J.R. 189(b)
5:10-19.11	Emerg. amend fire protection	R.1980 d.536	13 N.J.R. 7(f)
5:18	Repeal rules on rentals	R.1980 d.234	12 N.J.R. 569(a)
5:19	Repeal rules of practice of Bureau of Housing Inspection	R.1980 d.205	12 N.J.R. 305(a)
5:22	Rules on exemptions from taxation	R.1980 d.206	12 N.J.R. 305(b)
5:22-1.5	Amend tax abatement	R.1980 d.334	12 N.J.R. 504(a)
5:23	Amend Uniform Construction Code	R.1980 d.316	12 N.J.R. 452(a)
5:23	Amend Uniform Construction Code	R.1980 d.508	13 N.J.R. 7(d)
5:23-2.7	Rooming and boarding houses and Uniform Code	R.1980 d.376	12 N.J.R. 569(b)
5:23-2.7	Amend UCC: Certificate of occupancy	R.1981 d.45	13 N.J.R. 123(a)
5:23-3.3	Emerg. amend Uniform Construction Code	R.1980 d.537	13 N.J.R. 8(a)
5:23-4.9	Repeal plan waivers	R.1980 d.276	12 N.J.R. 452(b)
5:23-6	Readopt solar facility tax exemption	R.1980 d.303	12 N.J.R. 452(c)
5:25	Amend new home warranty	R.1980 d.316	12 N.J.R. 452(d)
5:25	Readopt New Home Warranty and Builders' Registration	R.1981 d.522	13 N.J.R. 7(e)
5:25-1.3, 4.2, 5.5	Amend new home warranties and builders registration	R.1980 d.158	12 N.J.R. 250(a)
5:26	Readopt planned real estate development full disclosure	R.1981 d.70	13 N.J.R. 189(c)
5:27	Rooming and boarding houses and Uniform Code	R.1980 d.376	12 N.J.R. 569(b)
5:27-5.2, 5.8	Emerg. amend rooming and boarding houses	R.1980 d.546	13 N.J.R. 71(a)
5:28	State Housing Code (1980)	R.1981 d.68	13 N.J.R. 189(a)
5:30-4.4	Amend capital budgets and improvement programs	R.1981 d.3	13 N.J.R. 73(b)
5:30-9.1	Financial administration	R.1981 d.2	13 N.J.R. 73(a)
5:30-17	Ratify rules concerning cooperative pricing and joint purchasing system	R.1980 d.243	12 N.J.R. 388(b)
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees	R.1980 d.456	12 N.J.R. 633(b)
5:37	Emergency amend deferred compensation	R.1980 d.557	13 N.J.R. 71(b)
5:80	Amend determining rents or carrying charges in developments financed by HFA	R.1980 d.234	12 N.J.R. 388(a)
5:100-1.6	Amend ombudsman subpoenas	R.1980 d.233	12 N.J.R. 387(a)

(Title 5, Transmittal 14 dated March 20, 1980)

EDUCATION — TITLE 6

6:11-3.3	Amend teacher certification fees	R.1981 d.82	13 N.J.R. 191(a)
6:11-3.18	Amend teacher education and academic credentials	R.1981 d.22	13 N.J.R. 123(b)
6:20-2.6(d)4	Bookkeeping and accounting in local school districts	R.1980 d.381	12 N.J.R. 569(d)
6:20-2.12	Bookkeeping and accounting in local districts	R.1980 d.427	12 N.J.R. 639(a)
6:20-5.1	Repeal special State aid for children resident in institutions	R.1980 d.426	12 N.J.R. 638(b)
6:20-5.3	Repeal rules on emergency State building aid	R.1980 d.425	12 N.J.R. 638(a)
6:21-1.4	Pupil transportation: retirement of school buses	R.1980 d.382	12 N.J.R. 569(e)
6:29-7.1	Amend family life education programs	R.1980 d.353	12 N.J.R. 505(c)
6:39-1.3, 1.4	Amend Statewide assessment	R.1980 d.352	12 N.J.R. 505(b)

(Title 6, Transmittal 16 dated May 17, 1980)

**N.J.A.C.
CITATION****DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)****ENVIRONMENTAL PROTECTION — TITLE 7**

7:1-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1-4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1A	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1C-1.2, 1.6—1.10	Amend 90-day construction permits	R.1980 d.75	12 N.J.R. 113(d)
7:1C-1.9	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:1C-1.13	90-day construction permits	R.1981 d.48	13 N.J.R. 128(b)
7:1D	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.185	12 N.J.R. 314(a)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.267	12 N.J.R. 392(b)
7:1E-1.3	Amend discharge of hazardous substances	R.1980 d.326	12 N.J.R. 463(a)
7:1F	Industrial survey project	R.1980 d.129	12 N.J.R. 259(c)
7:1F	Amend industrial survey project	R.1980 d.181	12 N.J.R. 313(b)
7:1G	Pinelands Comprehensive Management Plan	R.1980 d.370	12 N.J.R. 575(c)
7:1G	Emergency rules concerning drought crisis	R.1981 d.93	13 N.J.R. 195(c)
7:1G-3.3	Emergency amendments on drought emergency	R.1981 d.105	13 N.J.R. 204(a)
7:1H	County environmental health services	R.1980 d.362	12 N.J.R. 514(a)
7:2-11.22	Amend Swimming River Natural Area map	R.1981 d.4	13 N.J.R. 91(a)
7:4-2.2(c)	Amend N.J. Register of Historic Places	R.1980 d.241	12 N.J.R. 391(b)
7:6-8	Motor vehicles using ice-covered waters	R.1980 d.88	12 N.J.R. 114(b)
7:7	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:7-2	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:7A-1.14	Amend appeals	R.1980 d.312	12 N.J.R. 462(d)
7:7E	Waterfront and coastal resource development	R.1980 d.375	12 N.J.R. 576(a)
7:8	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-1.98	Delete rule on other disinfectants	R.1980 d.182	12 N.J.R. 313(c)
7:9-3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:9-4, -5, -6	Water quality standards	R.1981 d.80	13 N.J.R. 194(b)
7:9-15	Grants for restoring publicly owned freshwater lakes	R.1980 d.374	12 N.J.R. 575(e)
7:12	Amend condemnation of certain shellfish beds	R.1980 d.230	12 N.J.R. 391(a)
7:12-1.4	Delete rule on condemnation of certain Atlantic Ocean waters for shellfish harvesting	R.1980 d.48	12 N.J.R. 112(b)
7:13-1.11	Amend Green Brook floodway	R.1980 d.325	12 N.J.R. 462(e)
7:13-1.11	Amend flood plain delineation along Mullica River	R.1981 d.8	13 N.J.R. 91(c)
7:13-1.11	Amend flood plain delineation along Cedar Creek	R.1981 d.9	13 N.J.R. 91(d)
7:13-1.11	Amend flood plain delineation of Great Egg Harbor River	R.1981 d.88	13 N.J.R. 194(d)
7:13-1.11	Amend flood plain delineation of Mullica River and tributaries	R.1981 d.89	13 N.J.R. 194(e)
7:13-1.11(c)	Amend flood plain delineation of the Delaware River	R.1980 d.65	12 N.J.R. 113(b)
7:13-1.11(c)	Amend flood plain delineations; North Branch Rancocas Creek and Rancocas Creek; Burlington County	R.1980 d.76	12 N.J.R. 113(e)
7:13-1.11(c)	Amend flood plain delineation within the Delaware River Basin	R.1980 d.242	12 N.J.R. 391(c)
7:13-1.11(c)	Amend delineated floodways in the Delaware Basin	R.1980 d.351	12 N.J.R. 391(e)
7:13-1.11(d)	Amend delineated floodways in the Raritan Basin	R.1980 d.99	12 N.J.R. 181(b)
7:13-1.11(d)	Amend flood plain delineation of parts of the Rockaway River and Passaic River	R.1980 d.66	12 N.J.R. 113(c)
7:14	Amend pollutant discharge and waste management	R.1981 d.84	13 N.J.R. 194(c)
7:14-1.4	New definition of "treatment works"	R.1980 d.424	12 N.J.R. 642(b)
7:14-2.5	Amend water pollution control act regulations	R.1980 d.49	12 N.J.R. 112(c)
7:14-2.26	Wastewater treatment report	R.1980 d.58	12 N.J.R. 113(a)
7:14-5	Septage disposal	R.1980 d.277	12 N.J.R. 462(a)
7:14A	Pollutant discharge and waste management	R.1981 d.84	13 N.J.R. 194(c)
7:15	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:17	Hard clam depuration pilot plant program	R.1981 d.56	13 N.J.R. 194(a)
7:23	Amend flood control bond grants	R.1980 d.297	12 N.J.R. 462(b)
7:24	Dam restoration grants	R.1981 d.104	13 N.J.R. 195(b)
7:25-1.7	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-4.8	Amend potentially dangerous species	R.1980 d.448	12 N.J.R. 643(b)
7:25-5	1980-1981 Game Code	R.1980 d.266	12 N.J.R. 392(a)
7:25-6	1981 Fish Code	R.1980 d.400	12 N.J.R. 577(a)
7:25-7.2	Amend oyster seed beds	R.1980 d.215	12 N.J.R. 314(d)
7:25-7.3	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-7.4	Oyster dredging prohibition	R.1980 d.216	12 N.J.R. 314(e)
7:25-7.4	Repeal rules prohibiting oyster dredging	R.1980 d.369	12 N.J.R. 575(b)
7:25-7.13	Crab dredging	R.1980 d.396	12 N.J.R. 576(e)
7:25-9.2	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-9.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-10	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

7:25-12.1	Amend preservation of clam resource	R.1980 d.521	13 N.J.R. 11(b)
7:25-14.9	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-15.1	Amend relay of hard clams	R.1980 d.161	12 N.J.R. 250(a)
7:25-17	Disposal of dead deer	R.1980 d.193	12 N.J.R. 314(c)
7:25-18	Marine fisheries	R.1980 d.394	12 N.J.R. 576(c)
7:25-19.1	Atlantic Coast harvest season	R.1980 d.373	12 N.J.R. 575(d)
7:25-20.1	Temporary fishing ban	R.1980 d.177	12 N.J.R. 313(a)
7:25-20.1	Temporary fishing ban	R.1980 d.184	12 N.J.R. 313(e)
7:25-20.1	List of nongame wildlife species of New Jersey	R.1980 d.390	12 N.J.R. 576(b)
7:25A-1.1	Emergency rule on oyster dredging license moratorium	R.1981 d.94	13 N.J.R. 195(a)
7:26-1.1	Amend pollutant discharge and waste management	R.1981 d.84	13 N.J.R. 194(c)
7:26-3.2, 4.7	Amend registration and fees for solid waste collector/haulers	R.1980 d.250	12 N.J.R. 391(d)
7:26-3.2, 4.7	Amend solid waste collection and haulage	R.1981 d.49	13 N.J.R. 129(a)
7:26-5.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:27-18	Amend air pollution in non-attainment areas	R.1980 d.307	12 N.J.R. 462(c)
7:27A-1.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:28-12	Amend transportation	R.1980 d.191	12 N.J.R. 314(b)
7:28-24.15	Amend certification fees for nuclear medicine technology	R.1980 d.87	12 N.J.R. 114(a)
7:36-2.2, 3.2, 5.5, 6.4	Amend Green Acres Program	R.1981 d.7	13 N.J.R. 91(b)
7:37-1.5(d)	Delete part of rules on urban neighborhood assistance program	R.1980 d.183	12 N.J.R. 313(d)
7:38	Wild and scenic rivers	R.1980 d.401	12 N.J.R. 577(b)
7:50	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:50	Pinelands Comprehensive Management Plan	R.1981 d.13	13 N.J.R. 91(e)

(Title 7, Transmittal 14 dated January 17, 1980)

HEALTH — TITLE 8

8:7-1.7	Amend health officer licensure	R.1980 d.317	12 N.J.R. 467(b)
8:7-1.9(a)	Amend health officer qualifications	R.1980 d.168	12 N.J.R. 272(c)
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)
8:21-1.29	Labeling, sale and distribution of cosmetics for professional use only	R.1980 d.218	12 N.J.R. 317(a)
8:21-1.32, 1.33	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-6	Certified milk	R.1980 d.403	12 N.J.R. 579(a)
8:21-10	Amend designated fluid milk products	R.1980 d.539	13 N.J.R. 13(f)
8:22-2	Repeal mobile home park rules	R.1980 d.499	13 N.J.R. 13(c)
8:25-3.2(a)	Amend physical examinations regarding Youth Camp Safety Act standards	R.1980 d.169	12 N.J.R. 272(d)
8:30	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:30-2.2	Appointment of administrator	R.1980 d.364	12 N.J.R. 518(b)
8:30-2.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:31-26.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:31-28.1, 28.3	Amend certification of need and designation of regional services	R.1980 d.528	13 N.J.R. 13(d)
8:31-30.1	Amendments concerning plan review fee	R.1980 d.256	12 N.J.R. 405(b)
8:31A-5.5	Amend hospital cost reporting procedures	R.1980 d.271	12 N.J.R. 407(a)
8:31A-6	1981 Hospital Rate Setting Rules in SHARE Manual	R.1980 d.269	12 N.J.R. 406(d)
8:31A-7	1981 SHARE guidelines	R.1980 d.270	12 N.J.R. 406(e)
8:31B-2	Uniform bill-patient summaries (inpatient)	R.1980 d.361	12 N.J.R. 517(b)
8:31B-3	Amend hospital procedural and methodological regulations	R.1980 d.455	12 N.J.R. 645(e)
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)
8:31B-4.62	Amend excluded health care services	R.1981 d.10	13 N.J.R. 92(a)
8:31B-5	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:33H	Policy manual for certificate of need reviews, long term care	R.1980 d.404	12 N.J.R. 579(b)
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)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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)
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
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	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43-9.2	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)
8:57-1.1-1.18	Amend reportable disease rules	R.1980 d.498	13 N.J.R. 13(b)
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)
8:65-10.1, 10.2	Emergency amend controlled dangerous substances	R.1981 d.50	13 N.J.R. 132(b)
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)
8:65-10.4, 10.8	Emergency amend controlled dangerous substances	R.1981 d.50	13 N.J.R. 132(b)
8:65-10.8	Amend exempt chemical preparations	R.1980 d.180	12 N.J.R. 316(b)
6:65-11.7	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)
8:71	Amend interchangeable drug products	R.1981 d.25	13 N.J.R. 131(b)
8:71	Amend interchangeable drug products	R.1981 d.26	13 N.J.R. 131(c)
8:71	Emergency amend interchangeable drug products	R.1981 d.27	13 N.J.R. 132(a)
8:71	Amend list of interchangeable drug products	R.1981 d.81	13 N.J.R. 217(d)

(Title 8, Transmittal 13 dated March 20, 1980)

HIGHER EDUCATION — TITLE 9

9:1-1.1	Amend definition of "college"	R.1980 d.524	13 N.J.R. 14(a)
9:2-1.1, 1.2	Amend admission and baccalaureate degree standards for State Colleges	R.1981 d.19	13 N.J.R. 133(a)
9:2-2.8	Amend "visiting specialist" title at State colleges	R.1980 d.525	13 N.J.R. 14(b)
9:2-3	State College reduction in force policies	R.1981 d.38	13 N.J.R. 133(b)
9:2-8.1-8.10	Amend admission and degree standards for State Colleges	R.1981 d.19	13 N.J.R. 133(a)
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)
9:7-4.6	Amend academic eligibility for undergraduate grants	R.1981 d.99	13 N.J.R. 220(b)
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)
9:11-1.8, 1.9	EOF guidelines and program support regulations	R.1981 d.100	13 N.J.R. 220(c)
9:11-1.13, 1.22	Amend student refunds and repayment	R.1980 d.523	13 N.J.R. 13(g)
9:12-1	EOF guidelines and program support regulations	R.1981 d.100	13 N.J.R. 220(c)
9:16-1	Physician/dentist Loan Advisory Committee	R.1980 d.309	12 N.J.R. 469(a)
9:16-1.3-1.5	Physician-dentist loan redemption program	R.1981 d.60	13 N.J.R. 220(a)

(Title 9, Transmittal 14 dated March 20, 1980)

HUMAN SERVICES — TITLE 10

10:37	Amend community mental health services	R.1980 d.479	12 N.J.R. 704(g)
10:49-1.2	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Amend recipient controls	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.12	Amend medical assistance claims	R.1980 d.278	12 N.J.R. 481(a)

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:49-1.17	Amend suspension of provider from Medicaid program	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.18, 1.23	Amend nondiscrimination of handicapped recipients	R.1980 d.247	12 N.J.R. 418(d)
10:49-5.3, 5.4	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Amend recipient fair hearings	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.8	Compromising claims	R.1980 d.502	13 N.J.R. 17(b)
10:49-7.1	Provider reinstatement	R.1980 d.378	12 N.J.R. 599(a)
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)
10:51-4.5	Repeal payments for pharmaceutical consultants	R.1981 d.101	13 N.J.R. 228(c)
10:52-1.1, 1.4	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.6	Amend outpatient hospital services	R.1980 d.313	12 N.J.R. 483(c)
10:52-1.6(c)	Reimbursement for outpatient hospital services	R.1980 d.337	12 N.J.R. 536(a)
10:52-1.16	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:53-1.1, 1.4	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.6	Special Hospital Services Manual	R.1980 d.392	12 N.J.R. 600(c)
10:53-1.14	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:54-1.1	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
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	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:54-3	Amend Procedure Code Manual	R.1980 d.511	13 N.J.R. 17(e)
10:58	Repeal of Independent Clinic Services Manual	R.1980 d.351	12 N.J.R. 536(d)
10:59-1.7, 1.8, 1.10, 1.11, 2.11	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(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)
10:63-1.8	Amend clinical records in long-term care facilities	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.14	Nurses' notes in long term care facilities	R.1980 d.393	12 N.J.R. 600(d)
10:63-1.19	Amend LTCSM: Termination of Medicaid eligibility	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	R.1981 d.23	13 N.J.R. 146(a)
10:63-3.1	Amend reimbursement to Long Term Care Facilities	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.18, 3.19	Long term care rate review guidelines	R.1980 d.377	12 N.J.R. 596(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)
10:81-2.7	Amend PAM: Deprivation of parental support in AFDC-C	R.1981 d.28	13 N.J.R. 146(b)
10:81-3.27	Amend documentation in AFDC transfers	R.1980 d.330	12 N.J.R. 483(f)
10:81-3.37, 3.38	Amend PAM: Identification of resources	R.1980 d.450	12 N.J.R. 664(b)
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)
10:82-1.2	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.3	Amend grant effective date	R.1980 d.331	12 N.J.R. 484(a)
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	Amend ASH: Established monthly earnings	R.1981 d.47	13 N.J.R. 147(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)
10:82-3.2	Amend ASH: HUD community development block grants	R.1981 d.96	13 N.J.R. 227(b)
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)
10:82-4.13	Contributions of support by legally responsible relative	R.1980 d.389	12 N.J.R. 600(a)
10:82-5.10	Amend ASH: Emergency assistance	R.1980 d.552	13 N.J.R. 101(a)
10:85-2.2	Amend GAM: Temporary and acting directors of municipal welfare	R.1980 d.505	13 N.J.R. 17(c)
10:85-2.2	Amend GAM: Local assistance board	R.1981 d.98	13 N.J.R. 228(b)
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)
10:85-3.2	Amend General Assistance application process	R.1980 d.514	13 N.J.R. 18(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)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
10:85-3.3	Amend GAM: "Immediate need"	R.1980 d.486	12 N.J.R. 724(a)
10:85-3.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-3.3	Amend GAM: Financial eligibility	R.1981 d.46	13 N.J.R. 147(a)
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 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	Amend GAM: Emergency grants	R.1980 d.538	13 N.J.R. 18(d)
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 GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R.1980 d.515	13 N.J.R. 18(b)
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 submission of Form GA-18	R.1980 d.531	13 N.J.R. 18(c)
10:85-5.3	Amend GAM: Rate increases for recipients in residential health care facilities	R.1980 d.547	13 N.J.R. 100(a)
10:85-5.3, 5.4	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-5.8, 5.9	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-6.5	Amend GAM: Repayment by SSI recipients	R.1980 d.551	13 N.J.R. 100(d)
10:85-6.8	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-7.2	Amend GAM: Receipt of assistance	R.1981 d.53	13 N.J.R. 147(d)
10:85-8.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-A-1	Amend GAM: Income and allowance standards	R.1980 d.295	12 N.J.R. 482(a)
10:87	Emergency amend Food Stamp Manual	R.1981 d.64	13 N.J.R. 226(b)
10:87	Amend student participation in Food Stamps	R.1981 d.97	13 N.J.R. 228(a)
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)
10:87-12	Amend Food Stamp allotment and income	R.1980 d.296	12 N.J.R. 482(b)
10:87-12.1	Emergency amend FSM: Standard utility allowance	R.1980 d.418	12 N.J.R. 663(b)
10:87-12.1, 12.2, 12.4	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:89	Emerg. Home Energy Assistance	R.1980 d.497	12 N.J.R. 724(b)
10:89-3.6	Emergency rule on Home Energy Assistance	R.1980 d.548	13 N.J.R. 100(b)
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)
10:109-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)
10:121-5.1	Medical information form	R.1981 d.63	13 N.J.R. 226(a)
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 14 dated May 17, 1980)

CORRECTIONS — TITLE 10A

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	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	Amend Parole Board rules	R.1980 d.554	13 N.J.R. 101(c)
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:71-7.18	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)

(Title 10A, Transmittal 5 dated May 17, 1980)

**N.J.A.C.
CITATION**

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

INSURANCE — TITLE 11

11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 530(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. 530(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. 484(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)
11:5-1.23	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)

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)
12:17-11	Emergency rules on offset of unemployment benefits by pension income	R.1980 d.561	13 N.J.R. 102(a)
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)
12:56-7.1	Emergency amend definition of "executive"	R.1980 d.506	13 N.J.R. 37(a)
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)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-4	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-20, -23	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-23.31	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-24	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-24.4	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:2-24.9	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
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)
13:2-38.1, 39.3	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:2-40	Amend ABC rules	R.1980 d.304	12 N.J.R. 494(b)
13:2-41	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:19-5.1	Amend rules on convulsive seizures	R.1981 d.18	13 N.J.R. 150(b)
13:19-10.3	Amend driver improvement school fees	R.1980 d.494	12 N.J.R. 727(a)
13:20-25.2	Amend approval of safety glazing material	R.1981 d.15	13 N.J.R. 149(d)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:20-33.53	Amend motorcycle handlebars and grips	R.1981 d.16	13 N.J.R. 149(e)
13:20-33.72	Repeal handhold devices	R.1981 d.17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	R.1981 d.31	13 N.J.R. 150(e)
13:21-2.3	Amend motor licensing statutory interpretation	R.1980 d.495	12 N.J.R. 727(b)
13:21-3	Repeal rules on dealer's temporary certificates	R.1981 d.14	13 N.J.R. 149(c)
13:21-4.1	Amend statements of origin	R.1980 d.112	12 N.J.R. 209(c)
13:21-7.2	Amend student permits	R.1981 d.66	13 N.J.R. 237(d)
13:21-8.2	Amend driver proof of identity and date of birth	R.1980 d.493	12 N.J.R. 726(e)
13:21-8.17	Amend waiver of driving test	R.1981 d.65	13 N.J.R. 237(c)
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)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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)
13:26-1.2, 3.11	Amend transportation of bulk commodities	R.1981 d.61	13 N.J.R. 237(b)
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)
13:29-2.2	Amend examination for registered municipal accountant	R.1981 d.67	13 N.J.R. 238(a)
13:29-3.13	Repeal competitive bidding for services	R.1980 d.429	12 N.J.R. 672(c)
13:30-8.1	Amend fee schedules	R.1980 d.527	13 N.J.R. 41(d)
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)
13:30-8.6	Amend professional advertising	R.1980 d.540	13 N.J.R. 103(a)
13:30-8.8	Amend emergency dental patient records	R.1980 d.457	12 N.J.R. 672(f)
13:30-8.9	Reporting of deaths and other medical incidents	R.1980 d.503	13 N.J.R. 40(a)
13:30-8.10	Display of names in dental offices	R.1980 d.509	13 N.J.R. 41(a)
13:30-8.11	Intravenous sedation rule	R.1980 d.541	13 N.J.R. 103(b)
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)
13:35-6.6	Amend prescriptions for controlled dangerous substances	R.1981 d.5	13 N.J.R. 104(c)
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)
13:35-9	Certified nurse/midwife	R.1980 d.535	13 N.J.R. 41(c)
13:35-9.3	Emergency amend certified nurse/midwife	R.1981 d.21	13 N.J.R. 150(e)
13:35-9.3(c)	Emergency amend operative date on certified nurse/midwife standards	R.1981 d.24	13 N.J.R. 150(d)
13:36-3.5	Amend examinations	R.1980 d.543	13 N.J.R. 104(b)
13:36-3.6	Amend examination review procedure	R.1980 d.542	13 N.J.R. 104(a)
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)
13:47F	Repeal live poultry rules	R.1980 d.520	13 N.J.R. 41(b)
13:70-12	Amend claiming requirements	R.1980 d.95	12 N.J.R. 208(c)
13:70-29.48	Emergency amend daily double pool	R.1981 d.32	13 N.J.R. 150(f)
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)

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)
14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R.1980 d.555	13 N.J.R. 105(b)
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)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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)
14A:3-11	Amend used oil rules	R.1980 d.513	13 N.J.R. 43(c)
14A:21	Residential Energy Conservation Service (RCS) Program (Title 14, Transmittal 13 dated January 17, 1980) (Title 14A, Transmittal 5 dated January 17, 1980)	R.1980 d.516	13 N.J.R. 44(a)

STATE — TITLE 15

15:15-10	Amend Administrative hearings (Title 15, Transmittal 11 dated May 17, 1979)	R.1980 d.275	12 N.J.R. 362(a)
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PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978)

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)
16:28-1.18	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28-1.23	Emergency amend speed limit on Route 18	R.1981 d.34	13 N.J.R. 158(b)
16:28-1.49	Emergency amend speed zone along Route 35	R.1981 d.59	13 N.J.R. 243(a)
16:28-1.67	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(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-1.4	Emergency amend restricted parking along Route 4	R.1981 d.35	13 N.J.R. 159(a)
16:28A-1.7	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.77	13 N.J.R. 244(a)
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-1.37	Restricted parking along Route 70	R.1981 d.76	13 N.J.R. 243(f)
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-1.55	Restricted parking along Routes 15, 18 and U.S. 202	R.1981 d.75	13 N.J.R. 243(e)
16:28A-1.57	Restricted parking along U.S. 206	R.1981 d.77	13 N.J.R. 244(a)
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)
16:28A-1.65, 1.66	Restricted parking along Routes 15, 18, and U.S. 202	R.1981 d.75	13 N.J.R. 243(e)
16:29-1.22	No passing zones	R.1981 d.78	13 N.J.R. 244(b)
16:29-1.23	No passing zones on Route 179	R.1981 d.79	13 N.J.R. 244(c)
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)
16:30-7.2	Amend limited access prohibition along U.S. 9 and Route 444	R.1981 d.73	13 N.J.R. 243(d)
16:30-8	No trespassing zones	R.1981 d.36	13 N.J.R. 159(b)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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)
16:31A	Amend prohibited right turns on red signals	R.1980 d.518	13 N.J.R. 44(c)
16:41-16	Amend permits for use or occupancy of State-owned railroad property	R.1981 d.103	13 N.J.R. 244(d)
16:65-1.1	Amend definition of "prequalification committee"	R.1981 d.72	13 N.J.R. 243(b)

(Title 16, Transmittal 13 dated March 20, 1980)

TREASURY-GENERAL — TITLE 17

17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-1.15, 2.6, 4.2	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-4.13	Amend pension cash purchase discounts	R.1980 d.302	12 N.J.R. 497(d)
17:1-4.22	Amend availability of medical records	R.1981 d.86	13 N.J.R. 247(d)
17:1-4.32	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-8.1	Repeal responsibility of director for Social Security	R.1981 d.1	13 N.J.R. 111(c)
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)
17:1-8.13, 8.14	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-11.9	Repeal dental insurance coverage for covered dependents	R.1980 d.487	12 N.J.R. 729(a)
17:2-2.1, 2.3	Amend Public Employees' Retirement System: Enrollment	R.1981 d.58	13 N.J.R. 247(b)
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)
17:3-4.1	Amend creditable salary	R.1981 d.30	13 N.J.R. 162(a)
17:4-1.8, 1.11	Amend Police and Firemen's Retirement System	R.1980 d.135	12 N.J.R. 290(a)
17:4-2.6	Amend enrollment dates	R.1981 d.57	13 N.J.R. 247(a)
17:4-3.3, 4.10, -6	Amend police and firemen's retirement	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)
17:8-1.6	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:8-2.10, 2.11	Repeal Supplemental Annuity reports and remittances	R.1980 d.419	12 N.J.R. 678(b)
17:8-3.3	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(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)
17:21-11	Emergency rules on 10th Anniversary instant lottery	R.1981 d.11	13 N.J.R. 112(a)
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)
17:21-16	Emergency rules on Jersey Jackpot Lottery	R.1980 d.507	13 N.J.R. 45(a)

(Title 17, Transmittal 14 dated March 20, 1980)

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)
18:12-6A.7	Home improvement exemptions	R.1980 d.553	13 N.J.R. 111(c)
18:12-7.12	Emergency amend Homestead Rebate filing date	R.1980 d.517	13 N.J.R. 47(a)
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)
18:12A-1.20	County boards of taxation	R.1981 d.44	13 N.J.R. 165(a)
18:18-12.5	Amend the Motor Fuels Tax Act	R.1980 d.195	12 N.J.R. 354(c)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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)
18:35-1.14	Amend partnerships under the Gross Income Tax Act	R.1981 d.6	13 N.J.R. 111(d)
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 (Title 18, Transmittal 14 dated January 17, 1980)	R.1980 d.484	12 N.J.R. 728(c)

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)
19:9-3.1	Amend towing rates	R.1981 d.37	13 N.J.R. 165(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)
19:25-15	Amend public financing of General Election for Governor	R.1981 d.54	13 N.J.R. 248(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 (Title 19, Transmittal 14 dated January 17, 1980)	R.1980 d.411	12 N.J.R. 681(b)

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	Amend casino accounting and internal controls	R.1980 d.504	13 N.J.R. 48(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 (Title 19 Subtitle K, Transmittal 1 dated January 17, 1980)	R.1980 d.134	12 N.J.R. 294(e)

(a)

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, New Jersey 08625.

(b)

HEALTH

DIVISION OF HEALTH FACILITIES

Proposed Rules on Manual of Standards for Licensure Of Alcoholism Treatment Facilities

Dr. Joanne E. Finley, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt new rules to be cited as N.J.A.C. 8:42A concerning a manual of standards for licensure of alcoholism treatment facilities.

Full text of the proposed new rules can be obtained from:

Wanda J. Marra, Coordinator
Standards Program
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to the person and address noted above.

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

(c)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Proposed Amendments on List of Interchangeable Drug Products: Notice of Public Hearing

Robert G. Kowalski, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(b), proposes to amend N.J.A.C. 8:71 concerning the list of interchangeable drug products.

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

Acetaminophen 300 mg/chlorzoxazone 250 mg tabs	Danbury, Cord
Acetaminophen/codeine 30, 60 mg	Purepac
Belladonna alk/phenobarbital elixir	Halsey
Butabarbital tabs. 15, 30 mg	Halsey
Chlordiazepoxide/clidinium Br caps	Premo
Dipyridamole tabs. 25 mg	Barr
Ephedrine, hydroxyzine, theophylline tabs.	Cord
Ephedrine, hydroxyzine, theophylline liquid	Halsey, NPC
Furosemide tabs. 20, 40 mg	Superpharm
Hydrocortisone acetate cream 1/2%	Purepac
Imipramine Hcl tabs. 25 mg	Premo
Isoxsuprine Hcl tabs. 10, 20 mg	Chelsea
Phendimetrazine tartrate tabs. 35 mg	Generic
Tetracycline Hcl caps 500 mg	Halsey

A public hearing concerning these proposed additions will be held on April 29, 1981 at 10:00 A.M. in the first floor Conference Room of the Health-Agriculture Bldg., John Fitch Plaza, Trenton, New Jersey 08625.

Interested persons may present, in writing, statements or arguments relevant to the proposed amendments on or before May 11, 1981 to:

Thomas T. Culkin, Executive Director
Drug Utilization Review Council
Room 801
Department of Health
P.O. Box 1540
Trenton, New Jersey 08625

The Drug Utilization Review Council may thereafter adopt rules concerning this subject without further notice.

(d)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

List of Interchangeable Drug Products

On February 10, 1981, the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(b) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:71 concerning the list of interchangeable drug products as proposed in the Notice published November 6, 1981 at 12 N.J.R. 644(b) but with subsequent substantive changes not detrimental to the public in the opinion of the Council.

The following drug products noticed in the original proposal were not adopted but will be held for possible future adoption:

Griseofulvin, ultramicrosized tabs, 125, 250 mg	Ayerst
Hydroxyzine Hcl tabs, 10, 25, 50 mg	Premo
Levothyroxine sodium, 0.025, 0.05, 0.1, 0.15, 0.175, 0.2, 0.3 mg	Armour
Potassium chloride packets, 20 mEq	Upsher-Smith
Primidone tabs, 250 mg	Danbury
Procainamide Hcl caps, 250, 375 mg	Chelsea
Prochlorperazine maleate tabs, 5, 10, 25 mg	Bolar

An order adopting this rule was filed and became effective on March 5, 1981 as R.1981 d.81.

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amendments on Work Load Data

The Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:64-7(b), proposes to amend N.J.A.C. 9:4-3.57 concerning work load data.

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

9:4-3.57 Work load data

(a) (No change.)

(b) Rules concerning enrollment data are:

1. In applying the following definitions for the classification of students in the enrollment data section of Schedule 3, only those full-time equated students generated by courses, credit or noncredit, the direct expenditures (as defined in the program cost Chapter, N.J.A.C. 9:4-3.75) for which are borne by the college, are eligible to be counted in determining State support:

i. - iv. (No change.)

(1) - (4) (No change.)

(5) **Noncredit programs generally eligible for State funding under this definition and offered jointly with another educational agency (public or private) will not be eligible for funding unless control of the courses and programs shall be vested with the county college. "Control" means ultimate responsibility for development and implementation of curriculum (course objectives, outlines, strategies, and teaching methods); responsibility for hiring, firing, evaluating, and supervising the faculty; and responsibility of the faculty member to a supervisor employed by the college.**

(6) **To be eligible for State funding, non-credit courses under this definition shall be in compliance with the Board of Higher Education tuition ceiling currently in effect.**

Renumber (5) - (9) as (7) - (11).

2. - 5. (No change.)

6. In preparing the audited schedule of full-time equivalent enrollments for noncredit students as required by N.J.A.C. 9:4-3.57(b)7, the audit firm must adhere to the following:

i. - ii. (No change.)

iii. **The auditor shall certify that all noncredit courses submitted for State Funding are in compliance with the Board of Higher Education tuition ceiling for noncredit courses.**

[iii.] iv. Full time equivalent noncredit student credit and contact hours shall be reconciled to tuition income, including case received, accounts receivable, and waivers.

[iv.] v. The auditor shall ascertain that the college has on file at the college a course description for each noncredit course eligible for State funding and shall submit a statistically valid sample of these course descriptions with the year end.

Renumber v. and vi. as vi. and vii.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 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.

(b)

HIGHER EDUCATION

STUDENT ASSISTANCE BOARD

Proposed Amendments on Student Eligibility Criteria for Tuition Aid Grant and Garden State Scholarship Programs

The Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-48 and 18A:71-26.4, proposes to amend N.J.A.C. 9:7-2.4, 2.6, 2.7, 2.8 and 2.11 concerning application dates and student eligibility for the Tuition Aid Grant and Garden State Scholarship Programs.

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

9:7-2.4 Determination of eligibility for and value of student assistance

Students must have demonstrated financial need through submission of a New Jersey Financial Aid Form in accordance with annually established deadline dates. The information on the Financial Aid Form will be evaluated by employing the national Uniform Methodology, as represented in the College Scholarship Service system or by approaches modified to meet the purposes of the New Jersey student assistance programs. The evaluation results in an estimate of the family or student's ability to contribute to the cost of education. This estimate is then used to determine eligibility for and value of student assistance. Students may not receive assistance under the programs administered by the Student Assistance Board if information is made known that they owe a refund on a grant or scholarship previously received from a state or Federal program through any institution or are in default on any student loan made or insured by the Federal government at any institution.

9:7-2.6 Dependent/independent student defined

(a) A dependent student is one who [(for the 1980-81 academic year and thereafter dependent students shall be required to meet all requirements of this subsection only for the current and past years)]:

1. Resides with his or her parents or guardians for more than six weeks last[,] or this [, or next] year; or

2. Is dependent upon them for more than [\$750] an amount specified by the Student Assistance Board in support of any kind including food, clothing, or shelter last[,] or this [, or next] year; or

3. Is claimed, or will be claimed, as dependent for income tax purposes for last[,] or this [, or next] year.

(b) An independent student is one who [(for the 1980-81 academic year and thereafter independent students shall be required to meet all requirements of this subsection only for the current and past years)]:

1. Has not lived, and will not live, with parents or guardians for more than six weeks last[,] and this [, and next] year, or a recipient of aid to dependent children who resides with parent(s); and

2. Has not received, and will not receive, financial assistance from parents of more than [\$750] an amount specified by the Student Assistance Board in support of any kind including food, clothing, and shelter last[,] and this [, and next] year; and

3. Has not been claimed, and will not be claimed, as an exemption on parents or guardians tax return last[,] and this [, and next] year; and

4. Has resources, which should be at least equal to the level of public assistance in the preceding calendar year. For 1978-79 and subsequent years, unless revised, this level is \$1,400.

(c) If circumstances have prevented the student(s) from having resources of a minimum of \$1,400 for the calendar year prior to the academic year for which aid is requested and the student(s) has qualified for independent status based on the other three criteria, then, as an alternative, in-kind support equal to at least \$1,400 must be documented and placed in the student(s) file before he or she is considered an independent student. Such documentation must be furnished to the Office of Student Assistance, Department of Higher Education, in writing, through the established appeals procedure or through the use of a properly prepared change form.

9:7-2.7 Income tax verification of family financial data

Students who have been found eligible to receive student assistance must provide an authorization to the Department of Higher Education, Office of Student Assistance, which permits the release of Internal Revenue Service and/or State income tax returns for verification purposes. **This document must be submitted before payment is made and in accord with annually established deadline dates.** Financial data provided on the New Jersey Financial Aid Form will be verified through the comparison of information reported on income tax returns. Discrepancies will require the re-evaluation of the student's eligibility. Students as well as institutions will be notified if an adjustment in the value of aid is required.

9:7-2.8 Renewal eligibility and filing

Students must apply to renew their student assistance through the annual filing of a New Jersey Financial Aid Form in accordance with annually established deadline dates. To receive a renewal of State assistance, students must continue to demonstrate financial need and maintain satisfactory academic progress as evidenced by the approval of the college to continue the student's full-time enrollment.

9:7-2.11 Payments [to students]

Payments will be made by the Department of Treasury to eligible students in equal installments over the regular academic year, the number of installments corresponding to the number of school terms. **Deadline dates shall be established annually to comply with the State's fiscal year and to allow for academic term expenditure control. After the academic term ends at the institution, retroactive payment of student assistance awards shall not be made for that term.** The Student Assistance Board may elect to provide payments directly to institutions on behalf of student recipients. In such instance, payment to public institutions will be in the form of a debit/credit, while payments due in-state independent institutions and all out-of-state institutions will be by check. Listings of eligible students to be credited will accompany the payments to institutions.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

The Student Assistance Board may thereafter adopt rules concerning this subject without further notice.

(a)

HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Proposed Amendments on Loan Limits for Guaranteed Student Loan Program

The Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10(2), proposes to amend N.J.A.C. 9:9-1.3 concerning loan amounts for the Guaranteed Student Loan Program.

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

9:9-1.3 Loan amounts

(a) The maximum amount a full-time undergraduate student may borrow for one academic year shall not exceed \$2,500[,] for a dependent student or \$3,000 for an independent student.

(b) The maximum amount a graduate student may borrow for one academic year shall not exceed \$5,000. [unless the student is enrolled full time in an eligible school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry or public health located in the United States and Puerto Rico, in which case the maximum per academic year shall not exceed \$10,000. Pharmacy students attending an eligible school who have satisfactorily completed three years of training may borrow up to \$7,500 per academic year.]

(c) The maximum amount a part-time student may borrow for one academic year shall not exceed \$1,250 [for undergraduate study or \$2,500 for graduate study.] for the dependent undergraduate student, \$1,500 for the independent undergraduate student, or \$2,500 for the part-time graduate student.

(d) The total amount of loans to any one student shall not exceed [\$7,500 for the undergraduate course of study or \$15,000 if graduate study is included.] \$12,500 for the dependent undergraduate student, \$15,000 for the independent undergraduate student, or \$25,000 for the graduate student, including any loans borrowed under this program as an undergraduate student.

(e) Loans are authorized for at least six academic years or the equivalent, unless the [\$15,000] \$25,000 maximum is reached prior to the expiration of the six-year period.

(f) - (g) (No change.)

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

The Higher Education Assistance Authority may thereafter adopt rules concerning this subject without further notice.

(a)

HIGHER EDUCATION

THE CHANCELLOR

HEALTH

THE COMMISSIONER

Physician-Dentist Loan Redemption Program

On February 4, 1981, T. Edward Hollander, Chancellor of Higher Education and Joanne E. Finley, M.D., M.P.H., Commissioner of Health, pursuant to authority of N.J.S.A. 18A:72D-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 9:16-1.3, 1.4, and 1.5 concerning the Physician-Dentist Loan Redemption Program as proposed in the Notice published October 9, 1980 at 12 N.J.R. 579(c) but with subsequent substantive changes not detrimental to the public in the opinion of the Department.

Full text of the changes between proposal and adoption follows (additions to proposal indicated in boldface thus; deletions from proposal indicated in brackets [thus]).

9:16-1.3 Definitions

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

"Primary care" for physicians means the practice of family medicine, general internal medicine, general pediatrics, general obstetrics and gynecology, and general preventive medicine and public health.

"Primary care" for dentists means the practice of general dentistry, pedodontics, and general preventive dentistry and public health.

[9:16-1.3] 9:16-1.4 Selection of program participants

To receive consideration for participation in the program, interested students must submit an application to the Department. Upon receipt of applications, the Department shall determine the eligibility of applicants based upon the minimum criteria as defined in N.J.S. [18A:70-1] 18A:72D-1 et seq.

[9:16-1.4] 9:16-1.5 Guidelines for expenditure of loan redemption funds

(a) On an annual basis each program participant shall apply to the Department for redemption of the amount of indebtedness specified in the agreement. At the time of application each participant shall submit to the Department evidence that he or she has provided service in an underserved area in accordance with the agreement between the participant and the Chancellor. Such evidence shall include:

1. An affidavit, indicating that the participant did provide primary care services for a full year, attested to by the chief executive officer or director of a private non-profit or public health care facility in a designated underserved area[,] or by the chief administrative authority of a State, county or municipal public health program, if such program serves a designated underserved area.

2. (No change.)

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

Recodify 9:16-1.5 as 9:16-1.6.

An order adopting this rule was filed and became effective on February 25, 1981 as R.1981 d.60.

(b)

HIGHER EDUCATION

STUDENT ASSISTANCE BOARD

Academic Eligibility for Undergraduate Grants

On March 2, 1981, Luis Nieves, Chairman of the Student Assistance Board, 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 amendments to N.J.A.C. 9:7-4.6 concerning academic eligibility for undergraduate grants as proposed in the Notice published November 6, 1980 at 12 N.J.R. 658(a).

An order adopting the rule was filed with the Office of Administrative Law on March 12, 1981 to become effective April 9, 1981 (for all awards for the Fall semester of 1981) as R.1981 d.99.

(c)

HIGHER EDUCATION

EDUCATION OPPORTUNITY FUND

EOF Guidelines and Program Support Regulations

On February 5, 1981, T. Edward Hollander, Chancellor of the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-34 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:11 and 9:12 concerning EOF guidelines and program support regulations as proposed in the Notice published November 6, 1980 at 12 N.J.R. 658(b) but with inconsequential structural or language changes in the opinion of the Department.

An order adopting the rule was filed with the Office of Administrative Law on March 12, 1981 to become effective on April 9, 1981 as R.1981 d.100.

(d)

HUMAN SERVICES

DIVISION OF MENTAL HEALTH AND HOSPITALS

Proposed New Rules on Interim Assistance Procedures Manual

Selma Rubin, Deputy Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4-107, proposes to adopt new rules to be cited as N.J.A.C. 10:38 concerning the procedures to be followed in the Division of Mental Health and Hospitals' Interim Assistance Program.

The main objective of the rules is to continue existing programs and responsibilities of the Division of Mental Health and Hospitals for administering the Interim Assistance Program. The Interim Assistance Program is a payment procedure developed by the State of New Jer-

sey and the Federal Department of Health and Human Services which permits a client who has been released from a State psychiatric hospital and who has applied for Federal Supplemental Security Income (SSI) benefits to receive State funds while his/her SSI claim is being evaluated.

Another objective is to clearly define the procedures to be employed and the rules and responsibilities within the Division of Mental Health and Hospitals in implementing the Program. The rules establish a fair hearing procedure in accordance with N.J.S.A. 52:14B-1 et seq.

Full text of the proposed amendments can be obtained from, and written comments can be directed on or before May 15, 1981 to:

V. Jack Bittner
Assistant Director
Office of Fiscal and Management Operations
Division of Mental Health and Hospitals
Capital Place One
Trenton, New Jersey 08625

The Division of Mental Health and Hospitals may thereafter adopt rules concerning this subject without further notice.

(a)

HUMAN SERVICES

DIVISION OF MENTAL RETARDATION

Proposed Amendments on Construction Assistance for Group Homes for the Developmentally Disabled

Selma Rubin, Deputy Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:4-24, proposes to amend N.J.A.C. 10:44-13 concerning the use of State funds in the construction of community-based residential facilities for the developmentally disabled by deleting the current text (including the title) in its entirety and substituting new text therefor. The current text can be found in the New Jersey Administrative Code.

Full text of the proposed revised rule follows.

SUBCHAPTER 13. COMMUNITY RESIDENTIAL FACILITY GRANT PROGRAM

10:44-13.1 Scope and purpose

(a) This subchapter applies to State grants for purchase, renovation, and/or construction of community-based residential facilities for the developmentally disabled. The program shall be known as the Community Residential Facility Grant Program.

(b) The purpose of the program is to utilize State funds to assist private not-for-profit corporations in the purchase, renovation, and/or construction of community-based residential facilities for the developmentally disabled.

10:44-13.2 Definitions

The following words and terms, when used in this subchapter, shall have meanings as stated.

"Agency" means a private not-for-profit corporation applying for a grant under the Community Residential Facility Grant Program.

"Capital grant agreement" means the agreement, in the form of a written contract, between the department and the agency which sets forth the terms and conditions applicable to the awarding of a community residential facility grant.

"Community-based" refers to those programs and/or facilities which are not located on the grounds of, or operated by, a State or county institution.

"Community intermediate care facility for the developmentally disabled" means a community-based residential facility, housing up to 15 developmentally disabled persons, which provides food, shelter, and continuing health-related care and services for persons requiring institutional levels of care. Such facility is licensed by the State of New Jersey Department of Health under rules and regulations published in Title 42, Part 442, Subpart G of the Code of Federal Regulations.

"Community residential facility for the developmentally disabled" means a community-based residential facility, housing up to 16 developmentally disabled persons, which provides food, shelter, and personal guidance for persons requiring limited assistance to live independently in the community. Such facility is licensed by the department pursuant to the Laws of New Jersey, 1977, Chapter 448.

"Department" means the State of New Jersey Department of Human Services.

"Developmentally disabled" refers to persons having a severe, chronic disability attributable to a mental and/or physical impairment which is manifested before the person attains age 22 and which results in substantial functional limitations of a major life activity. Developmental disabilities include but are not limited to mental retardation, cerebral palsy, epilepsy, and autism.

"Division" means the Division of Mental Retardation.

10:44-13.3 Program priorities

Priority shall be given to the purchase, renovation, and/or construction of facilities housing a maximum of six, seven, or eight persons.

10:44-13.4 Funding limitations and matching provisions

(a) Community residential facility grants for purchase, renovation, and/or construction may be approved by the department in amounts up to 100 percent of the total cost of the project.

(b) In no case may the total cost of the project exceed \$250,000.

(c) The agency portion, if any, of the total project cost may come from one or both of the following sources:

1. Actual cash under the control of the agency;
2. A mortgage secured on the subject property (such mortgage may include both land and buildings).

10:44-13.5 Eligible agencies

Any private not-for-profit agency incorporated in the State of New Jersey may apply for a grant under the Community Residential Facility Grant Program.

10:44-13.6 Conditions

(a) The following conditions shall apply to the Community Residential Facility Grant Program:

1. The agency must comply with one of the following (the standards referenced in (a)1i and ii of this section are available upon request from the division's Office of Resource Development):

i. The Standards for Community Intermediate Care Facilities for the Developmentally Disabled as set forth in the rules and regulations published in Title 42, Part 442, Subpart G of the Code of Federal Regulations; or

ii. The Division of Mental Retardation Standards for Community Residential Facilities for the Developmentally Disabled as set forth in N.J.S.A. 30:11B-1 et seq.

2. The agency must sign a capital grant agreement in which it agrees to abide by all existing department guidelines for use of grant funds and to use the grant exclusively for the purchase, renovation, and/or con-

struction of a division-approved facility for the developmentally disabled.

3. The agency must agree to maintain the facility as a licensed residential facility for the developmentally disabled for a period of at least 10 years from the date of facility licensure.

i. If the amount of the community residential facility grant exceeds 50 percent of the total project cost, the agency must agree to maintain the facility as a licensed residential facility for the developmentally disabled for 10 years as required in (a)3 of this section plus an additional one year for every five percent (or fraction thereof) of the total project cost over the 50 percent amount. This would result in an obligation up to a maximum of 20 years.

4. The agency must agree to reserve 75 percent of the maximum number of beds in the facility for division referrals from State institutions, until such time as the division determines this no longer to be necessary.

5. The department may file a lien against the title of any property for which community residential facility grant funds are to be expended.

i. If the amount of the grant is 100 percent of the total project cost, the department must file a lien. The amount of such lien shall be equal to the amount of the grant.

ii. Any lien shall be reduced as follows:

(1) For community residential facility grants in original amounts up to and including 50 percent of the total project cost, the lien shall be reduced by 10 percent of its original amount for each year credited toward satisfaction of the agency's obligation as set forth in (a)3 above.

(2) For community residential facility grants in original amounts greater than 50 percent of the total project cost, the lien shall be reduced, for each year credited toward satisfaction of the agency's obligation as set forth in (a)3 above, by the percentage-equivalent of the fraction $1/X$, where X represents the referenced obligation in number of years.

6. In the event that the capital grant agreement is terminated prior to the agency's having satisfied its obligation as set forth in (a)3 above, the department may require return to the department of either the original amount of the community residential facility grant or the market value of the property at the time of termination, based upon three appraisals acceptable to the department.

i. The amount calculated to be the maximum returnable in accordance with (a)6 of this section may, at the discretion of the department, be reduced in the same manner as that stipulated in (a)5i and ii above for reduction of lien amounts.

ii. At its option, the department may require, instead of a return of funds, that the agency transfer the property's title either to the department or to a private not-for-profit corporation designated by the department.

10:44-13.7 Service contract

The execution of a capital grant agreement shall require execution of a separate contract for the provision of services to residents of the facility. The parties to such service contract shall be the division and the agency or, alternatively, the division and another entity approved by the division.

10:44-13.8 Application procedures

(a) The following application procedures shall apply to the Community Residential Facility Grant Program:

1. The agency shall submit, on a form supplied by the division, a preliminary proposal to establish a residential facility for the developmentally disabled.

2. The preliminary proposal shall be reviewed by a

committee composed of representatives of operational units of the division. The committee shall approve, disapprove, or recommend changes in the preliminary proposal and shall inform the agency of its decision.

3. Upon approval of the preliminary proposal by the committee, the agency shall be asked to make final site selection and to submit an application for a grant of funds to purchase, renovate, and/or construct a residential facility for the developmentally disabled. Application shall be made on a form supplied by the division.

i. The agency shall also be asked to submit an itemized budget indicating the amount of funds requested from the department and the amount(s) and source(s) of any funds to be contributed by the agency.

10:44-13.9 Final grant approval

(a) The final process for approving a community residential facility grant shall be as follows:

1. The division may recommend to the department that it participate in projects which comply with all applicable laws, regulations, and codes, as well as with standards established by the division.

2. The department's Office of Facility Planning and Construction shall review applications for compliance with department guidelines pertaining to facility planning and construction.

3. Final approval of all projects shall be granted by the Commissioner of the Department of Human Services.

10:44-13.10 Payment schedule

(a) The division and the agency shall negotiate a reasonable payment schedule prior to final approval of the application.

(b) The total amount to be paid to the agency under the terms of the capital grant agreement shall be limited to actual expenditures having prior approval of the division and shall not exceed the capital grant agreement's budget ceiling.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Claire E. Mahon, Director
Office of Resource Development
Division of Mental Retardation
Capital Place One, 3rd Floor
222 South Warren 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 Amendments on Suspended Providers for Medicaid

Gerald J. Reilly, Deputy Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-17a, proposes to amend N.J.A.C. 10:49-1.17 concerning suspended providers for Medicaid.

This proposed rule will prevent any individual who has been suspended, debarred or disqualified from participating in Medicaid either directly or indirectly. Regardless of whether a provider is reimbursed on a cost-related basis or fee-for-service basis, said provider will not be com-

pensated for services rendered by such individuals. It is believed this regulation will result in a cost-saving to the Medicaid program since unqualified individuals will not be reimbursed.

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

10:49-1.17 Program participation

(a) (No change.)

(b) Debarment, suspension and disqualification are measures which shall be invoked by the Division of Medical Assistance and Health Services to exclude or render ineligible certain persons from participation in contracts and subcontracts with the division, or in projects or contracts performed with the assistance of and subject to the approval of the division, on the basis of a lack of responsibility. These measures shall be used for the purpose of protecting the interests of the division and not for punishment. To assure the division the benefits to be derived from the full and free competition between and among such persons and to maximize the opportunity for honest competition and performance, these measures shall not be invoked for any time longer than deemed necessary to protect the interests of the division.

1. Any individuals, including but not limited to owners, officers, administrators, assistant administrators, employees, accountants, attorneys, and management services who have been suspended, debarred or disqualified from Medicaid Program participation for any reason shall not be involved in any activity relating to the Medicaid Program.

2. Providers reimbursed on a cost-related basis may not claim as allowable costs any amounts paid or credited to such individuals, and such amounts shall not be reimbursed by the Medicaid Program.

3. Providers reimbursed on a fee-for-service basis may not submit claims and shall not be reimbursed for any goods supplied or services rendered by such individuals.

4. The above policy will apply only for the period during which such individuals are suspended, debarred or disqualified from Medicaid participation.

(c)-(q) (No change.)

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 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 Amendments to Physician's Services Manual: Procedure Codes

Gerald J. Reilly, Deputy Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:54-3 concerning procedure codes. The procedure codes most affected by this amendment are Radiology and Ultrasonic Diagnostic Procedures. Some hospital-based physicians

may be able to bill Medicaid on a fee-for-service basis for their professional component.

Copies of the 18 pages of the full text of the proposed amendments may be obtained from, or made available for review, by contacting:

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

Comments to the proposed regulation must be in writing and received at the above address not later than May 11, 1981.

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 on IPPB Machines

Gerald J. Reilly, Deputy Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:59-1.10 concerning the rental and/or purchase of IPPB machines.

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

10:59-1.10 Rental policy

(a) (No change.)

(b) (No change.)

1.-8. (No change.)

9. Exceptions include the following:

i. (No change.)

ii. Respiratory equipment such as, but not limited to [IPPB Machines,] ventilators and respirators, shall not be considered purchased after rental payments reach 120 percent of the approved purchase prices as described in [paragraph 2 and 3 of this subsection] (b)2 and (b)3 above. (Purchase of such equipment can be approved at any time.) Except:

(1) Note: Rental of ancillary equipment such as regulators and oxygen equipment will qualify under [paragraphs 2 and 3 of this subsection] (b)2 and (b)3 above (120 percent = paid).

(2) Note: Rental of IPPB machines will qualify under (b)2 and (b)3 above (120 percent = paid).

(A) Repairs to an IPPB machine may be prior authorized when the item is no longer under rental. (See N.J.A.C. 10:59-1.11 on repair policy.)

(B) An IPPB machine shall be purchased when, in the judgment of the Medicaid Medical Consultant, the medical need will exist for a period of time long enough to make purchase more economically practical than rental.

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before May 11, 1981 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 Independent Clinic Service Manual: Procedure Codes

Gerald J. Reilly, Deputy Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:66-3.3 concerning certain procedure codes.

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

10:66-3.3 Procedure code listing

(a) (No change.)

1. Examination and treatment:

	Medicaid Dollar Value
	S \$ NS
...	
9072 INJECTION (Intradermal, Subcutaneous, Intravenous, or Intraarterial) Reimbursement for the above injections are on a flat fee basis and are all inclusive for the cost of the service and the [drug or vaccine.] materials and is to be administered by the physician or administered under his/her supervision by his/her designee, who must be a person who is permitted to administer an injection under the law. Be advised of the following:	\$2.50
...	
9320 Skin test with bacterial, viral, or fungal extracts (includes testing and reading by the physician), e.g. brucella, tuberculin, histoplasma, coccidioidin, Frei, etc., each.	4.00
...	
2.-10. (No change.)	
11. Radiology services	
...	
7254 Upper Extremity (infant or child) including as a minimum the shoulder, elbow, and wrist with a minimum of two views.	20.
...	
7298 Lower Extremity (infant or child) including as a minimum the hip, knee and ankle with a minimum of two views.	20.
...	
12.-14. (No change.)	

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 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 PUBLIC WELFARE

Proposed Amend ASH: Exempt Resources and Disregard of Earned Income

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. 10:82-3.2 and 4.5 in the Assistance Standards Handbook concerning food stamps and disregard of earned income of children 16 to 21 years of age in AFDC-N segment.

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

10:82-3.2 Exempt resources

(a) (No change.)

(b) The exempt resources are:

1.-6. (No change.)

7. Resources designated for special purposes as follows:

i.-ii. (No change.)

iii. For any household participating in the Food Stamp Program of the United States Department of Agriculture, the value of the coupon allotment [in excess of the amount paid by the household for such allotment];

iv.-viii. (No change.)

8.-11. (No change.)

10:82-4.5 Disregard of earned income

(a) (No change.)

(b) Rules on the N segment are:

1. (No change.)

i. (No change.)

ii. All earned income of children 16 to [18] 21 years of age who are attending an accredited educational institution on a full-time basis shall be exempt. (See also [4:7] N.J.A.C. 10:82-4.7.)

(c) (No change.)

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 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 PUBLIC WELFARE

ASH: Proposed Amendments on Treatment of Irregular and Nonrecurring Income in AFDC

Gerald T. Reilly, Deputy 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. 10:82-4.15 in the Assistance Standards Handbook concerning irregular and nonrecurring income in AFDC.

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

10:82-4.15 Irregular or nonrecurring income

(a) Income which becomes available at irregular intervals or is received upon a single occasion only [, (see N.J.A.C. 10:82-3.2(b)7vi,)] (other than proceeds described in N.J.A.C. 10:82-3.2(b)10) shall be [applied] considered as income [in computing the assistance grants as follows:] in the first month subsequent to receipt, subject to adverse action notice requirements.

1. If the amount is less than one full month's adjusted allowance, the [next month's] grant, subject to adverse action notice requirements, shall be reduced by such amount.

2. If the amount [, other than that set aside in accordance with N.J.A.C. 10:82-3.2(b)7vi,] is greater than one month's adjusted allowance, but less than that for three months, the case shall be suspended until such funds are exhausted, at which time the case shall be reinstated.

3. If the amount [, excluding that which is set aside in accordance with N.J.A.C. 10:82-3.2(b)7vi,] is greater than required to meet three months' needs, the case shall be closed. (See also N.J.A.C. 10:82-3.7(a)4.)

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

G. Thomas Riti, Director
Division of Public Welfare
CN 716
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 Amendments to GAM: Food Stamps and Medical Payments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend N.J.A.C. 10:85-3.3, 5.3, 6.6 and 8.2 of the General Assistance Manual concerning food stamps and amount of payment which the municipal welfare department may authorize for any medical product or service

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

10:85-3.3 Financial eligibility

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

(e) (No change.)

1. - 4. No change.)

5. Income exclusions: The following shall not be counted when determining financial eligibility:

i. Excess value of food stamps: For any household participating in the Federal Food Stamp Program, the value of the coupon allotment [in excess of the amount paid by the household for such allotment].

ii - x. (No change.)

(f) - (g) (No change.)

10:85-5.3 Other medical payments

(a) (No change.)

(b) (No change.)

1. (No change.)

2. Amount of Payment: The amount of the payment which the MWD shall authorize for any medical product or service shall be the lowest amount for which the service or product or a comparable service or product can be reasonably supplied to the recipient but in no event shall total payment for each service or product be more than the rate indicated as a maximum by DPW/BMA. (See N.J.A.C. 10:85-5.3(i) and 10:85-5.4(a).) If comparable services or products are accessible and readily available free, no payment shall be authorized.

3. - 5. (No change.)

(c) - (j) (No change.)

10:85-6.6 Establishment of Petty Cash Fund Account

(a) (No change.)

1. Utilization of Petty Cash Fund Account: Monies in the Petty Cash Fund Account shall be withdrawn by check for direct disbursement to SSI recipients (see N.J.A.C. 10:85-6.5(e)), [and/or for the purchase of Food Stamps,] and/or for direct payment of [g]General [a]Assistance.

2. - 5. (No change.)

10:85-8.2 Referral to county welfare agency

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

(c) Programs administered by the county welfare agency include the following:

1. - 2. (No change.)

3. Food stamps: This Federal program provides eligible families with food stamps which are [purchased at a discount and later] redeemed at face value for food.

4. - 6. (No change.)

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before May 11, 1981 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 MEDICAL ASSISTANCE AND HEALTH SERVICES

LTCSM: Termination of Medicaid Eligibility

On February 17, 1981, Gerald J. Reilly, Deputy 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. 10:63-1.19 in the Long Term Care Services Manual concerning termination of Medicaid eligibility as proposed in the Notice published January 8, 1981 at 13 N.J.R. 15(b).

An order adopting this rule was filed February 25, 1981 to become effective on March 15, 1981 as R.1981 d.62.

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Medical Information Form

On February 23, 1981, Gerald J. Reilly, Deputy Commissioner of Human Services, pursuant to authority of N.J.S.A. 9:3-41.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 10:121-5.1 concerning a Medical Information Form as proposed in the Notice published December 4, 1980 at 12 N.J.R. 703(c) but with substantive changes not detrimental to the public in the opinion of the Department.

An order adopting this rule was filed and became effective on February 26, 1981 as R.1981 d.63.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Emergency Amendments to Food Stamp Manual

On February 23, 1981, Gerald J. Reilly, Deputy 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 amendments to N.J.A.C. 10:87-2.13, 2.30, 2.35, 6.19, 8.3, 8.9, 8.26, 9.1, 9.7, 9.18 and 11.20, and recodified N.J.A.C. 10:87-8.3-8.26 as 8.4-8.27, and 11.20-11.28 as 11.21-11.29 concerning the food stamp program.

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

10:87-2.13 Filing an application

(a) (No change.)

(b) (No change.)

1. - 2. (No change.)

3. **Filing during a period of Federal reduction, suspension, or cancellation of food stamp benefits: CWAs shall accept and process applications during a month(s) in which a reduction, suspension, or cancellation is in effect in accordance with the requirements in this subchapter. Benefits shall be issued in accordance with the requirements in N.J.A.C. 10:87-2.30(c).**

(c) - (f) (No change.)

10:87-2.30 Normal processing standard

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

(c) **Processing standards during a period of Federal reduction, suspension or cancellation of food stamp benefits: Determinations of eligibility shall be made in accordance with normal processing standards. For a household entitled to expedited processing as specified in N.J.A.C. 10:87-2.35, issuance of benefits shall be made in accordance with the following provisions:**

1. **Reduction: If a household is found to be eligible for benefits and a reduction is in effect, the amount of benefits shall be calculated based on the reduction formula provided by DPW.**

2. **Suspension or cancellation: If a household is found to be eligible for benefits while a suspension or cancellation is in effect, no benefits shall be issued to the household until issuance is again authorized by DPW.**

10:87-2.35 Special procedures for expediting service

(a) No change.)

1. - 2. (No change.)

3. **Certification period: Households which are certified on an expedited basis and have provided all necessary verification required in [section 20 of this subchapter] N.J.A.C. 10:87-2.20 prior to certification shall be assigned a normal certification period (see N.J.A.C. 10:87-6.19). If verification is postponed, the CWA shall assign the normal certification period warranted by the household's circumstances. However, in no event will benefits be continued past the month of application if verification is not obtained. Federally mandated reduction, suspension, or cancellation of allotments in a given month shall have no effect on the certification periods assigned to households.**

i. - iv. (No change.)

4. **Expedited service during a period of Federal reduction, suspension, or cancellation of food stamp benefits: Households eligible to receive expedited processing which apply for program benefits during a month in which a reduction, suspension, or cancellation is in effect, shall have their cases processed in accordance with the above procedures, subject to the following provisions:**

i. **Reduction: Households which receive expedited service in a month in which a reduction is in effect and which are determined to be eligible, shall be issued allotments that are reduced in accordance with the reduction in effect. The reduced allotments shall be made available to the households within the time frame specified in N.J.A.C. 10:87-2.34.**

ii. **Suspension: Households which receive expedited service in a month in which a suspension is in effect and that are determined to be eligible, shall have benefits issued within the time frame specified in N.J.A.C. 10:87-2.34 unless the suspension is still in effect at the time issuance is to be made.**

iii. **Cancellation: Households eligible to receive expedited processing which apply for benefits during a month in which cancellation is in effect shall receive expedited service. However, the deadline for completing the processing of such cases shall be two days or the end of the month of application, whichever date is later. All other regulations pertaining to expedited service shall be applicable to these cases.**

10:87-6.19 Certification periods

The CWA shall establish a definite period of time or "certification period" within which a household shall be eligible to receive benefits. A federally mandated reduction, suspension, or cancellation of allotments in a given month shall have no effect on the certification period assigned to a household. At the expiration of each certification period, entitlement to food stamp benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and such verification as required by N.J.A.C. 10:87-2.20.

10:87-8.2A Fair hearing based on Federal changes

Fair hearings will be denied those households which are merely disputing the fact that a federally mandated reduction, suspension, or cancellation was ordered. If the request for a fair hearing is based on a household's belief that its benefit level was computed incorrectly or that regulations were misapplied or misinterpreted, the household shall be given an opportunity to receive a fair hearing (see N.J.A.C. 10:87-8.9(b)). CWAs will only refer those requests which qualify for a fair hearing to the Bureau of Administrative Review and Appeals (BARA).

10:87-8.9 Reduction or termination due to mass change

(a) When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is that food stamp eligibility or benefits were improperly computed or federal law or regulation is being misapplied or misinterpreted by the DPW or the CWA.

(b) When benefits are reduced, suspended, or cancelled due to a Federal order, participation on the prior basis, pending the fair hearing, shall be denied.

10:87-8.26 CWA responsibilities; fair hearings

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

(e) Decision on a federally mandated reduction: A household may receive retroactive benefits in an appropriate amount if it is determined that its benefits were reduced by more than the federally authorized amount.

10:87-9.1 Recertification

The CWA shall complete the application process and approve or deny timely applications for recertification prior to the end of the household's current certification period. A federally mandated reduction, suspension, or cancellation of allotments in a given month shall have no effect on the recertification procedures. The CWA shall provide eligible households with an opportunity to participate by the household's normal issuance cycle in the month following receipt of a timely application. The CWA shall not continue benefits to households beyond the end of the certification period unless the household has been recertified. The joint processing requirements for PA cases apply to applications for recertification unless recertification does not coincide with redetermination (see N.J.A.C. 10:87-6.22).

10:87-9.7 Changes

(a) (No change.)

1. - 2. (No change.)

i. - ii. (No change.)

iii. Mass changes: Certain changes are initiated by the State or Federal government which may affect the entire caseload or significant portions of the caseload. These changes include annual adjustments to the net income eligibility standards and the shelter/dependent care deduction; [semiannual] adjustments to the maximum coupon allotment and standard deduction; [annual and] seasonal adjustments to the utility standard; periodic cost-of-living adjustments to Social Security, SSI and other Federal benefits; federally mandated reductions, suspensions, or cancellations of food stamp benefits; periodic adjustments to AFDC and other changes in the eligibility criteria based on legislative or regulatory actions.

(1) Food stamp program changes: These include Federal adjustments to eligibility standards, allotments and deductions, federally mandated reductions, suspensions, or cancellations of food stamp benefits, and State adjustments to utility standards. These adjustments shall go into effect for all households at a specific point in time. [Semiannual a] Adjustments to the maximum coupon allotment, shelter/dependent care deduction, and the standard deduction shall be effective for all issuances in January [and July]. Annual adjustment[s] to the [shelter/dependent care deduction and the] income eligibility standards shall be effective for all July issuances. Adverse action notices are not required for such changes. However, prior publicity of adjustments shall be made through news media, by placing posters in certification offices, issuance locations or sites frequented by certified households, or by issuing general notices mailed to households.

(A) No change.)

(2) (No change.)

(b) (No change.)

(c) Changes not requiring advance notice: Individual notices of adverse action are not required when:

1. Mass change: The CWA initiates a mass change as described in [N.J.A.C. 10:87-9.7(a)2] (a)2iii above.

10:87-9.18 Miscellaneous administrative procedures

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

(d) Certification and issuance sites:

1. During a period of federally mandated suspension or cancellation: The requirements in (d) of this section shall not be applicable in months in which the issuance of benefits have been suspended or cancelled. In such months, CWAs shall determine what type of issuance services to make available, where they should be located and when they should be available. CWAs must have issuance services available to serve households receiving restored or retroactive benefits for a prior month.

10:87-11.20A Federally mandated reduction or cancellation of benefits

Households whose allotments are reduced or cancelled as a result of a Federal mandate are not entitled to a restoration of lost benefits unless DPW, upon notification by USDA, specifically authorizes such restoration.

An order adopting this rule was filed and became effective on February 26, 1981 as R.1981 d.64 (Exempt, Emergency Rule).

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Reimbursement to Long Term Care Facilities

On March 2, 1981, Gerald J. Reilly, Deputy 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. 10:63-3.1 concerning reimbursement to long term care facilities as proposed in the Notice published December 4, 1980, at 12 N.J.R. 702(a).

An order adopting this rule was filed and became effective on March 9, 1981 as R.1981 d.87.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

ASH: HUD Community Development Block Grants

On March 6, 1981, Gerald J. Reilly, Deputy Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-3.2 in the Assistance Standards Handbook concerning HUD community development block grants as exempt resources as proposed in the Notice published February 5, 1981 at 13 N.J.R. 96(a).

An order adopting the rule was filed with the Office of Administrative Law on March 11, 1981 to become effective April 9, 1981 as R.1981 d.96.

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Student Participation in Food Stamp Program

On March 6, 1981, Gerald J. Reilly, Deputy 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 amendments to various sections in N.J.A.C. 10:87 concerning student participation in the Food Stamp Program as proposed in the Notice published February 5, 1981 at 13 N.J.R. 96(c).

An order adopting the rule was filed with the Office of Administrative Law on March 11, 1981 to become effective April 9, 1981 as R.1981 d.97.

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

GAM: Local Assistance Board and Form GA-15

On March 6, 1981, Gerald Reilly, Deputy 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. 10:85-2.2 in the General Assistance Manual concerning the establishment of the Local Assistance Board and Form GA-15 as proposed in the Notice published February 5, 1981 at 13 N.J.R. 96(b).

An order adopting the rule was filed with the Office of Administrative Law on March 11, 1981 to become effective April 9, 1981 as R.1981 d.98.

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH STANDARDS

Repeal Concerning Payment for Pharmaceutical Consultants

On March 5, 1981, Gerald J. Reilly, Deputy 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, repealed N.J.A.C. 10:51-4.5 concerning payments for pharmaceutical consultants as proposed in the Notice published July 10, 1980 at 12 N.J.R. 410(a).

An order adopting the rule was filed with the Office of Administrative Law on March 12, 1981 to become effective on April 9, 1981 as R.1981 d.101.

(d)

CORRECTIONS

STATE PAROLE BOARD

Proposed Amendment on Parole Board Rules

Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48, proposed to amend N.J.A.C. 10A:71-3.19 concerning Board panel action and the schedule of future parole eligibility dates.

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

10A:71-3.19 Board panel action; schedule of future parole eligibility dates

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

(c) The future parole eligibility dates required pursuant to [subsections] (a) and (b) **above may be increased or decreased by up to [6] 9 months** when, in the opinion of the Board panel, the severity of the crime for which the inmate was denied parole and the prior criminal record or other characteristics of the inmate warrant such adjustment.

(d) The Board may establish a future parole eligibility date which differs from that required by the provisions of [subsections] (a), (b) and (c) **above** if the future parole eligibility date which would be established pursuant to such subsections is clearly inappropriate in consideration of the circumstances of the crime, the characteristics and prior criminal record of the inmate and the inmate's institutional behavior.

1. If, in the opinion of the Board panel denying parole, the future parole eligibility date which would be established pursuant to [subsections] (a), (b) and (c) **above** is clearly inappropriate as provided herein, the Board panel shall refer such case to the Board.

2. The Board panel shall, at least 14 days prior to the Board's determination of the future parole eligibility date, notify the inmate in writing pursuant to [section] N.J.A.C. 10A:71-3.18 that a future parole eligibility date pursuant to [subsections] (a) and (b) **above** has not been established and the reasons therefor.

3. The Board shall, upon disposition of the case, state in writing to the inmate the reasons for the establishment of any future parole eligibility date which differs from the provisions of [subsections] (a) and (b) **above**.

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

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Christopher Dietz, Chairman
New Jersey State Parole Board
P.O. Box 7387
Whittlesey Road
Trenton, N.J. 08628

The State Parole Board may thereafter adopt rules concerning this subject without further notice.

(a)

INSURANCE

THE COMMISSIONER

Proposed New Rules on Insurance Policy Readability

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), and 56:12-1 et seq., proposes to adopt new rules to be cited as N.J.A.C. 11:2-18 concerning insurance policy readability.

The proposed rules are designed to implement the recently enacted Chapter 125, Laws of 1980 (N.J.S.A. 56:12-1 et seq.)—"An Act concerning simple, clear, understandable and easily readable language in consumer contracts." Since this Act applies to property and casualty insurance and certain life, health, and annuity policies not subject to N.J.S.A. 17B:17-17 et seq., the regulation is being circulated to all insurers licensed to do business in New Jersey.

Full text of the proposed new rules follows.

CHAPTER 2. INSURANCE GROUP

SUBCHAPTER 18. POLICY READABILITY

11:2-18.1 Purpose

Chapter 125, Laws of 1980 (N.J.S.A. 56:12-1 et seq.) requires certain insurance policies to be written in a "simple, clear, understandable and easily readable way." This subchapter sets forth rules for the implementation of the Act.

11:2-18.2 Scope

(a) This subchapter applies to all insurance policies providing coverage for personal, family, or household purposes which are issued to natural persons except policies subject to the "Life and Health Policy Language Simplification Act" (N.J.S.A. 17B:17-17 et seq.). Examples of "coverage for personal, family or household purposes" are:

1. Policies solely used to provide homeowners insurance, dwelling fire insurance on one to four family units, or individual fire insurance on dwelling contents;
2. Policies principally used to provide primary insurance on private passenger non-fleet automobiles, which are individually owned and used for personal or family needs;
3. Policies of personal inland marine, personal theft, residence glass, and personal liability insurance;
4. Individual variable annuities;
5. Policies of life or health insurance which are to be issued as an addition to a policy form that is filed, approved or permitted to be issued pursuant to N.J.S.A. 17B:17-25;
6. Policies of life or health insurance which are to be issued as a conversion from or as a result of an exchange provision in a policy form that is filed, approved, or permitted to be issued pursuant to N.J.S.A. 17B:17-25.

(b) "Coverage for personal, family or household purposes" does not mean that coverage contained in policies used to cover business, professional or other commercial risks, such as farmowners, businessowners, and commercial multi-peril policies.

(c) This subchapter is not intended to supersede any other law or regulation. The requirements of this subchapter are in addition to the requirements of any other law, regulation, or circular letter.

11:2-18.3 Definitions

"Commissioner" means the Commissioner of Insurance.

"Insurer" means any person, corporation, company, association, partnership, title insurance companies, eligible unauthorized surplus lines insurer, or any other legal entity engaged as an indemnitor or contractor in the kinds of insurance policies subject to this subchapter. For the purpose of this subchapter, "insurer" shall also include rating organizations.

"Policy" means any contract of insurance issued by an insured and includes, but is not limited to, all policies, contracts, certificates, riders and endorsements which provide insurance coverage to a natural person. "Policy" also includes applications to be signed by the applicant and all other writings required to complete the insurance transaction.

"Text" means all printed matter in a policy, except the name and address of the insurer, the name, number or title of the policy, the table of contents or index, captions or subcaptions, specification or declarations pages, schedules or tables. "Text" shall not include specific language required, permitted or approved by a law, regulation, rule or published interpretation of a State or Federal agency.

11:2-18.4 General filing rules

(a) All policy forms previously filed by the Commissioner which have been revised in any way are required to be submitted to the Commissioner for filing and approval.

(b) Filings of policy forms which are to be issued on or after October 16, 1982 shall be accompanied by a certificate signed by an officer of the insurer stating that the policy form complies with N.J.S.A. 56:12-1 et seq. and this subchapter. The certificate shall also indicate the reading ease test score of the policy form being filed. The company officer shall also identify any specific language which can be excepted from the meaning of "text" and shall also certify that the language is entitled to be excepted pursuant to N.J.S.A. 56:12-6. If the policy form does not meet the reading ease test score required by N.J.A.C. 11:2-18.5(a), the certificate shall give an explanation to satisfy the Commissioner that the policy form can be filed and approved in accordance with N.J.A.C. 11:2-18.5(d).

(c) A list of all previously filed policy forms to be issued in New Jersey on or after October 16, 1982 which an insurer elects not to revise shall also be submitted to the Commissioner with a certificate signed by the insurer's officer stating that each policy form on the list is already in compliance with N.J.S.A. 56:12-1 et seq. and this subchapter. The list shall also indicate the form number, edition date, previous approval date, and the reading ease test score for each policy form not being revised. The list shall be submitted no later than July 16, 1982.

(d) Previously filed policy forms not meeting the minimum reading ease test score may not be issued on or after October 16, 1982 unless they are first submitted for filing and approval under N.J.A.C. 11:2-18.5(d).

(e) All previously filed policy forms which are revised only to comply with N.J.S.A. 56:12-1 et seq. and this subchapter shall be submitted to the Commissioner with a statement that no changes, other than for readability purposes, have been made in the policy form. If a policy form is submitted to the Commissioner with revisions in addition to those required by N.J.S.A. 56:12-1 et seq. and this subchapter, the filing shall so state and the additional revisions shall be identified in the policy form by underlining or by some other appropriate means.

(f) Revised policy forms issued on a nationwide basis should not be submitted to the Commissioner for filing and approval unless the forms are to be issued in New Jersey.

11:2-18.5 Minimum readability and simplification standards

(a) The standards which follow are in addition to the guidelines set forth in N.J.S.A. 56:12-10.

1. The text of the policy shall achieve a minimum score of 40 on the Flesch reading ease test or an equivalent score on any other comparable test as provided in (a)2 below. For the purposes of this section, a Flesch reading ease test score shall be measured by the following method:

i. For policy forms containing 10,000 words or less of text, the entire form shall be analyzed. For policy forms containing more than 10,000 words, the readability of two 200 word samples per page may be analyzed instead of the entire form. The samples shall be separated by at least 20 printed lines.

ii. The number of words and sentences in the text or sample shall be counted and the total number of words divided by the total number of sentences. The figure obtained shall be multiplied by a factor of 1.015.

iii. The total number of syllables shall be counted and divided by the total number of words. The figure obtained shall be multiplied by a factor of 84.6.

iv. The sum of the figures computed under (a)1ii and iii subtracted from 206.835 equals the Flesch reading ease score for the policy form.

v. For purposes of (a)1ii, iii and iv, the following procedures shall be used:

(1) A contraction, hyphenated word, or numbers and letters, when separated by spaces, shall be counted as one word;

(2) A unit of words ending with a period, semicolon, or colon, but excluding headings and captions, shall be counted as a sentence; and

(3) A syllable means a unit of spoken language consisting of one or more letters of a word as divided by an accepted dictionary. Where the dictionary shows two or more equally acceptable pronunciations of a word, the pronunciation containing fewer syllables shall be used.

2. Any other reading test may be authorized by the Commissioner for use as an alternative to the Flesch reading ease test if it is comparable in result to the Flesch reading ease test.

3. At the option of the insurer, riders, endorsements, and other forms made a part of the policy may be scored as separate forms or as part of the policy with which they may be used.

4. The Commissioner may authorize a lower score than the Flesch reading ease score required in N.J.A.C. 11:2-18.5(a) whenever, in his sole discretion, he finds that a lower score:

i. Will provide a more accurate reflection of the readability of a policy form;

ii. Is warranted by the nature of a particular policy form or type or class of policy forms; or

iii. Is caused by certain policy language which is drafted to conform to the requirements of any State law, regulation, or agency interpretation.

5. Policies shall be written in everyday, conversational language with a personal style, and technical terms or words with special meaning shall be avoided.

6. The style, arrangement, and overall appearance of the policy shall give no undue prominence to any portion of the text of the policy or to any endorsements or riders.

7. Policies with either 3,000 or more words, or with four or more pages, shall contain a table of contents or alphabetical index.

8. Each section shall be self-contained and independent. However, general provisions applicable to more than one section may be included in a common section.

9. Policies shall not contain non-essential provisions.

10. The policy, except for specification or declarations pages, schedules, and tables, shall be printed in not less than 10-point type, one point leaded.

11. The policy shall be printed in a legible type style with adequate contrast between ink and paper. Captions, headings, and spacing shall be used to increase overall legibility.

11:2-18.6 Enforcement

The Commissioner may seek injunctive relief to enforce this subchapter. The court may authorize reasonable attorney's fees and costs in such a proceeding.

11:2-18.7 Separability

If any provision of this subchapter, or its application to any person or circumstances, is held invalid, the remainder of this subchapter and its application to other persons or circumstances shall not be affected.

11:2-18.8 Effective date

This subchapter shall become effective on June 4, 1981 and shall be applicable to policies issued on or after October 16, 1982.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Vincent Travis, Assistant Commissioner
New Jersey Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

(a)

LABOR AND INDUSTRY

DIVISION OF VOCATIONAL REHABILITATION SERVICES

Proposed New Rules on Vocational Rehabilitation Facilities

George R. Chizmadia, Director of the Division of Vocational Rehabilitation Services, pursuant to the authority of N.J.S.A. 34:16-20 et seq., proposes to adopt new rules to be cited as N.J.A.C. 12:51, Vocational Rehabilitation Facilities.

Full text of the proposed new rules can be obtained from:

John D. Kelliher
Research Utilization Specialist
Division of Vocational Rehabilitation
Department of Labor and Industry
CN 398
Trenton, New Jersey 08625

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to the person and address above.

The Department of Labor and Industry may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

STATE BOARD OF ARCHITECTS

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

STATE BOARD OF PROFESSIONAL PLANNERS

Proposed New Rules on Permissible Division of Responsibility in Preparation of Site Plans and Major Subdivision Plats

Sidney Schenker, John McCann, and Louis Goettelmann, respective Presidents of the State Board of Architects, State Board of Professional Engineers and Land Surveyors, and State Board of Professional Planners, in the Division of Consumer Affairs, in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:3-3 and N.J.S.A. 45:3-10 (Architects); N.J.S.A. 45:8-27 et seq., N.J.S.A. 45:8-39, and N.J.S.A. 45:8-45 (Professional Engineers and Land Surveyors); and N.J.S.A. 45:14A-2, and N.J.S.A. 45:14A-4 (Professional Planners), propose to adopt new rules to be cited as N.J.A.C. 13:27-6.1 (Architects), 13:40-7.1 (Engineers and Land Surveyors), and 13:41-4.1 (Professional Planners) concerning the permissible scope of practice of the professions of Architecture, Engineering, Land Surveying, and Professional Planning in the preparation and submission of site plans and major subdivision plats. Rules previously proposed on this subject which are modified and superseded hereby may be found in the November 6, 1980 issue of the New Jersey Register at 12 N.J.R. 667.

Full text of the proposed new rules follows (additions from the November 6, 1980 proposal indicated in boldface thus; deletions from the November 6, 1980 proposal indicated in brackets [thus]).

SUBCHAPTER 6. PERMISSIBLE DIVISION OF SUBCHAPTER 7. RESPONSIBILITY IN SUBMISSION SUBCHAPTER 4. OF SITE PLANS AND MAJOR SUBDIVISION PLATS

13:27-6.1 General provisions
13:40-7.1
13:41-4.1

(a) (No change.)

(b) Preparation and submission of the various elements of a preliminary or final site plan or [maps] major subdivision plat shall be within the professional scope of the various professions as listed in this subchapter.

13:27-6.2 Depiction of existing conditions on a site plan
13:40-7.2
13:41-4.2

(a) Survey: Showing existing conditions and exact location of physical features including metes and bounds, [topography,] drainage, waterways, specific utility locations, and easements: By a [licensed] land surveyor.

1. (No change.)

(b) (No change.)

13:27-6.3 Preparation of a site plan
13:40-7.3
13:41-4.3

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

(c) Drainage facilities for site plans of ten acres or more; [or involving slopes of five degrees or more] or

involving storm-water detention facilities; or traversed by a water course: By an engineer only.

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

(h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building [is incidental or supplemental to an engineering project] is part of an engineering or industrial project, floor plans and elevation views may be by an engineer.

(i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, [land surveyor,] or other person acceptable to the reviewing governmental body.

(j) (No change.)

Interested persons may present, in writing, statements or arguments relative to the proposed action on or before May 11, 1981 to any of the following Boards:

New Jersey State Board of Architects
Room 327
1100 Raymond Boulevard
Newark, New Jersey 07102

New Jersey State Board of Professional Engineers and Land Surveyors
Room 317
1100 Raymond Boulevard
Newark, New Jersey 07102

New Jersey State Board of Professional Planners
Room 317
1100 Raymond Boulevard
Newark, New Jersey 07102

The New Jersey State Board of Architects, New Jersey State Board of Professional Engineers and Land Surveyors and the New Jersey State Board of Professional Planners may thereafter adopt rules concerning this subject without further notice.

(b)

LAW AND PUBLIC SAFETY

BOARD OF DENTISTRY

Proposed Rules on Licensed Dental Hygienists

Samuel E. Furman, D.D.S., President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:6-1 et seq., proposes to amend N.J.A.C. 13:30-2.5 concerning professional education and to adopt new rules to be cited as N.J.A.C. 13:30-2.10 through 2.17 concerning licensed dental hygienists. This proposal contains revisions of proposed regulations concerning the same subject previously published on September 4, 1980 at 12 N.J.R. 544(b), and supersedes that proposal.

Copies of the full text of the proposed rules may be obtained from the person indicated below.

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before May 11, 1981 to:

Robert J. Siconolfi, Executive Secretary
New Jersey State Board of Dentistry - Room 306
150 East State Street
Trenton, New Jersey 08608
(609) 292-5416

The New Jersey State Board of Dentistry may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Proposed Amendments on Optical Equipment Required for Practice Of Ophthalmic Dispensing

Ann B. Crumidy, President of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.1 et seq., proposes to amend N.J.A.C. 13:33-2.2 concerning optical equipment required for the practice of ophthalmic dispensing.

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

13:33-2.2 Optical equipment required for practice of ophthalmic dispensing

(a) In order that a licensed ophthalmic dispenser shall practice ophthalmic dispensing within the meaning of the provisions of N.J.S.A. 52:17B-41.5, all optical establishments where ophthalmic dispensers practice shall be equipped with a minimum of optical equipment as follows:

- 1.-6. (No change.)
7. One lens measure; and
- [8. Edging equipment;]
8. [9.] One set of samples of frames and mountings, minimum 25.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Jan Flanagan, Executive Secretary
New Jersey State Board of Ophthalmic
Dispensers and Ophthalmic Technicians
1000 Raymond Boulevard
Newark, N.J. 07102

The Board of Ophthalmic Dispensers and Ophthalmic Technicians may thereafter adopt rules concerning this subject without further notice.

(b)

LAW AND PUBLIC SAFETY

BOARD OF MEDICAL EXAMINERS

Proposed Rules on Excessive Fees for Professional Services

Edwin H. Albano, M.D., 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. 45:9-1 et seq., proposes to adopt new rules to be cited as N.J.A.C. 13:35-6.19 and 6.20 concerning excessive fees for professional services.

Full text of the proposed new rules follows.

13:35-6.19 Excessive fees, generally

(a) The Board of Medical Examiners shall review information and complaints concerning allegations of exces-

sive fees charged by licensees of the Board and may establish Excessive Fee Review Committees to perform various aspects of the review function. This regulation is not intended to impinge upon the strong public policy in favor of a competitive, free enterprise economy embodied in the antitrust laws of the United States and of this State. Excessive Fee Review Committees shall consider comparable fees charged by licensees not under inquiry only to the minimum extent necessary to render a determination as to whether a fee is excessive.

(b) To the extent practicable, prior to rendering professional services, a licensee shall discuss with the patient or other responsible party the fee to be charged for the professional services which are to be rendered.

(c) A licensee of the Board of Medical Examiners shall not charge an excessive fee for services. A fee is excessive when, after a review of the facts, a licensee of ordinary prudence would be left with a definite and firm conviction that the fee is so high as to be manifestly unconscionable or over-reaching under the circumstances.

(d) Factors which may be considered in determining whether a fee is excessive include, but are not limited to, the following:

1. The time and effort required;
2. The novelty and difficulty of the procedure or treatment;
3. The skill required to perform the procedure or treatment properly;
4. The likelihood, if apparent to the patient, that the proper treatment of the patient will preclude the licensee from remuneration from other sources;
5. Any requirements or conditions imposed by the patient or by the circumstances;
6. The nature and length of the professional relationship with the patient;
7. The experience, reputation and ability of the licensee performing the services;
8. The nature and circumstances under which services are provided. Unless services are provided during an emergency or other circumstances where opportunity, custom and practice will preclude discussion prior to the rendition of such services, the licensee shall, in advance of providing services, specify or discuss and agree with the patient, the fee or basis for determination of the fee to be charged.

(e) Charging an excessive fee in violation of (a) above or failing to adequately disclose fee information shall constitute professional misconduct subjecting the licensee to disciplinary action by the Board of Medical Examiners.

13:35-6.20 Excessive fee review committee

(a) The Board of Medical Examiners may establish one or more Excessive Fee Review Committees for each county or region of this State.

(b) Physicians; plenary licenses: With respect to the review of excessive fees for services charged by a holder of a plenary license, the Excessive Fee Review Committee shall consist of at least seven persons, to include two members of the general public and five physicians each possessing a plenary license to practice medicine and surgery, one of whom shall also be a member of the Board of Medical Examiners or the designee of the Board who shall also be the chairperson of such committee.

(c) Limited licenses: Matters involving committee review concerning excessive fees for services charged by a holder of a limited license shall be considered by a committee consisting of seven persons, to include five licensed members of such discipline, one of whom shall also be a member of the Board of Medical Examiners or the desig-

nee of the Board and who shall be the chairperson of such committee, and two members of the general public.

(d) Committee appointment; terms of service: Committee members shall be appointed by the Board for three year terms and shall serve at the pleasure of the Board and until a successor is appointed. The chairperson shall appoint a secretary and such officers as may be necessary, subject to the approval of the Board. The members of each committee shall serve without compensation but shall be reimbursed for all reasonable expenses incurred in the performance of their duties. The Board may provide each committee with necessary ancillary services consistent with the duties of the committee.

(e) Conduct of inquiry: Each Excessive Fee Review Committee shall make a determination within 60 days from the receipt of a complaint, which may be documented and attested to, from a patient or other responsible party, either directly or by referral from the Board, by conducting such inquiry or investigation as may be necessary, which may include conducting an inquiry into and keeping an appropriate record of matters concerning excessive fees for professional services, provided that the Board is regularly apprised of all reviews which are conducted.

1. The committee shall meet within 30 days after the receipt of a complaint;

2. The committee shall provide notice of the time, date and place of all inquiries to:

- i. The Board;
- ii. The licensee;
- iii. The complainant and any other person or party who has a direct personal or economic interest in or information relating to such matter.

3. The committee may:

- i. Conduct such investigations as may be appropriate;
- ii. Take testimony as necessary;
- iii. Request the issuance of subpoenas from the Board as may be necessary to accomplish a full and complete consideration of a particular matter.

4. Within 10 days of the adoption of a recommendation the committee shall report to the Board, in writing, its recommendations with respect to the matter under consideration. Thereafter, at its next regular meeting the Board shall review the recommendations of the committee and determine as soon thereafter as practicable whether any formal action is appropriate.

(f) The Board may, as warranted, conduct such further inquiry or investigation as may be necessary or, after a prima facie finding, institute formal action after notice and hearing thereon and further order restitution and/or impose disciplinary sanctions upon such licensee in accordance with the provisions of the Medical Practice Act, N.J.S.A. 45:9-1 et seq., and the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq.

Interested persons may present, in writing, statements or arguments relevant to the proposed rule on or before May 11, 1981 to:

New Jersey State Board of Medical Examiners
28 West State Street - Room 914
Trenton, N.J. 08608

The State Board of Medical Examiners may thereafter adopt rules concerning this subject.

(a)

LAW AND PUBLIC SAFETY BOARD OF OPTOMETRISTS

Proposed New Rules on Advertising

Frances Stark, O.D., President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-21 et seq., proposes to adopt new rules to be cited as N.J.A.C. 13:38-1.9 and 1.10 concerning advertising by optometrists and related matters. This proposal contains revisions to the proposed regulations previously published at 12 N.J.R. 491 and 13 N.J.R. 39 and supersedes those proposals.

Full text of the proposed new rules follows.

13:38-1.9 General advertising provisions

(a) An optometrist may, consistent with the provisions set forth in this section, advertise to the consuming public the availability for sale and offering of optometric services and ophthalmic goods or merchandise. In any advertising permitted by this subchapter, an optometrist shall not use, employ, suffer, permit or condone any practice, statement or format which is false, fraudulent, misleading or deceptive. For the purpose of this section the term "advertising" shall mean any attempt directly or indirectly by publication dissemination, circulation or in any other way to induce a consumer to purchase or consider the purchase of optometric services or ophthalmic goods or merchandise.

(b) An optometrist may advertise by means of print or electronic media, including on premise signs, professional cards and appointment cards. An advertisement shall not directly or indirectly state or imply that an optometrist is licensed or regulated by the New Jersey Board of Optometrists.

(c) An optometrist may advertise fees for services to be rendered and prices for ophthalmic goods and merchandise offered for sale provided that:

1. The advertised service, goods or merchandise is provided for not more than the advertised amount;

2. All advertised fees or prices are clearly and conspicuously displayed and are set forth in the same type size;

3. Where a price is set forth for any optometric or ophthalmic device including, but not limited to, contact lenses, other lenses or eyeglass frames, the advertisement shall also contain either of the following:

i. A statement of the total dollar amount for the advertised merchandise, said amount to include the cost of all usual and necessary services and goods related thereto. An advertisement setting forth only a total dollar amount as authorized by this subsection shall also state the usual and necessary services included in the total amount; or

ii. A statement of the separate prices for the advertised merchandise and all usual and necessary services and goods related thereto. The sum total of such statement shall be set forth and shall equal the total price to be paid for the advertised merchandise and related services and goods.

4. Where an advertisement contains separate fees or prices, the same shall be set forth immediately adjacent to each other.

5. A statement of a fee or price for professional services shall be set forth in a single dollar amount and shall

not be stated in the form of a range of fees or prices. A statement of price relating to ophthalmic goods or merchandise may be set forth in a range provided such range is stated in terms of a minimum and maximum dollar amount.

6. Where a separate or additional fee for the service of dispensing ophthalmic goods is to be changed, the advertisement shall disclose the dollar amount of such fee.

7. In all advertisements including sterilizing equipment, the method of sterilizing shall be set forth as "hot" or "cold" method.

8. In the event that an advertiser regularly offers an agreement to service or replace contact lenses, the cost of such agreement shall be set forth in the advertisement.

(d) For the purpose of (c) above, the term "usual and necessary services and goods" shall include at least the following: optometric examination and, where appropriate, contact lens evaluation fee, storage and sterilizing equipment (heat or cold method) and use, instruction and follow-up care. Example:

1. John Doe, Optometrist	OR	John Doe, Optometrist
Designer Frames \$35.00		Designer Frames \$90.00
Optometric Exam 35.00		(Price includes optometric
Lenses 20.00		exam and lenses)
	/B	/E
	\$90.00	
2. John Doe, Optometrist	OR	John Doe, Optometrist
Contact Lenses \$50.00		Contact Lenses \$180.00
Contact Lens		(Price includes optometric
Evaluation 25.00		exam, contact lens evalua-
Optometric Exam 50.00		tion, sterilizing equipment
Sterilizing Equip.		(heat method), instruction
(heat method) 30.00		and follow-up care)
Instruction and		
Follow-Up Care 25.00		
	\$180.00	

(e) In the event that an advertisement contains a statement with regard to an advertiser's refund policy, such policy shall clearly and conspicuously set forth all material conditions such as relevant time periods and dollar amounts to be refunded.

(f) An advertisement offering frames or lenses shall specifically identify the type of frames or lenses being offered such as single vision, bifocal, trifocal, etc., glass, plastic or other material.

(g) An advertisement shall not directly or indirectly state or imply that the advertiser possesses professional superiority with regard to services or merchandise offered or with regard to apparatus, equipment or technology utilized by such advertiser.

1. The use of such terms as specialist, specialty, expert or words of similar import shall be deemed to indicate a claim of professional superiority.

(h) An advertisement placed before the public via print or electronic media may contain the highest academic degree obtained relating to the practice of optometry and certifications from bona fide accrediting bodies directly related to the practice of optometry. Statements as to other professional affiliations shall be limited to professional and appointment cards, stationery and other formats which do not circulate before the public at large.

(i) An advertisement shall not contain any statement or listing of an inactive, retired, removed or deceased optometrist or any other ocular practitioner except that for a period of not more than two years from the date of succession to the practice of another optometrist, an

optometrist may use a telephone listing of such prior optometrist together with the words "succeeded by" or "successor to."

(j) An optometrist may be listed in the classified section of any directory under the classification entitled "Optometrist," "Doctors of Optometry," or any other designation which is not misleading. Such listing shall show the address or addresses for which a valid, unrevoked, active certificate has been issued to practice optometry in this State.

(k) It shall be unlawful advertising practice for an optometrist licensed by the New Jersey Board of Optometrist to:

1. Use or employ any advertisement containing colored, flashing or neon lights;

2. Employ endorsements or personal testimonials attesting to the quality of services rendered or merchandise received;

3. Guarantee that services rendered will result in cures of any optometric or visual abnormality;

4. Utilize any advertising format or presentation which is undignified or unprofessional in nature;

5. Engage in any form or method of advertising wherein the advertised medium limits access thereto to a closed, limited or designated class of optometrists;

6. Fail to retain a copy or duplicate of any advertisement for a period of three years following the date of publication or dissemination. Such copies or tapes shall be made available on request by the Board or its designee;

7. Fail to substantiate the truthfulness or accuracy of any assertion or representation set forth in an advertisement.

13:38-1.10 Optometric practice under assumed names and disclosure of practitioner names

(a) Except as may be authorized by the Professional Service Corporation Act, N.J.S.A. 14A:17-1 et seq., a licensed optometrist shall not practice under a name other than his own.

(b) A licensed optometrist who is also an officer of a professional service corporation which renders optometric services or sells ophthalmic merchandise shall:

1. In all advertising placed by such corporation cause to be conspicuously disclosed the names of all corporate officers who are licensed to practice optometry within this State;

2. Cause the names of all optometrists who render optometric services in connection with such corporation to be displayed in a conspicuous place at the entrance to the premises from which optometric services are rendered;

3. File with the Board of Optometrists by March 31 of each year a copy of that report required to be filed pursuant to N.J.S.A. 14A:17-15 showing the names and post office addresses of all shareholders, directors, and officers of such corporation. In addition thereto, the report shall include the names and addresses of all licensed optometrists employed by the corporation.

(c) It shall be the joint and several responsibility of all corporate officers holding licenses to secure compliance with these Board regulations.

(d) In all advertising placed by a sole practitioner of optometry or by a partnership engaged in the practice of optometry, the name of the sole practitioner and the names of all partners shall be conspicuously set forth.

(e) A sole practitioner of optometry and all licensed optometrists offering services as partners in a partnership shall cause the names of all licensees offering optometric services in connection with the sole proprietorship or the partnership to be displayed in a conspicuous

place at the entrance to the premises from which optometric services are rendered.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Frances Stark, President
New Jersey Board of Optometrists
1100 Raymond Boulevard, Room 501
Newark, N.J. 07102
(201) 648-2012

The New Jersey State Board of Optometrists may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

STATE BOARD OF PHARMACY

Proposed Amendment on Outdated or Sample Drugs

Watson E. Neiman, M.D., President of the New Jersey State Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq., proposes to amend N.J.A.C. 13:39-9.12 concerning outdated, sample, misbranded, deteriorated or adulterated drugs.

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

13:39-9.12 [Outdated or sample drugs] **Outdated, sample, misbranded, deteriorated or adulterated drugs**

No pharmacist or permit holder shall accept [or] place or maintain in stock [for use or sale] any drug that is outdated, misbranded, deteriorated, adulterated or any drug marked sample or [by] with any like designation or meaning.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Jay J. Church, Executive Secretary
State Board of Pharmacy
1100 Raymond Boulevard - Room 325
Newark, N.J. 07102

The New Jersey State Board of Pharmacy may thereafter adopt rules concerning this subject without further notice.

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed New Rules on Journals Relating Or Purporting to Relate to Police, Firefighting or Charitable Organizations

Judith A. Yaskin, Acting Attorney General of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and N.J.S.A. 45:17A-15, proposes to adopt new rules to be cited as N.J.A.C. 13:45A-17 concerning the sale of advertising in journals relating or purporting to relate to police, firefighting or charitable organizations.

Full text of the proposed new rule follows:

SUBCHAPTER 17. SALE OF ADVERTISING IN JOURNALS RELATING OR PURPORTING TO RELATE TO POLICE, FIREFIGHTING OR CHARITABLE ORGANIZATIONS

13:45A-17.1 Definitions

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

"Advertisement" means any purchase of space in a publication whether or not such purchase is made for a bona fide business purpose, and shall include anonymous or unidentified listings or purchases of space, as well as any other payment of money to the publication in response to a verbal or oral solicitation.

"Police or firefighting organization" means a bona fide not-for-profit organization, association or corporation which substantially and directly benefits police and/or other official law enforcement personnel and/or firefighters and/or the immediate families of such persons.

"Publication" means a for-profit journal, magazine, newspaper, or other printed or written material, and shall include any and all persons or enterprises having any direct financial interest or engaged in any management position (other than a purely editorial position relating solely to content) regarding said publication.

"Solicitor" means any person who for compensation or other financial benefit sells or attempts to sell any advertisement in a publication, by any means whatsoever, regardless of whether such person stands in the relationship of principal, employee, independent contractor or other relationship with respect to the publication.

13:45A-17.2 Deceptive and/or unlawful practices

It shall be a deceptive practice for any publication or any solicitor to sell or attempt to sell to any person an advertisement in any manner or by any means which falsely represents, or which in any way leads such person to believe, that the publication is affiliated with a police, firefighting or charitable organization, or that the purchase of an advertisement substantially benefits any such organization.

13:45-17.3 Required disclosures

(a) Every verbal or oral solicitation of an advertisement to be placed in a publication which relates to, purports to relate to, or which could reasonably be construed to relate to police, law enforcement personnel, or firefighters but which is not affiliated with any police or firefighting organization, shall be prefaced by the following affirmative disclosures:

1. The publication is a for-profit, commercial enterprise.

2. The true name of the solicitor, and the fact that the solicitor is a salaried or commissioned salesperson, as the case may be, and is not a police or law enforcement officer or firefighter, as may be appropriate depending upon the nature of the publication.

3. The publication is not affiliated with any police or firefighting organization, as may be appropriate depending upon the nature of the publication.

4. No portion of the purchase price of an advertisement inures to the benefit of any police, firefighting or charitable organization, as may be appropriate, depending upon the nature of the publication, or, if such benefit does exist, the exact amount, stated as a percentage of the purchase price, of such benefit. The mere distribution of a publication to police, law enforcement personnel or firefighters shall not in and of itself be deemed a direct and/or substantial benefit to such persons or organizations.

(b) Any publication which is in fact endorsed by, the official publication of, or otherwise affiliated with a bona fide police or firefighting organization may affirmatively state the fact of such endorsement or affiliation only if a written agreement exists between the publication and organization expressly authorizing the specific representation to be made, which agreement shall be furnished to the Attorney General or his or her designee upon demand. The existence of such an agreement, however, shall not insulate or exempt the publication from any other disclosure requirement in this section or subchapter.

(c) Prior to commencing any verbal or oral solicitation of advertisements a publication shall file with the Attorney General or his or her designee a true copy of the text or texts of such solicitation signed by an officer of the publication and by each solicitor who will conduct such verbal or oral solicitation.

(d) Where a sale of advertising has been made by means of verbal or oral solicitation, the publication shall, prior to obtaining, receiving or accepting any money or property for the sale, present the purchaser with a written agreement to purchase advertising which agreement shall contain upon the front in 10-point boldface type all of the disclosures set forth above. Such agreement must be personally signed by the individual authorizing the purchase, such signature to be placed on the same page as the written disclosures. The publication shall retain copies of all such signed agreements for a period of six months following the actual publication of the advertisement which is the subject of the agreement, such copies to be furnished to the Attorney General or his or her designee upon demand.

(e) Every sale or attempted sale of advertising made in noncompliance with any of the provisions of this section shall constitute a separate and independent violation of N.J.S.A. 56:8-2 and N.J.S.A. 56:8-2.7.

13:45A-17.4 Representation as to date of publication and circulation

(a) Any solicitation of advertisements by a publication shall contain an express statement of expected publication date, and in the event publication is delayed beyond that date each purchaser shall be given the option, in writing and within seven days of the original expected publication date, of either accepting publication on or before a later specified date or cancelling the advertisement and receiving a full refund of the purchase price.

(b) Any representation as to circulation must refer to the number actually printed and distributed to identified persons.

(c) Every publication shall maintain for a period of one year following publication complete records of the printing, mailing and distribution of each edition published, and such records shall be made available to the Attorney General or his or her designee upon demand.

13:45A-17.5 Intent not required; liability for violations

(a) Notwithstanding intent and notwithstanding compliance or noncompliance with the specific provisions of this subchapter, a violation of N.J.S.A. 56:8-2.7 shall be deemed to exist in each and every case in which a person has purchased an advertisement in a publication under the mistaken belief that such purchase would substantially benefit any police, firefighting or charitable organization.

(b) The publication and the solicitor shall be jointly and severally liable for any violation of this section or subchapter.

13:45A-17.6 Applicability of Charitable Fund Raising Act of 1971

Any police, firefighting or other not-for-profit organization which derives any direct or indirect benefit from a publication may be deemed a charitable organization within the meaning of the Charitable Fund Raising Act of 1971, N.J.S.A. 45:17A-1 et seq. and such publication may be deemed a charitable organization or professional fund raiser within the meaning of that Act, depending upon the nature of the appeal to the public, the nature of the relationship between the publication and organization, and such other factors as the Attorney General or his or her designee shall deem relevant.

Interested persons may present statements, arguments or comments in writing relevant to the proposed action on or before May 11, 1981, to:

Adam K. Levin, Director
Division of Consumer Affairs
1100 Raymond Boulevard
Newark, New Jersey 07102

The Attorney General may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Proposed Amendments on Pre-Race Thoroughbred Rules

John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to adopt new rules to be cited as N.J.A.C. 13:70-14A.13 concerning pre-race thoroughbred rules.

Full text of the proposed new rules follows.

13:70-14A.13 Pre-race blood testing program

(a) All thoroughbred permit holders shall as a condition of their permit be required to conduct a pre-race blood testing program in a manner directed by the Commission.

(b) All costs and expenses so incurred shall be borne by the respective thoroughbred permit holders.

(c) All horses entered to start in any race where pari-mutuel wagering is conducted shall be subject to a pre-race blood and/or urine test.

(d) Such horses shall be in the paddock at least 2½ hours prior to post time under the custody and care of a duly licensed attendant designated by the trainer of the horse.

(e) A licensed veterinarian approved by the Commission shall be the only person allowed to draw the blood for testing. A quantity of 20 cubic centimeters or such amount as the veterinarian may designate shall be extracted from each horse for testing purposes.

(f) Should the forensic analysis of such sample be classified as suspicious for any drug, the horse shall be scratched.

(g) Should the forensic analysis of such sample be classified as positive for any drug, the horse shall be scratched and placed on the Stewards list for seven days.

(h) As a prerequisite to participating in a race meeting where pre-race testing is in effect a declaration of acceptance is required. The signer consents both for himself or as the duly authorized agent of the owner or owners of the horse to permit the licensed veterinarian appointed

and approved by the New Jersey Racing Commission to obtain biological samples prior to the race for the purpose of testing. The owner, by his agent or representative by such declaration shall consent to the scratching of the horse from the race in the event such test is positive or suspicious. A trainer shall receive a warning for the first time a horse in his charge shall show a positive pre-race test. If the same horse shall again be positive on a pre-race test, then the trainer may be fined, suspended or both.

(i) The cost of all pre-race testing of blood and/or urine shall be borne by the track association.

(j) The cost to the respective track association for testing each unit shall be established by the New Jersey Racing Commission.

Interested persons may present statements or arguments, in writing, relevant to the proposal on or before May 11, 1981 to:

John J. Reilly, Executive Director
New Jersey Racing Commission
404 Abbington Drive
East Windsor, New Jersey 08520

The New Jersey Racing Commission may thereafter adopt rules concerning this subject without further notice.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Notice of Common and Contract Carrier Application

Take notice that 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. c39:5-E,11, hereby list the names and addresses of applicants who have filed an application for a common carrier's certificate of public convenience and necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

Gulf States Corp.
P.O. Box 7130-Lower Ferry
Trenton, N.J. 08628

R. Sullivan Trkng.
R.D. 3, Box 615
Sussex, N.J. 07461

Iron Horse Construction
Co., Inc.
21 Iron Horse Rd.
Oakland, N.J. 07436

H. & R. Trucking Co.
115 Morris Ave.
Springfield, N.J. 07081

Harry J. Mansch
470 E. Washington Ave.
Washington, N.J. 07882

Kelley Trucking
R.D. 1, Box 230
Columbia, N.J. 07832

Leslie DeMarino
45 Mackay Ave.
Waldwick, N.J.

Anthony DeCicco
15 Orchard Road
Maplewood, N.J. 07040

Thomas C. Martino
59 Warwick Circle
Springfield, N.J. 07081

CONTRACT CARRIER (NON-GRANDFATHER)

Poggi Trucking
24 Shore Road
Lake Hopatcong, N.J. 07849

Arsea Service Co.
603 Prospect Ave.
Pine Beach, N.J. 08741

Any or all of the above applications may be inspected in full by interested parties at the office of the Division of Motor Vehicles, Bureau of Motor Carriers, 137 E. State Street, Trenton, New Jersey 08666, on business days between 9:00 A.M. and 4:00 P.M.

Protests in writing and verified under oath may be presented on or before April 29, 1981 to:

Joan H. Wiskowski, Director
Division of Motor Vehicles
25 South Montgomery Street
Trenton, N.J. 08666

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Transportation of Bulk Commodities

On February 18, 1981, 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 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:26-1.2 and 3.11 concerning transportation of bulk commodities as proposed in the Notice published December 4, 1980 at 12 N.J.R. 724(f).

An order adopting this rule was filed and became effective on February 25, 1981 as R.1981 d.61.

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Waiver of Driving Test

On February 13, 1981, 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 in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:21-8.17 concerning waiver of the driving test as proposed in the Notice published November 6, 1980 at 12 N.J.R. 666(f).

An order adopting this rule was filed and became effective on February 26, 1981 as R.1981 d.65.

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Student Permits

On February 18, 1981, 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. 39:3-13.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:21-7.2 concerning student permits as proposed in the Notice published August 7, 1980 at 12 N.J.R. 490(a).

An order adopting this rule was filed and became effective on February 26, 1981 as R.1981 d.66.

(a)

LAW AND PUBLIC SAFETY

BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

Examination for Registered Municipal Accountant

On February 19, 1981, Daniel Weiss, President of the State Board of Certified Public Accountants, pursuant to authority of N.J.S.A. 45:2B et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:29-2.2 concerning the examination for registered municipal accountant as proposed in the Notice published January 8, 1981 at 13 N.J.R. 39(a).

An order adopting this rule was filed and became effective on February 26, 1981 as R.1981 d.67.

(b)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Various Regulations

On March 4, 1981, Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:2-38.1 and repealed N.J.A.C. 13:2-24.4, 39.3, and 13:2-41 concerning various regulations of the Division as proposed in the Notice published January 8, 1981 at 13 N.J.R. 37(b) but with subsequent substantive changes not detrimental to the public in the opinion of the Division.

Take notice that the proposed amendments to N.J.A.C. 13:2-24.6 were not adopted.

An order adopting this rule was filed March 4, 1981 to become effective as R.1981 d.71 as follows:

1. N.J.A.C. 13:2-24.4: November 1, 1981.
2. N.J.A.C. 13:2-24.6: Not Adopted.
3. N.J.A.C. 13:2-38.1: May 1, 1981.
4. N.J.A.C. 13:2-39.3: November 1, 1981.
5. N.J.A.C. 13:2-41.1-41.5: March 4, 1981.

(c)

ENERGY

THE COMMISSIONER

Proposed Amendments on Utility Supply And Installation of Energy Conservation and Renewable Resource Measures

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-11(g) and 52:27F-11(q), proposes to amend N.J.A.C. 14A:21-14.3 concerning utility supply and installation of energy conservation and renewable resource measures. This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 005-81-04.

The Residential Energy Conservation Service (RCS) Program regulations generally prohibit utilities from supplying or installing energy conservation or renewable resource measures (hereinafter measures). N.J.A.C. 14A:21-14.1. The RCS regulations, however, do allow utilities to supply or install measures through independent suppliers or installers under certain conditions. N.J.A.C. 14A:21-14.2. In order for a utility to supply or install measures through independent suppliers or installers, the utility must obtain approval from the Department of Energy and the Board of Public Utilities (BPU). N.J.A.C. 14A:21-14.3(a). The utility must submit certain information to the Department and the BPU including procedures for the selection of suppliers and installers which must not discriminate unfairly among suppliers and installers. N.J.A.C. 14A:21-14.3(b).

This proposal places additional requirements on utilities which wish to engage in the supplying or installing of measures. The proposal amends the RCS regulations to require a utility that wishes to install or supply measures through independent suppliers or installers to have at least two suppliers and installers for each measure. In addition, for every 100,000 customers above the initial 400,000 a utility would have to include one additional installer in the program. The proposal also requires a utility to include a procedure for expanding the number of independent suppliers or installers as demand for the service increases.

The proposal also sets forth certain determinations which the Department and the BPU would have to make in order to approve the supply or installation of measures by a utility through independent suppliers or installers.

The purpose of the amendments is to insure that the installing or supplying of measures by a utility through independent suppliers or installers does not involve unfair methods of competition in the area where such activities are undertaken, and does not result in providing any supplier or installer with an unreasonably large share of the market. These amendments will insure that the selection procedures for installers and suppliers are fair and competitive.

The proposed amendments will have a minimal impact on a utility which wishes to engage in the supplying or installing of measures through subcontractors. The requirements which a utility will have to meet under the amendments will not be substantial in relation to the existing requirements.

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

14A:21-14.3 Utility supply and installation

(a) (No change.)

(b) Any covered utility which wishes to engage in the supply or installation of any energy conservation or renewable resource measure pursuant to the exception contained in N.J.A.C. 14A:21-14.2 shall:

1. Submit to the Department and the BPU a program proposal which shall include the following:

i. A description of the energy conservation or renewable resource measure to be supplied or installed, including a description of the products;

ii. (No change.)

iii. The minimum number of suppliers and installers. In order to ensure consumer choice a program must contain a minimum of two suppliers for each energy conservation or renewable resource measure and, at least, two installers. For every 100,000 customers above the initial 400,000 customers a program must contain one additional installer. Should the covered utility propose

to establish geographic distribution areas a minimum of two installers per area must be provided.

iv. The additional suppliers and installers. A program must contain a procedure for expanding the number of suppliers and/or installers as demand for the service increases.

Renumber iii. - vi. as v. - viii.

2. - 5. (No change.)

6. Agree to provide the Department and the BPU every [six months] month which the program operates with sales records and relevant financial data, including sales prices, of their contracted suppliers and installers. Sales records for two years prior to the program shall also be supplied. If the Department and the BPU determine that the program has increased the market shares of the sub-contractors to an unreasonably large proportion, the Department and the BPU shall require that additional contractors and suppliers above the minimum be added to the program pursuant to selection procedures described in (b)(1)[(iii)](v) above.

(c) The Department and the BPU in approving a program proposal shall determine:

1. That the submission requirements set forth in N.J. A.C. 14A:21-14.3 have been fulfilled;

2. That the proposed program is consistent with the State Energy Master Plan;

3. That the program shall not significantly affect competition;

4. That the program shall not interfere with the covered utility's ability to provide safe, adequate and proper service;

5. That the selection process for suppliers and installers does not discriminate unfairly among suppliers and installers; and

6. That product and installation standards are consistent with standard practice and do not unfairly restrict suppliers and installers from applying to participate as sub-contractors.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before May 11, 1981 to:

Gerard Burke, Administrator
Office of Regulatory and
Governmental Affairs
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

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

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Speed Zones

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to amend N.J.A.C. 16:28-1.17 concerning speed zones along State highway Route 147.

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

16:28-1.17 Route 147

(a) The rate of speed designated for the certain part of

State highway Route 147 described in (a) of this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

[1. For both directions of traffic:

i. Forty-five miles per hour from the intersection of Route U.S. 9 to a point 600 feet east of the center line of South Carolina Avenue; thence

ii. Fifty mph to a point 1.2 miles west of the center line of the bridge over the Grassy Sound Channel; thence

iii. Forty-five mph to the Middle Township, City of North Wildwood corporate line.]

1. Thirty mph from the southernmost end of the bridge at Beach Creek to 150 feet north of the northernmost end of the bridge at Beach Creek (milepost 0.00 to 0.13); thence

2. Forty-five mph to 150 feet south of the southernmost end of the bridge at Grassy Sound Channel (milepost 0.73); thence

3. Thirty-five mph to 150 feet north of the northernmost end of the bridge at Grassy Sound Channel (milepost 0.73); thence

4. Forty-five mph to 4,400 feet north of the northernmost end of the bridge at Grassy Sound Channel (milepost 1.7); thence

5. Fifty mph to 600 feet south of South Carolina Avenue (milepost 2.55); thence

6. Forty-five mph to Route U.S. 9 (milepost 3.3).

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

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

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Restricted Parking

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.2, 1.7 and 1.66 concerning restricted parking along Routes 1 and 9, Route US 9, and Route 18.

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

16:28A-1.2 Routes 1 and 9

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

(c) The certain parts of State highway Routes 1 and 9 described in (c) of this section shall be, and hereby are designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-139 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Southbound on the westerly side thereof at Banta Place (near side) beginning at the prolongation of the northerly curbline of Banta Place and extending 135 feet northerly therefrom.

16:28A-1.7 Route US 9

(a) (No change.)

(b) The certain parts of State highway Route US 9 described [herein below] in (b) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. - 2. (No change.)

3. - 4. (Text proposed at 13 N.J.R. 240(a).)

5. (Text proposed as 3. at 13 N.J.R. 106(a).)

6. - 7. (Text proposed as 4. - 5. at 13 N.J.R. 105(d).)

Renumber 3. - 4. as 8. - 9.

10. In Berkely Township, Ocean County:

i. Northbound on the easterly side thereof at:

(1) Butler Boulevard (far side): Beginning at the northerly curb line of Butler Boulevard and extending 175 feet northerly therefrom;

(2) Frederick Drive (far side): Beginning at the prolongation of the northerly curb line of Frederick Drive extended and extending 135 feet northerly therefrom;

(3) Crammer Road (far side): Beginning at the prolongation of the northerly curb line of Cranmer Road extended and extending 100 feet northerly therefrom;

(4) Sylvan Lake Boulevard (near side): Beginning at the prolongation of the southerly curb line Sylvan Lake Boulevard extended and extending 105 feet southerly therefrom.

ii. Southbound on the westerly side thereof at:

(1) Mizzen Avenue (mid-block): Beginning at a point 520 feet south of the southerly curb line of Mizzen Avenue and extending 135 feet southerly therefrom;

(2) Sylvan Lake Boulevard (far side): Beginning at the southerly curb line of Sylvan Lake Boulevard and extending 100 feet southerly therefrom;

(3) Cranmer Road (near side): Beginning at the northerly curb line of Cranmer Road and extending 105 feet northerly therefrom;

(4) Frederick Drive (near side): Beginning at the northerly curb line of Frederick Drive and extending 105 feet northerly therefrom;

(5) Butler Boulevard (near side): Beginning at the prolongation of the northerly curb line of Butler Boulevard extended and extending 105 feet northerly therefrom.

11. (Text proposed as 8. at 13 N.J.R. 157(b).)

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

16:28A-1.66 Route 18

(a) The certain parts of State highway Route 18 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. (Text proposed at 13 N.J.R. 106(b).)

2. In the Township of East Brunswick, Middlesex County:

i. Along the east side:

(1) Near side bus stops:

(A) Hillsdale Road Jughandle (south inter.) (155 feet);

(B) Rues Lane (120 feet);

(C) Arthur Street (120 feet);

(D) W. Ferris Street (100 feet);

(E) Tices Lane (120 feet);

(F) Old Bridge Turnpike (120 feet).

(2) Far side bus stops:

(A) Racetrack Road (120 feet).

(3) Mid-Block bus stops:

(A) Beginning 132 feet south of Woodland Avenue and extending 135 feet southerly therefrom.

ii. Along the west side:

(1) Near side bus stops:

(A) Tices Lane (120 feet);

(B) W. Ferris Street (105 feet);

(C) Racetrack Road (120 feet);

(D) Hillsdale Road Jughandle (north inter.) (150 feet).

(2) Far side bus stops:

(A) Schoolhouse Lane (120 feet);

(B) Eggers Street (120 feet);

(C) Old Bridge Turnpike Jughandle (120 feet);

(D) Rues Lane (120 feet).

(3) Mid-block bus stops:

(A) Beginning 235 feet south of Hope Street and extending 135 feet southerly therefrom.

3. All bus stops in (a) of this section are to be the above specified length measured from the curb line of the intersecting street and the prolongation of the curb line of the street which intersects.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Charles L. Meyers

Administrative Practice Officer

N.J. Department of Transportation

1035 Parkway Avenue

Trenton, N.J. 08625

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

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Restricted Parking

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.19, 1.7, and 1.26 concerning restricted parking along Route U.S. 9, Route 28 and Route 36, and to adopt a new rule to be cited as N.J.A.C. 16:28A-1.69 concerning restricted parking along Route 124.

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

16:28A-1.7 Route U.S. 9

(a) (No change.)

(b) The certain parts of State highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1.-2. (No change.)

3. Along the easterly (northbound) side in Marlboro Township, Monmouth County:

i. Mid-block bus stop: Beginning at a point 375 feet south of the prolongation of the southerly curb line of Longfellow Terrace and extending 135 feet southerly therefrom.

4. Along the westerly (southbound) side in Marlboro Township, Monmouth County:

i. Union Hill Road ramp (north intersection) (far-side): Beginning at the southerly curb line of Union Hill Road

Ramp (north intersection) and extending 150 feet southerly therefrom.

5. (Text proposed as 3. at 13 N.J.R. 106(a).)
6.-7. (Text proposed as 4.-5. at 13 N.J.R. 105(d).)

Renumber 3.-4. as 8.-9.

10. (Text proposed at 13 N.J.R. 239(b).)
11. (Text proposed as 8. at 13 N.J.R. 157(b).)
[5.] 12. (No change in text.)

16:28A-1.19 Route 28

(a) (No change.)

(b) The certain parts of State highway Route 28 described [herein below] in (b) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. (Text proposed at 13 N.J.R. 242(a).)
[1.]2. (Amendment to text proposed at 13 N.J.R. 242(a).)

Renumber 2.-3. as 3.-4.

5. Along Route 28 (South Avenue, Borough of Fanwood, Union County Eastbound on the Southerly side thereof at:

i. Martine Avenue (Near Side): Beginning at the westerly curb line of Martine Avenue and extending 120 feet westerly therefrom.

6. Along Route 28, Westbound on the northerly side thereof at: Chestnut Street (near side): Beginning at the easterly curb line of Chestnut Street and extending 105 feet easterly therefrom:

- [4.] 7. (No change in text.)
(c) (No change.)

16:28A-1.26 Route 36

(a) (No change.)

(b) The certain parts of State highway Route 36 described [herein below] in (b) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. (No change.)
2. Along the northerly side (Westbound) in the Borough of Atlantic Highlands, Monmouth County, at:

i. First Avenue (near side): Beginning at the easterly curb line of First Avenue and extending 120 feet easterly therefrom.

16:28A-1.69 Route 124

(a) The certain parts of State highway Route 124 described in (a) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. In the Township of Springfield, Union County, Eastbound on the southerly side thereof at:

i. Mountain Avenue (near side): Beginning at the westerly curb line of Mountain Avenue and extending 150 feet westerly therefrom.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

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

(a)

**TRANSPORTATION
THE COMMISSIONER**

Proposed Amendments on Restricted Parking

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.15 and 1.32 concerning restricted parking along State highway Route 23 and Route US 46.

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

16:28A-1.15 Route 23

(a) The certain parts of State highway Route 23 described [herein below] in (a) of this section shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing [along both sides] in Franklin Borough, Sussex County:

i. Along both sides from the northerly curb line of Washington Avenue to the southerly curb line of Mitchell Avenue - Rutherford Avenue.

ii. (Text proposed at 13 N.J.R. 154(a).)

iii. Along both sides from the Hardyston Township - Franklin Borough Corporate Line to the Franklin Borough - Hamburg Borough Corporate Line.

(b) (No change.)

16:28A-1.32 Route US 46

(a) (No change.)

(b) Certain parts of Route US 46 described [herein below] shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. (No change.)

2. Within Palisade Park, Bergen County:

i. Along the ramp (E. Columbia Avenue) eastbound on the southerly side thereof at:

(1) Route US 1 and 9 (Broad Avenue) (near side), beginning at the westerly curb line of Route US 1 and 9 (Broad Avenue) and extending 120 feet westerly therefrom.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

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

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Restricted Parking

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.19 concerning restricted parking along Route 28.

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

16:28A-1.19 Route 28

(a) (No change.)

(b) The certain parts of State highway Route 28 described [herein below] in (b) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along Route 28 (Bound Brook Road), in Middlesex Borough, Middlesex County) westbound on the northerly side thereof at:

i. John F. Kennedy Drive (near side): beginning at the easterly curb line of John F. Kennedy Drive and extending 105 feet easterly therefrom.

[1.] 2. Along Route 28 [(Union Avenue - Bound Brook Road in Middlesex Borough)] (Bound Brook Road), eastbound, on the southerly side thereof at:

i. Mountain Avenue (near side): beginning at the westerly curb line of Mountain Avenue and extending 105 feet westerly therefrom.

ii. Clay Avenue (near side): beginning at the westerly curb line of Clay Avenue and extending 105 feet westerly therefrom.

iii. Garden Place (near side): beginning at the prolongation of the westerly curb line of Garden Place extended and extending 105 feet westerly therefrom.

Renumber i.-iv. as iv.-vii.

Renumber 2. as 3.

5. - 6. (Text proposed at 13 N.J.R. 240(a).)

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

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

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

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Restricted Parking

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to

amend N.J.A.C. 16:28A-1.32, 1.36, and 1.37 concerning restricted parking along Routes U.S. 46, 57, and 70.

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

16:28A-1.32 Route U.S. 46

(a) The certain parts of State highway Route U.S. 46 described [herein below] in (a) of this section shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

2. No stopping or standing in Little Falls Township, Passaic County along the northbound side beginning at Lower Notch Road and extending Westerly to the Totowa Borough Corporate Line.

Renumber 2.-6. as 3.-7.

(b) (No change.)

16:28A-1.36 Route 57

(a) The certain parts of State highway Route 57 described [herein below] in (a) of this section shall be, and hereby are, designated and established as "no parking" zones where stopping and standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. [No stopping or standing along both sides in Greenwich Township, Warren County from the Westerly curb line of Beacon Street to a point 200 feet Westerly therefrom.] No stopping or standing in Greenwich Township, Warren County, along both sides for its entire length within the corporate limits of the township of Greenwich, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

2.-3. (No change.)

16:28A-1.37 Route 70

(a) In accordance with the provisions of s. 78, c. 23, L. 1951 (C. 39:4-138.1), the certain parts of State highway Route 70 described [herein below] in (a) of this section shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-2. (No change.)

3. No stopping or standing along Route 70 in the Township of Southampton, Burlington County, along both sides:

i. (Text proposed at 13 N.J.R. 105(d).)

ii. From the junction of Route 206, traffic circle, to a point 1200 feet south of and a point 1200 feet north of.

Renumber 3.-4. as 4.-5.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

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

(a)

TRANSPORTATION

THE COMMISSIONER

Emergency Amendments on Rate of Speed Along Route 35

On February 2, 1981, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an emergency amendment to N.J.A.C. 16:28-1.49 concerning the rate of speed along Route 35.

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

16:28-1.49 Route 35 including Higgins Avenue, Route U.S. 9 and 35, and Route 35 and 71

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

(d) The rate of speed designated for State highway Route 35 described [herein below] in (d) of this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

1. [Zone one: 50] Fifty mph in Old Bridge Township[, and City of South Amboy and into the Borough of Sayreville] to [the northernmost intersection of Route U.S. 9 (including part of Route U.S. 9)] Birchwood Drive (milepost 45.4 to [51.0] 45.7); thence

2. Forty mph to the divided portion in the vicinity of Roman Avenue (milepost 47.0); thence

3. Fifty mph to the northernmost intersection of Route U.S. 9, including part of U.S. 9 (milepost 51.0).

Renumber 2.-9. as 4.-11. and delete zone numbers.

An order adopting this rule was filed and became effective on February 23, 1981 as R.1981 d.59 (Exempt, Emergency Rule).

(b)

TRANSPORTATION

THE COMMISSIONER

Definition of "Prequalification Committee"

On March 3, 1981, John R. Jamieson, Deputy Commissioner, pursuant to authority of N.J.S.A. 27:1A-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:65-1.1 concerning the definition of "prequalification committee" as proposed in the Notice published February 5, 1981 at 13 N.J.R. 108(c).

An order adopting this rule was filed and became effective on March 4, 1981 as R.1981 d.72.

(c)

TRANSPORTATION

THE COMMISSIONER

Speed Zones Along Routes 34 and U.S. 202

On March 3, 1981, David W. Gwynn, Chief Engineer of

the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-1.18 and 1.67 concerning speed zones along Routes 34 and US 202 as proposed in the Notice published February 5, 1981 at 13 N.J.R. 105(c).

An order adopting this rule was filed and became effective on March 4, 1981 as R.1981 d.74.

(d)

TRANSPORTATION

THE COMMISSIONER

Limited Access Prohibition Along U.S. 9 and Route 444

On March 3, 1981, David W. Gwynn, Chief Engineer of the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-91 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:30-7.2 concerning a limited access prohibition along US 9 and Route 444 as proposed in the Notice published February 5, 1981 at 13 N.J.R. 108(a).

An order adopting this rule was filed and became effective on March 4, 1981 as R.1981 d.73.

(e)

TRANSPORTATION

THE COMMISSIONER

Restricted Parking Along Routes 15, 18, and U.S. 202

On March 3, 1981, David W. Gwynn, Chief Engineer of the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 16:28A-1.65 and 1.66 and amendments to N.J.A.C. 16:28A-1.55 concerning restricted parking along Routes 15, 18 and US 202 as proposed in the Notice published February 5, 1981 at 13 N.J.R. 106(b).

An order adopting this rule was filed and became effective on March 4, 1981 as R.1981 d.75.

(f)

TRANSPORTATION

THE COMMISSIONER

Restricted Parking Along Route U.S. 9 And Route 70

On March 3, 1981, David W. Gwynn, Chief Engineer of the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.7 and 1.37 concerning restricted parking along Route US 9 and Route 70 as proposed in the Notice published February 5, 1981 at 13 N.J.R. 105(d).

An order adopting this rule was filed and became effective on March 4, 1981 as R.1981 d.76.

(a)

TRANSPORTATION

THE COMMISSIONER

Restricted Parking Along Routes U.S. 9 And U.S. 206

On March 3, 1981, David W. Gwynn, Chief Engineer of the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.7 and 1.57 concerning restricted parking along Routes US 9 and US 206 as proposed in the Notice published February 5, 1981 at 13 N.J.R. 106(a).

An order adopting this rule was filed and became effective on March 4, 1981 as R.1981 d.77.

(b)

TRANSPORTATION

THE COMMISSIONER

No Passing Zone 5 on Shore Road

On March 3, 1981, David W. Gwynn, Chief Engineer of the Department of Transportation pursuant to authority of N.J.S.A. 39:4-201.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 16:29-1.22 concerning no-passing zones on Shore Road (also known as Island Beach State Park Access Road) in the Township of Berkeley, Ocean County, as proposed in the Notice published February 5, 1981 at 13 N.J.R. 107(a).

An order adopting this rule was filed and became effective on March 4, 1981 as R.1981 d.78.

(c)

TRANSPORTATION

THE COMMISSIONER

No Passing Zones on Route 179

On March 3, 1981, David W. Gwynn, Chief Engineer of the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 16:29-1.23 concerning no-passing zones on Route 179 in the City of Lambertville, and the Townships of East and West Amwell in Hunterdon County as proposed in the Notice published February 5, 1981 at 13 N.J.R. 107(b).

An order adopting this rule was filed and became effective on March 4, 1981 as R.1981 d.79.

(d)

TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Permits for Use or Occupancy of State-Owned Railroad Property

On March 11, 1981, Jerome C. Premo, Executive Direc-

tor of the New Jersey Transit Corporation in the Department of Transportation, pursuant to authority of N.J.S.A. 27:25-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:41-16 concerning permits for the use or occupancy of State-owned railroad property as proposed in the Notice published February 5, 1981 at 13 N.J.R. 108(b).

An order adopting the rule was filed with the Office of Administrative Law on March 16, 1981 to become effective April 9, 1981 as R.1981 d.103.

(e)

TREASURY

DIVISION OF PENSIONS

Proposed Rules on Alternate Benefit Program and Insurance Liability for Unenrolled Members

The Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to adopt a new rule to be cited as N.J.A.C. 17:1-2.34 concerning the Alternate Benefit Program and insurance liability for unenrolled members.

Full text of the proposed new rule follows.

17:1-2.34 Insurance liability for unenrolled members

(a) In the event of the death of an individual prior to enrollment and on account of whom it has been determined that insurance benefits are payable:

1. The employer will be charged directly for the full amount of the insurance benefit when no application was completed by the employee and the employee was required to enroll.

2. The employer will not be charged directly if an application for enrollment was filed with the Division of Pensions prior to the employee's date of death.

3. The Program may assume the liability when an application has been executed by the employee but not received by the Division of Pensions prior to his demise, provided satisfactory evidence concerning the filing delay has been presented to the Division of Pensions.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

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

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

(f)

TREASURY

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Proposed Amendments on Retirement and Purchases

The Board of Trustees of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-7 et seq., proposes to amend N.J.A.C. 17:2-5.1, 6.2 and 6.6 concerning retirement and purchases.

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

17:2-5.1 Eligibility for purchase

(a) Only active contributing members of the system shall be eligible to make application for purchase of credit.

(b) In order to be eligible to purchase temporary service, a member must submit a written request to purchase service within one year from the date his initial pension contributions are certified to begin and such purchase must be authorized by the member before the expiration date indicated on the quotation letter.

17:2-6.2 Effective dates; changes

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

(f) Should the member continue to receive a salary beyond the effective date of retirement after approval of the retirement by the Board of Trustees, no retirement benefits shall be paid for the period where the member received salary and no salary or service credit shall be provided for the service rendered after the approved, effective date of retirement.

17:2-6.6 Retirement credit

(a) A member shall receive credit toward retirement for any month or biweekly pay period in which a full normal deduction is received by the system.

(b) A member who appeals the suspension or termination of his employment and is awarded back pay for all or a portion of the period of such suspension or termination shall receive retirement credit for the period covered by the award, regardless of the amount of the back pay award, provided a full normal pension contribution is received from the member or deducted from the value of the award. The pension contribution will be based on the salary the member was receiving for pension purposes prior to the suspension or termination of employment. In the event the amount of back payment is insufficient to deduct the value of the normal pension contributions due, such contributions shall be paid by the member.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

John P. Olender, Secretary
Public Employees' Retirement System
Division of Pensions
20 West Front St.
Trenton, N.J. 08625

The Board of Trustees of the Public Employees' Retirement System may thereafter adopt rules concerning this subject without further notice.

(a)

TREASURY

CONSOLIDATED POLICE AND FIREMEN'S PENSION FUND

Proposed Amendments on Effective Dates and Retirement Credit

The Consolidated Police and Firemen's Pension Fund Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16-7 et seq., proposes to amend N.J.A.C. 17:6-3.2 and 17:6-3.6 concerning effective dates and retirement credits.

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

17:6-3.2 Effective dates; changes

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

(d) Should the member continue to receive a salary beyond the effective date of retirement after approval of the retirement by the Commission, no retirement benefits will be paid for the period continued in salary and no salary or service credit will be provided for that service rendered after the approved, effective date of retirement.

17:6-3.6 Retirement credit

(a) Chanceman service may be credited if supported by proper documentation as approved by the Commission.

(b) A member who appeals the suspension or termination of his employment and is awarded back pay for all or a portion of the period of such suspension or termination shall receive retirement credit for the period covered by the award, regardless of the amount of the back pay award, provided a full normal pension contribution is received from the member or deducted from the value of the award. The pension contribution will be based on the salary the member was receiving for pension purposes prior to the suspension or termination of employment. In the event the amount of back payment is insufficient to deduct the value of the normal pension contributions due, such contributions shall be paid by the member.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Anthony P. Ferrazza, Chief
Police and Firemen's Pension Fund
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

The Consolidated Police and Firemen's Pension Fund may thereafter adopt rules concerning this subject without further notice.

(b)

TREASURY

DIVISION OF PENSIONS

PRISON OFFICERS' PENSION COMMISSION

Proposed Amendments on Effective Dates

The Prison Officers' Pension Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:7-19 et seq., proposes to amend N.J.A.C. 17:7-3.2 concerning effective dates.

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

17:7-3.2 Effective date

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

(c) Should the member continue to receive a salary beyond the effective date of retirement after approval of the retirement by the Commission, no retirement benefits will be paid for the period continued in salary and no salary or service credit will be provided for that service rendered after the approved, effective date of retirement.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

Robert C. Parsons, Assistant Chief
Police and Fire Bureau
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

The Prison Officers' Pension Commission may thereafter adopt rules concerning this subject without further notice.

(a)

TREASURY

DIVISION OF BUILDING AND CONSTRUCTION

Proposed Amendments on Waiver of Advertising on Small Construction Projects

S. Leonard Di Donato, Director of the Division of Building and Construction in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-30, proposes to amend N.J.A.C. 17:19-11.4, 11.5, 11.6, 11.10 and 11.11 concerning waiver of advertising on small construction projects (under \$10,000).

These proposed amendments are amendments to the proposed new rules on this subject which appear in the March 5, 1981 New Jersey Register at 13 N.J.R. 160(a).

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

17:19-11.4 Authorities

(a) No contracted construction work, except emergency projects, will be undertaken by the Using Agencies without prior written approval of the Director.

1. In order to obtain such approval the Using Agencies shall submit a "Request for Project Approval" (DBC Form 7) which identifies the scope and cost of the project. The "Request for Project Approval" shall be returned to the Using Agency within 15 days of mailing by the Using Agency with approval or explanation of cause of rejection. The Using Agency shall notify DBC by telephone of the date that it forwarded the DBC Form 7. Follow-up inquiries by telephone should be made if approval has not been received by the Using Agency within the 15-day time frame.

17:19-11.5 Cost proposal procedures

(a) Using Agencies have different levels of capability in undertaking construction work either by their own in-house maintenance and repair forces or by letting contracts to private contractors. One requires an in-house construction operations capability; the other requires an administrative capability including the development of plans and specifications as a basis for soliciting cost proposals or bids. Some Using Agencies have such capabilities; others have none. Depending upon the situation at the individual institutions, colleges and other facilities of the Using Agencies, [each] will be placed under one of the following options for undertaking construction projects with cost estimates of \$10,000 or less:

1. (No change.)

i.-iii. (No change.)

iv. [Award contracts to successful bidder;] **Process application to obligate funds (using Form AR 45) directly to Accounting Bureau, Department of Treasury, with a copy of DBC Form 7 approving Option I attached;**

v. [Process Purchase Orders—AR 45—directly to Accounting Bureau, Department of Treasury, with a copy of DBC 7 approving Option I attached.] **Award contracts to successful bidder by Using Agency.**

vi.-viii. (No change.)

viii. [8.] Upon completion of the work, the contractor will submit an original invoice to the Using Agency. The designated representative of the Using Agency will sign the original invoice and forward directly to the Accounting Bureau for payment;

ix. [9.] Under Option I the Using Agency has full administrative and operational responsibilities. DBC does not enter the picture after approval of the DBC Form 7. Compliance with the spirit and intent of the law to keep individual projects below an aggregate cost of \$10,000 rests exclusively with the agency concerned.

2. Option 2: Administration of contract by DBC:
i.-iv. (No change.)

v. Upon completion of the work, the contractor will submit an Original Invoice (DBC Form 11) to the District Engineer who will approve and initial the Invoice and send it to the Bureau of Contract Management for payment. [(No interim payments are authorized.)]

3. (No change.)

17:19-11.6 Inspections

Inspections, final approval, and close-out of the contractor's work will be the responsibility of the Using Agency under Options 1 and 3. Under Option 2, the appropriate DBC District Engineer or his representative will make inspections and approve the contractor's work before signing the final invoice. Using Agency representatives may be present. No payments will be processed by the Bureau of Contract Management under Option 2 unless signed by the District Engineer or his representative.

17:19-11.10 Prevailing wage rates

The new law raising the award of construction contracts without Waivers of Advertising from \$2,500.00 to \$10,000.00 did not alter existing statutes in regard to prevailing wage rates. All those who solicit cost proposals and who award bids are advised that the requirements of the existing Prevailing Wage Rate Law must be followed. This law requires that all contracts in excess of \$2,000.00 must adhere to prevailing wage rates for the areas concerned. Wage rates for each of the counties and political subdivisions of the State are published by the Department of Labor and Industry (609) 292-2259. [DBC includes the prevailing wage rate schedules in all of its specifications. Using Agencies will have to do the same on those jobs for which it solicits bids and monitors construction.] The New Jersey Prevailing Wage Act, P.L. 1963, Chapter 150 is made a part of every contract; the bidder must affirm that he has personal knowledge of, or has obtained and reviewed a copy of, the pertinent and valid prevailing wage rates.

17:19-11.11 General conditions

Instructions to Bidders and General Conditions are included in every contract awarded by DBC. It shall be the responsibility of the Using Agencies to become familiar with this document and to insure that its [requirements are] intent is met in all contracts coming under the Using Agencies' cognizance and supervision.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

C. Stuart Townshend, Assistant Director
Division of Building and Construction
CN 235
Trenton, N.J. 08625

The Division of Building and Construction may thereafter adopt rules concerning this subject without further notice.

(a)

TREASURY

POLICE AND FIREMEN'S RETIREMENT SYSTEM

BOARD OF TRUSTEES

Enrollment Date

On February 10, 1981, 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. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:4-2.6 concerning enrollment dates as proposed in the Notice published December 4, 1980 at 12 N.J.R. 728(a).

An order adopting this rule was filed and became effective on February 20, 1981 as R.1981 d.57.

(b)

TREASURY

PUBLIC EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Public Employees' Retirement System: Enrollment

On January 27, 1981, the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:2-2.1 and 2.3 concerning enrollment in the Public Employees' Retirement System as proposed in the Notice published September 4, 1980 at 12 N.J.R. 554(b) but with subsequent substantive changes in the opinion of the Department.

Full text of the changes between proposal and adoption are as follows (additions to proposal indicated in boldface thus; deletions from proposal indicated in brackets [thus]).

17:2-2.3(a)4. Any employee who does not earn wages in each of the four calendar quarters of a year, other than elected officials, [would be considered temporary in a non-Civil Service community or seasonal] is considered temporary or seasonal in a non-Civil Service community.

An order adopting this rule was filed and became effective on February 20, 1981 as R.1981 d.58.

(c)

TREASURY

DIVISION OF PENSIONS

Administration

On February 26, 1981, 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 amendments to N.J.

A.C. 17:1-1.15, 2.6, 4.2, and new rules to be cited as N.J.A.C. 17:1-4.32, 8.13, and 8.14 as proposed in the Notice published at 13 NJ.R. 109(a).

An order adopting this rule was filed and became effective on March 6, 1981 as R.1981 d.85.

(d)

TREASURY

DIVISION OF PENSIONS

Availability of Medical Records

On February 26, 1981, 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 amendments to N.J.A.C. 17:1-4.22 concerning the availability of medical records as proposed in the Notice published February 5, 1981 at 13 N.J.R. 110(a).

An order adopting this rule was filed and became effective on March 6, 1981 as R.1981 d.86.

(e)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Amendments Concerning Garden State Arts Center

F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq., proposes to amend N.J.A.C. 19:8-2.11 concerning the Garden State Arts Center.

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

19:8-2.11 Garden State Arts Center

(a) No person shall be admitted to the [a]Arts [c]Center without a ticket, including minors.

(b) No person shall be admitted to the [a]Arts [c]Center unless properly attired. Bare feet are prohibited.

(c) No person shall be admitted to the [a]Arts [c]Center with the following in his possession:

1. (No change.)
2. Food or beverages of any kind, whether or not contained in any package, can, bottle, cooler, box, flask, thermos bottle, bag or container of any description, unless expressly authorized by the Authority;

Renumber 2. and 3. as 3. and 4.

(d) To effect compliance with (c) above, the Authority shall have the right to inspect any such package, can, bottle, cooler, box, flask, thermos bottle, bag or container of any description in the possession of any person seeking admission to the Arts Center. Any refusal to permit such inspection shall be grounds to prohibit the admission of any person to the Arts Center.

Renumber (d)-(g) as (e)-(h).

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

F. Joseph Carragher, Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

The New Jersey Highway Authority may thereafter adopt rules concerning this subject without further notice.

(a)

HIGHWAY AUTHORITY GARDEN STATE PARKWAY

Proposed Amendments Concerning Garden State Parkway

F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq., proposes to amend N.J.A.C. 19:8-3.1 concerning tolls on the Garden State Parkway.

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

19:8-3.1 Tolls

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

(d) It is hereby declared to be unlawful for any person to operate, or owner to permit to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway unless the person has the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls.

(e) Any person who operates, and any owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway and does not have the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls must stop at the toll booth, remain in the vehicle, blow horn and wait until assisted by a toll, traffic or police officer before proceeding.

(f) Any person who operates, or owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway at an entrance or exit ramp when no toll collector is on duty and not having the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls shall pay said toll by mail addressed to New Jersey Highway Authority, Garden State Parkway, P.O. Box 53, Woodbridge, New Jersey 07095 or in person to a toll collector at any other location on the Parkway.

Interested persons may present, in writing, statements or arguments relevant to the proposal on or before May 11, 1981 to:

F. Joseph Carragher, Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

The Highway Authority may thereafter adopt rules concerning this subject without further notice.

(b)

ELECTION LAW ENFORCEMENT COMMISSION

Public Financing of General Election of Governor

On February 9, 1981, the Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6 and 19:44A-38 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:25-15 concerning public financing of the general election for the Office of Governor and recodified N.J.A.C. 19:25-15.38 and 15.39 as N.J.A.C. 19:25-8.1 and 8.2 concerning Political Action Committees as proposed in the Notice published January 8, 1981 at 13 N.J.R. 49(a).

An order adopting this rule was filed and became effective on February 13, 1981 as R.1981 d.54.

(c)

ECONOMIC DEVELOPMENT AUTHORITY

Proposed Amendments on Fees and Charges

The Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-5, proposes to amend N.J.A.C. 19:30-2 concerning fees charged by the Authority by deleting the current text in its entirety and substituting new text therefor.

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

SUBCHAPTER 2. FEES AND CHARGES

[19:30-2.1 Application fees

An initial nonrefundable payment of \$250.00 shall accompany every application for a loan from the authority, which will be credited toward the application fee if the project is approved by the authority. The application fee shall be equal to ½ of one per cent of the amount of the loan (toward which credit shall be allowed for the \$250.00 that accompanied the application), and shall be fully paid at the time of closing of the loan, provided, however, that there shall be added to the application fee, all bond counsel fees, other legal fees, finders' fees, real estate brokers' fees, underwriting fees, and any other fees or charges incurred by the authority, by applicants, or by bond holders incidental to the processing or approval of an Authority loan.

19:30-2.2 Loan and bond guarantee fees

The authority may accept applications for loan and bond guarantees on projects deemed eligible for assistance under the New Jersey Economic Development Authority Act (chapter 80, P.L. 1974; C. 34:1B-1 et seq.). An initial nonrefundable payment of \$250.00 shall accompany every application, in addition to any payments required pursuant to section 1 of this subchapter. This initial payment will

be credited towards the full loan and bond guarantee fee if the application is approved by the authority. The full loan and bond guarantee fee shall be determined by multiplying $\frac{1}{2}$ of one percent of the initial dollar amount of the project loan to be guaranteed by the authority by the number of years the loan and bond guarantee is to be in force. The balance of the loan and bond guarantee fee shall be paid in full at the time of closing of the loan.]

19:30-2.1 Application fees

An initial non-refundable payment of \$250.00 shall accompany every application for authority assistance, which will be credited toward the administrative fee or guarantee fee if the project is approved by the authority.

19:30-2.2 Administrative fees

The administrative fee shall be equal to one-half of one percent of the amount of the loan for the first \$10,000,000 and 1/10 of one percent of the amount in excess of \$10,000,000. The administrative fee shall be fully paid at the time of closing of the loan. The administrative fee does not include bond counsel fees, other legal fees, finder's fees, real estate broker's fees or charges incurred by the authority, the applicant, bondholders, trustees or agents in the processing and approval of an authority loan or in the issuance of authority bonds.

19:30-2.3 Guarantee fees

(a) The guarantee fee shall be equal to one-half of one percent of the initial dollar amount of the guaranteed portion of the loan multiplied by the number of years the guarantee is to be in effect. Notwithstanding the above, the authority may by resolution of its members determine to charge the following fees to eligible projects:

1. For participation guarantees, \$1,000 plus 2 percent of the initial authority guaranteed portion of the loan;

2. For subordinated guarantees, \$1,000 plus 3 percent of the initial authority guaranteed portion of the loan.

(b) The guarantee fee shall be fully paid at the time of issuance of the guarantee. The guarantee fee does not include bond counsel fees, other legal fees, finder's fees, real estate broker's fees, underwriting fees and any other

fees or charges incurred by the authority, the applicant, bondholders, trustees or agents in the processing and approval of an authority loan or in the issuance of authority bonds.

Interested persons may present, in writing, statements or arguments relevant to the proposed action on or before May 11, 1981 to:

John F. Walsh
Director of Finance
New Jersey Economic Development Authority
Capital Place One, P.O. Box 1446
Trenton, New Jersey 08625

The Economic Development Authority may thereafter adopt rules concerning this subject without further notice.

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedule of Charges

On March 4, 1981, the Port Authority of New York and New Jersey adopted revisions to the schedule of charges for the use of the Public Landing Area, Public Ramp and Apron Area, Public Aircraft Parking and Storage Areas and related services at LaGuardia Airport, adopted by the Committee by resolution of October 5, 1950, as amended, and at Newark International Airport adopted by the Committee by resolution of October 5, 1969, as amended; the same are hereby amended, effective April 1, 1981, by deleting the figure "\$1.50" and substituting the figure "\$2.00" in the sections entitled "Public Landing Area Charges."

An order adopting this amendment was filed on March 13, 1981 as R.1981 d.102 (Exempt, Exempt Agency).

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